

Week of November 12-18, 2004

Prepared by Rebecca Mitcheson

DNA Evidence and Crime Solving

“Teen Arrested in Beacon Hill Rape; DA set to Seek Adult Sentence,” the Boston Globe November 18, 2004. (See also **Expanding the DNA Databank**)

In less than three days after the rape of a Beacon Hill woman, police have arrested a 16-year-old with prior felony convictions, in connection with the assault. The quick arrest was due to the availability of DNA evidence, which may have been linked through the DNA database which has recently been broadened in Massachusetts to include the DNA from convicted juvenile felons.

“DNA Targets Serial Killer; New Technology may Help Solve Major Case, Scientist tells Panel,” Rocky Mountain News (Denver, CO) November 18, 2004.

Police believe that they are about to solve a major serial killing case involving bodies found in Colorado, Washington and Florida. The cases have all been linked through the National Combined DNA Index System, CODIS. The cases were previously not known to be connected.

“Jurors Seen As Reluctant to Convict; Skepticism Plagues Suffolk Prosecutors,” The Boston Globe November 12, 2004.

The acquittal of James Bush in the murder of 3-year-old Malik Andrade Percival is the fourth high profile criminal case in six months that has ended in disappointment for Boston Police and Suffolk County Prosecutors. The four cases have ended in either acquittals or hung juries, demonstrating, experts say, the heightened skepticism among jurors when confronted with the lack of forensic evidence in a case. Jurors have come to depend and expect DNA evidence for convictions.

Controversies Concerning DNA Databanks and Laboratories

“Washington in Brief,” The Washington Post November 16, 2004.

According to a Justice Department report, DNA Profiles from thousands of unsolved criminal cases are delayed before they ever enter the National DNA Database, putting their value of identifying murder suspects and rapists in jeopardy.

“Lab disputed for DNA retest; Prosecutors want state facility used,” Chicago Tribune November 16, 2004.

Prosecutors in Lake County agreed to the retesting of DNA evidence on behalf of a man convicted of killing an 11-year-old girl in 1992, but they have not agreed as to where the testing should take place. The laboratory chosen by the man’s attorney is a private company whereas the prosecutor wants the testing to be completed at an accredited government lab.

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“DNA Data Accuses Innocents,” The Sunday Telegraph (Sydney, Australia) November 14, 2004.

Errors in DNA evidence were uncovered through an audit by the NSW ombudsman. Samples taken by police from serious offenders were entered under the wrong names; discrepancies were found in 1 out of 7 cases.

DNA Database Funding and Backlog

“Woman terrified as alleged attacker freed on bail,” The Boston Herald November 18, 2004.

Kathleen Powers is afraid for her life after hearing that the man who tried to kill her by beating her with a hammer will be released on a low bail after a delayed trial. The trial has been delayed because DNA tests have been backed up in the state police crime lab backlog of samples.

“Crime labs in disarray over DNA profiles, report says,” USA Today November 16, 2004.

In a report out from the Justice Department Monday, about the use of money allocated from the US government to help state and local crime labs reduce a massive DNA backlog of untested samples, less than half of the \$ 28.5 million has been used. The Federal DNA initiative is in such disarray that the Justice Department was unable to determine how many DNA analyses had been done as part of the initiative which has spent about \$ 11.6 million. Some states have not made DNA testing a high priority; while others have spent millions to build databases to help create the federal system.

Expanding the DNA Databank

“Two federal grants boost HPD crime lab; One may help gain accreditation; one is for testing,” November 18, 2004 The Houston Chronicle. (*See also* **DNA Database Funding and Backlog**)

The Houston Police Department’s DNA crime lab that has been plagued with problems, has received \$ 487,000 in Federal Grant money to train employees and purchase equipment. It has also accepted a separate Federal Grants for \$ 509,000 to conduct DNA testing in criminal cases that have no suspects. The grants were provided though the National Institute of Justice.

“Ohio House votes to require DNA tests for felons,” November 18, 2004 Plain Dealer (Cleveland).

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A bill passed by the Ohio House will require that all convicted felons in Ohio, including juveniles, must provide a DNA sample. The bill is headed for the Senate next month. Ohio's database is estimated to grow from 10,000 new samples a year to 57,000 in the first year of the law's passage.

DNA-Based Post Conviction Challenges

"Bill allows compensation of state's wrongly accused; the current law requires a letter about innocence from the office of convicting DA," The Houston Chronicle November 16, 2004.

A bill will be introduced during next year's Texas legislative session to remove the obstacles that currently prevent prisoners who may be exonerated through the scandal at the Houston crime lab from receiving compensation for wrongful incarceration. The bill would also increase that yearly compensation from \$25,000 to \$50,000 with a cap at \$1 million.

DNA Science and Technology

"Shopping List: Chips, Cookies, Child DNA Kit," Tampa Tribune (Florida) November 17, 2004.

Law enforcement agencies recommend that parents get a sample of their child's DNA to help identify children should they go missing. DNA can help solve abductions, and identify victims of accidents or natural disasters.