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**News Conference regarding SB 241
March 11, 2009**

Speakers:

Senator John Morse

Denver District Attorney Mitch Morrissey

Jayann Sepich

Chicago's Study on Preventable Crimes

Requiring DNA for felony arrests can solve and prevent violent crimes. Waiting for conviction can cost lives.

Study completed by the City of Chicago, and presented to the State Legislature in 2005



Chicago's examination of the criminal activities of eight individuals identified 60 violent crimes, including 53 murders and rapes, that could have been prevented if DNA had been treated as "the fingerprint of the 21st century." In each case, the offender had committed previously undetected violent crimes that could have been solved immediately through a DNA match. However, DNA was not required at arrest.

What crimes could have been prevented?

- 22 murders – victims ranging from 24 to 44 years of age
- 30 rapes – victims ranging from 15 to 65 years of age
- Attempted rapes
- Aggravated kidnapping

60 violent crimes could have been prevented, including 53 murders and rapes

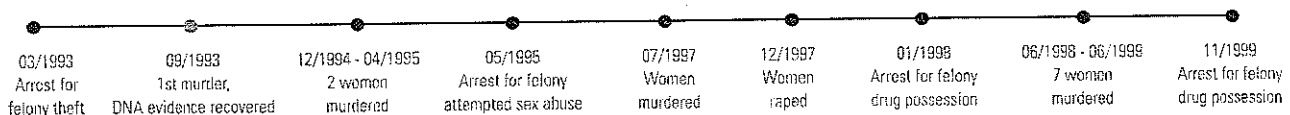
This study proves the public safety benefit of requiring DNA samples upon arrest for felony crimes. Most states require DNA collection upon felony conviction, but review of criminal history records shows that offenders typically have numerous felony arrests before a conviction is ever secured. The full potential of state DNA databases in solving and preventing crimes cannot be fully realized until state legislatures act to expand the DNA databases to require DNA collection for felony arrests.

The eight offenders in Chicago accumulated a total of 21 felony arrests before finally being identified in the violent crimes. Only seven of the prior felony arrests were for violent crimes – the remaining two-thirds of arrests were for non-violent felonies.

Chicago Preventable Crimes – Real-life stories that reveal the power of requiring DNA upon felony arrest. Missed opportunities to prevent crime.

Andre Crawford was charged with eleven murders and one attempted murder/aggravated sexual assault.

If the state had required him to give a DNA sample during his felony arrest on March 6, 1993, a DNA match could have been obtained with the DNA evidence recovered from his first murder. Ten murders could have been prevented. If Crawford's DNA had been taken on March 6, 1993 after he was arrested for attempted sexual abuse (felony), the subsequent 10 murders and one rape would not have happened.



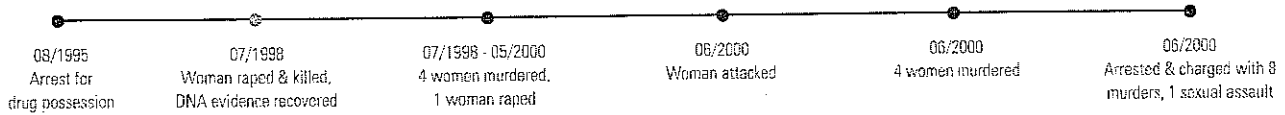
Brandon Harris was convicted of five aggravated criminal sexual assaults and one aggravated kidnapping/attempted rape.

If the state had required him to give a DNA sample during his felony arrest on August 25, 2000, a DNA match could have been obtained with the DNA evidence recovered from his first rape. Four rapes and one attempted rape/armed robbery/aggravated kidnapping could have been prevented. Harris was convicted of 5 aggravated criminal sexual assaults and 1 attempted aggravated criminal sexual assault.



Geoffrey Griffin was charged with eight murders and one aggravated criminal sexual assault.

If the state had required him to give a DNA sample during his felony arrest on August 26, 1995, a DNA match could have been obtained with the DNA evidence recovered from his first rape. Eight murders, one rape and one attempted rape could have been prevented. If Griffin's DNA had been taken on August 26, 1995 after he was arrested for possession of a controlled substance (felony), the subsequent eight murders, one rape and one attempted rape would not have happened.



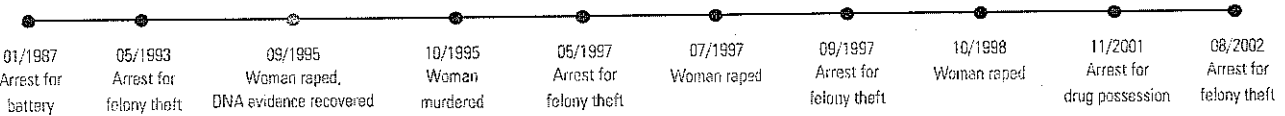
Mario Villa was charged with four rapes, linked by DNA to two other rapes and was a main suspect in an additional rape and two attempted rapes.

If the state had required him to give a DNA sample during his felony arrest on February 6, 1999, a DNA match could have been obtained with the DNA evidence recovered from his first rape. Eight rapes or attempted rapes could have been prevented. If Villa's DNA had been taken in February 1999 after he was arrested for burglary (felony), the subsequent six rapes and attempted rapes would not have happened.



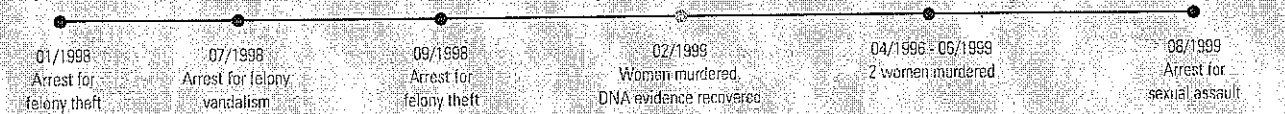
Bernard Middleton was charged with one murder and three aggravated criminal sexual assaults.

If the state had required him to give a DNA sample during either of his felony arrests in 1987 and 1993, a DNA match could have been obtained with the DNA evidence recovered from his first rape. One murder and two rapes could have been prevented. If Middleton's DNA had been taken on Jan 17, 1987 after he was arrested for aggravated battery or on May 6, 1993 after he was arrested for felony theft, the subsequent murder and two rapes would not have happened. In May 2003, Middleton was charged with murder and 3 rapes.



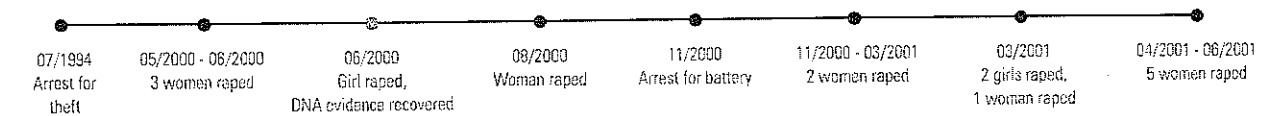
Ronald Macon was convicted of three murders and one criminal sexual assault.

If the state had required him to give a DNA sample his first felony arrest on January 13, 1998, a DNA match could have been obtained with the DNA evidence recovered from his first murder. Two subsequent murders and one criminal sexual assault would have been prevented. In September 2003, Macon was sentenced to life in prison for 3 murders, and sentenced for 30 years for rape.



Ronald Harris and Arto Jones were each charged with 13 aggravated criminal sexual assaults and 13 armed robberies.

If the state had required Ronald Harris to give a DNA sample during his felony arrest for possession of a stolen motor vehicle on July 15, 1994, a DNA match could have been obtained with the DNA evidence recovered from his first rape in June 2000. Eleven rapes and robberies could have been prevented.



Nolan Watson was charged with five counts of aggravated criminal sexual assault.

If the state had required him to give a DNA sample during his felony arrest in July 8, 1999, a DNA match could have been obtained with the DNA evidence recovered from his first rape. The subsequent four rapes could have been prevented.



WHY ARRESTEE DNA LEGISLATION CAN SAVE INDIANA TAXPAYERS OVER \$50 MILLION PER YEAR

January 2009

By Jay Siegel, Ph.D., Department Chair, Forensic and Investigative Science Analytical and Forensic Chemistry, IUPUI, and Susan D. Narveson, former Chief of the Investigative and Forensic Sciences Division of NIJ's Office of Science and Technology, now Chief Operating Officer at Strand Analytical Laboratories, LLC

Executive Summary

The social benefits of reducing crime are obvious. The fiscal benefits, however, are somewhat less intuitive, and too often overlooked. Indiana taxpayers currently spend over \$1.5 billion per year funding the direct state and local government costs of police protection and judicial services¹. The purpose of this study is to illustrate why adoption of "arrestee DNA" legislation in Indiana (i.e. the collection of DNA from those arrested) will significantly reduce this financial burden on taxpayers.

The governmental investment to collect DNA from arrestees - and to increase collection of DNA from crime scenes - is estimated to be \$9.5 million per year. This investment can be recouped entirely by simply increasing Indiana's DNA Sample Processing Fee (currently assessed by the trial courts) from \$2 to \$24, making the legislation **budget-neutral from inception**.

In time, the policy will be far better than budget-neutral; it will actually save significant tax dollars. For each reported crime, Indiana taxpayers currently spend an average of \$1,836 for officer response, investigation, prosecution, and adjudication. Because criminals tend to be repeat offenders, each conviction prevents an average of 7 to 8 future crimes, yielding a potential fiscal benefit of over \$13,000 per conviction. By increasing the DNA database of "Known Persons" against which crime scene evidence can be searched to identify potential suspects, the analysis shows that near-term cost **savings of over \$50 million per year** can result from passage of an arrestee DNA law in Indiana.

While all states currently collect DNA from convicted felons, 15 states² have recently expanded those laws to also provide for DNA collection from arrestees (similar to the requirement to furnish a fingerprint upon arrest). In so doing these states have armed their public safety communities with an incredibly valuable crime solving, and crime *prevention* tool. This evolution builds on the well established success of convicted offender DNA collection and databanking programs. The FBI reports that

with a mere 6.3 million convicted offender profiles in the CODIS database, over 77,000 crime investigations have been aided to date³. The Indiana State Police reports that when biological crime scene evidence is uploaded to CODIS in search of potential leads, 40% of those searches yield a matching suspect⁴! It only stands to reason that increasing the number of profiles in the Known Person database will increase the number of crime-scene evidence matches. More matches will increase the number of crimes solved, enhance the efficiency of crime fighters, and streamline the adjudication process. DNA database expansion will not only remove criminals from the streets, earlier in their criminal careers, but also increase the deterrent our justice system presents to prospective new criminals. Finally, expanded use of the DNA database to solve crimes will exonerate more individuals who have been wrongly accused.

Fiscally responsible legislators should ask and understand how all policies impact the financial bottom line, particularly in the current economic context. The objective of this study, therefore, is to pragmatically determine the extent to which implementing DNA collection from all arrestees will yield a positive fiscal return to Indiana taxpayers, notwithstanding the myriad of intangible benefits which will certainly also ensue. The conclusion is that, on balance, collecting DNA from arrestees will *not* cost the state money, it will actually *save* money.

More important is the cost of NOT passing this legislation, which would be measured not only in the missed opportunity to save taxpayers money, but also the socioeconomic costs of avoidable human tragedy and victimization. If Indiana wants to stop its "brain drain" and convince potential employers and employees to locate here, it is important to have a low cost of living and low cost of doing business (lower taxes). This initiative saves Indiana taxpayers money by reducing crime rates. Equally important, however, is that reduced crime rates in Indiana mean a more conducive environment in which to live and raise a family.

Arrestee DNA legislation is an example of public policy which makes good sense both fiscally, and socially.

¹ Bureau of Justice Statistics, Justice Expenditure and Employment Statistical Extracts, NCJ 224394 (2006)

² Current list at www.dnasaves.org

³ Per www.fbi.gov website

⁴ Per Kristine Crouch, Indiana CODIS Administrator



December 19, 2008

Dear State Legislator:

We hope you will take a few moments to watch this brief video on a matter requiring your attention as a State Legislator: closing DNA database loopholes which require fingerprints for felony arrests but omit DNA collection. Already, 15 states have passed laws to require DNA upon arrest for felony crimes. This number grows each year, and in the last two years, more than 100 separate pieces of legislation were introduced around the country.

Please allow your state to join this national movement by introducing and enacting Katie's Law for DNA testing upon arrest for certain crimes.

Our non-profit organization, DNA Saves, was formed to advocate for better DNA testing laws in the United States. Sadly, we became aware of the need for advocacy on this issue in the wake of the murder of our own beloved daughter, Katie. We discuss Katie's vibrant life and tragic murder in the enclosed DVD. Additionally, you will hear from:

- John Walsh, Host, America's Most Wanted; Co-Founder, National Center for Missing & Exploited Children
- Rockne Harmon, Senior Deputy District Attorney, Alameda County, CA, Retired
- Terry Hillard, Chicago Police Superintendent, Retired
- Dr. Fred Bieber, Ph.D., Harvard Medical School

Each of the speakers in this video generously donated their time to this project and received absolutely no compensation. They agreed to the tapings because they believe in the need to better protect our public by requiring DNA upon arrest for felony crimes. You will hear them speak on issues of genetic privacy and the important public safety aspect of arrestee DNA testing.

As you watch the enclosed DVD, I hope you will bear in mind the following important points:

- **This is not building a database of the innocent.** Federal law requires that there must be a method for expunging samples if there is not a conviction. Your state law must comply with this.
- **Federal grants are available with no match requirement** to offset the additional testing costs. Budgets are understandably limited in the current economy, but unfortunately, crime does not diminish as the economy grows stagnant - in fact, crime tends to increase. We may need these laws now more than ever.

Please consider introducing a bill to require DNA testing upon arrest in your state in 2009.

Assistance is available to help you research, develop and draft a bill in your state through resources that can be found on websites such as www.dnaresource.com. We also encourage you to visit: www.katieslaw.org and www.dnasaves.org.

Sincerely,

Dave & Jayann Sepich
Co-Founders, DNA Saves