

DNARESOURCE.COM

A WEB SITE FOR ANYONE WHO SEEKS INFORMATION ON THE LATEST DEVELOPMENTS IN FORENSIC DNA POLICY

Smith *Governmental Affairs*
Alling *Attorneys at Law*
Lane

Sponsored By



Smith Alling Lane, P.S. provides governmental affairs services to Applied Biosystems. As part of this representation, the firm generates weekly reports on state and federal legislation and news articles. Applied Biosystems has authorized Smith Alling Lane to make these reports publicly available through this website. The information presented in these reports does not necessarily reflect the viewpoints of Applied Biosystems or Smith Alling Lane, P.S.

The January 2, 2004 DNA Resource Report is listed below.

These reports are prepared by Tim Schellberg and Lisa Hurst of Smith Alling Lane (253) 627-1091, on behalf of Applied Biosystems.

SUMMARY

A voter initiative in California would expand the state DNA database to include all convicted felons, and eventually all felony arrests. A Kentucky bill would expand the database to include all convicted felons.

Cold hits on DNA database identified offenders in Arizona (1968 rape/murder in California), California (rape), Florida (two child rapes), Illinois (rape), Maryland (rape/murder), Missouri (burglar linked to murder), New Jersey (6 rapes linked to one man), New York (rape), Pennsylvania (murder), and Virginia (thief linked to Georgia assault). DNA evidence also linked suspects to crimes in California (rape; murder), Colorado (murder), and Massachusetts (DNA from baseball cap linked to shooting).

Federal funding for DNA backlogs made headlines in Arizona, Colorado, Ohio, Texas, and Vermont. DNA backlogs at Indiana labs were also discussed. Additional DNA evidence from the JonBenet Ramsey case will be added to the national database. Miami continues a "DNA dragnet" in which 1,000 samples have already been collected in the search for a serial rapist. Problems at the Houston crime lab have spread from the DNA section into other forensic sections, and a local lab in Indiana is having problems with its DNA section.

A post conviction DNA testing bill in Missouri was introduced. The Innocence Project, now with 140 DNA exonerations, is moving into larger offices.

In international news...DNA has linked a US criminal to rapes in Canada and Jamaica. Brazil used DNA tests to eliminate suspects in a murder, and Sweden used DNA in the murder investigation of its foreign minister. French authorities used DNA to identify a killer, and to link five recently found newborn babies found dead to the same family. Japan and Indonesia also both used DNA to identify murder suspects. DNA from a beer can identified a burglar in England. A New Zealand program to manage missing persons files will use DNA for identification.

STATE LEGISLATION

Forensic DNA

1. Kentucky Bill Request 1006 (Prefiled) -- Expands the DNA database to include all convicted felons and juveniles adjudicated delinquent of felonies.
2. Michigan HB 5387 – Removes a sunset provision that provides for an offender fee for DNA analysis. Removes a requirement that 65% of this fee be earmarked specifically for DNA analysis.

3. Missouri SB 916 – Provides for compensation for those released from the department of corrections after post-conviction DNA testing. Persons who request post conviction DNA testing which further confirms guilt are liable for costs.

Genetic Privacy / Research

4. Missouri SB 747 -- Revises genetic privacy laws and laws prohibiting use of genetic information by insurance.

NEWS ARTICLES

Forensic DNA

1. "DNA Found on JonBenet Tested." Newsday (New York), December 31, 2003.
A male DNA sample that was found on JonBenet Ramsey's underwear was submitted recently to an FBI database. There was no immediate match on the national database. DNA test results in 1997 and 1999 were not of high-enough quality to submit to the database, but a new DNA profile was worked up and submitted last month. The male DNA is said to be unrelated to the Ramsey family and was found intermingled with JonBenet's blood in her underwear.
2. "DNA Fails To Link 2 Brazilians To Deaths Of U.S. Oil Exec, Wife." Orlando Sentinel, December 30, 2003.
In Brazil, DNA tests have failed to link two Brazilian men to the slaying of an American oil executive and his wife, found dead in the bedroom of their high-security condominium in November. Police think a skin sample collected from beneath the fingernail of the female victim belonged to whoever killed her and her husband. But DNA samples from the family's driver and a security guard who worked in the gated complex came did not match. No weapon was found in the case, and police have no other suspects.
3. "French waiter locked up for rape and murder of schoolgirl." Agence France Presse, December 29, 2003.
In France, a pizzeria waiter has confessed to the rape and murder of a 16-year-old schoolgirl in August that shocked France and led to one of the country's biggest manhunts. He was arrested after police involved in the five-month-old investigation tied his DNA to samples taken from the victim's body, who was sexually assaulted and strangled on as she walked home. Confronted with the evidence, the suspect "completely and rapidly acknowledged the facts... he confirmed a confession which seems precise, verifiable and in line with the elements in the case," said a state prosecutor.
4. "Crime lab to expand staffing." The Burlington Free Press (Burlington, VT), December 29, 2003.
The Vermont Forensic Laboratory wants to hire two employees to sift through backlogged DNA samples from open criminal cases and beef up the lab's capacity to analyze evidence. Lack of manpower, space and equipment limits the work the laboratory can do comparing DNA samples to suspects and convicted offenders. A \$250,000 grant from the National Institute of Justice is expected to help. The laboratory would use part of the money to hire someone to determine whether open cases would benefit from comparison with the information compiled in state and national criminal databases. The lab also has plans to buy a DNA robot that takes and analyzes samples
5. "Dead babies found in woods from same family." National Post (Canada), December 29, 2003.
Police in eastern France have discovered that five newborn babies whose bodies were dumped in a forest were all from the same family. A farmer discovered the badly decomposed bodies more than two months ago near a city of about 111,000 in Eastern France not far from the German border. The bags also contained bloodstained towels, clothing and part of a placenta. With the latest discovery, police have begun DNA testing local women to identify the infants -- three girls, a boy and a fifth child whose sex cannot be determined. The move follows the result of genetic tests on the bodies, which established that all five came from the same family but had at least two different fathers.
6. "Bill asks for wrongful conviction payments to prisoner." The Associated Press State & Local Wire, December 28, 2003.
In Virginia, a State Senator plans to submit a bill to pay \$3 million to Julius Earl Ruffin, a man who spent 21 years in prison before DNA evidence cleared him earlier this year of raping and sodomizing a Norfolk woman in 1981. Eighteen other states and the federal government have restitution procedures in place. But there is little consistency in their approaches. Some states cap the money that can be paid. Others let judges, legislatures or other public bodies decide each case.

7. "Suspected Killer Of E Java Muslim Cleric Arrested." Antara - The Indonesian National News Agency, December 26, 2003.
In Indonesia, police have arrested a suspect in the politically sensitive murder of a Muslim cleric and obtained a confession that he committed the crime with the help of others. East Java police previously established the murderer's identity based on testimony from a number of witnesses and evidence, including the results of DNA tests.
8. "Police: 16-year old to be arrested over fatal stabbing of newspaper deliveryman." The Daily Yomiuri (Japan), December 26, 2003.
In Japan, a 16-year-old boy who is suspected of stabbing to death a newspaper deliveryman in August will be arrested because the DNA of a bloodstain found in his bag matches that of the victim. The boy was playing with four of his friends near the complex early that morning. Just after 2 a.m., he went off by himself for about 40 minutes. The police asked the boy to hand over voluntarily the bag he had with him at that time. They found a knife inside the bag and a trace of blood on the bag. The DNA test was conducted at Tokyo Dental College in Chiba.
9. "Legal fallout from evidence retests feared." The Houston Chronicle, December 26, 2003.
After more than 12 months of scandal about problems at the Houston Police Department's crime laboratory, the coming year could well be an even more difficult one for HPD's toxicology division. In the opinion of an Assistant District Attorney, the Harris County criminal justice system could face a litigation "nightmare" because of the possibility of a lack of evidence to retest in cases processed by the now-closed toxicology division. Additionally, as revelations about the lab continue to unfold, at least two Houston-area lawmakers are looking to the new year with hope of forcing the city, the county and the rest of Texas to come together on a plan for regional crime labs.
10. "DNA match links man to 1997 rape." Chicago Tribune, December 25, 2003.
In Illinois, a DNA match has helped identify a man who sexually assaulted an 11-year-old Chicago girl six years ago. In December, the Illinois State Police Crime Lab notified Chicago police that a the national DNA database turned up a match to a man whose DNA was obtained by Florida authorities after a criminal conviction there. The latest records from the Florida Department of Corrections show that the man was on probation and living in Pensacola. He had been arrested there within months of the Chicago rape.
11. "Crime lab cover-up alleged." The Indianapolis Star, December 25, 2003.
In Indiana, a DNA analyst at the Marion County crime lab is accusing his bosses of covering up serious abuses in DNA testing procedures -- and threatening reprisals against anyone who spoke out. The county is currently conducting retests on all DNA matches done by another analyst who resigned in August 2002 amid accusations that he cut corners on tests and tampered with equipment. Concerns about the analyst's work were reportedly dismissed, and the current situation has lab managers and the DNA section pointing their fingers at one another.
12. "Sex offender charged in restroom assault." Alameda Times-Star, December 24, 2003.
In California, a registered sex offender has been charged with raping a woman in the restroom of an Oakland fast food restaurant on December 9, after being linked to the attack by his DNA. The man was required to register as a sex offender and provide a DNA sample to a state data bank after being convicted of sexual battery and false imprisonment in 1990. He originally had been arrested in April 1989 by Oakland police for kidnapping, assault with intent to commit rape, and other charges stemming from the abduction of a woman. He served a prison term and since then has been re-arrested several times for violating parole and failing to meet the requirements of being a registered sex offender.
13. "Baltimore jail inmate charged on DNA evidence in 1988 killing." The Associated Press State & Local Wire, December 24, 2003.
In Maryland, a jail inmate has been charged in the rape and murder of a woman in Baltimore more than 15 years ago after a DNA hit in a state database. The inmate pleaded guilty to rape and robbery with a deadly weapon in 1991 and was sentenced to 14 years in prison, according to court records.
14. "HPD gets extra lab funds." The Houston Chronicle, December 24, 2003.
The Houston Police Department has received nearly \$ 1 million in additional funds from the National Institute of Justice and the Harris County District Attorney's Office. The Acting Houston Police Chief hopes that a \$ 116,000 gift from the district attorney's office to be used for computers will go a long way in helping the embattled HPD

crime lab achieve accreditation. The DA's gift comes from a drug forfeiture fund in the prosecutors' office and will be used to upgrade the crime lab's 10 computers and purchase 37 new ones. The Houston City Council has also voted to accept a National Institute of Justice grant of more than \$ 840,000. The funds are earmarked to pay a private laboratory to work through the department's backlog of more than 6,000 rape kits that have never been analyzed.

15. "DNA roundup riles activists." The Miami Herald, December 24, 2003.
In Florida, nearly 1,000 black men have been stopped on the streets of North Miami-Dade and asked for their DNA in the months since police realized they had a serial rapist on their hands. The rapist has been described by one victim as a black man and DNA evidence has linked the rapist to at least six sexual assaults and as many as eight other attacks. So far, the genetic dragnet launched in May has netted no match to a possible suspect, but has had other successes. For example, a DNA sample taken from a man who consented to the swabbing linked him to several other rapes, police say. The man had attracted the attention of a Miami police officer because he was fighting on the street with a prostitute. Detectives say that very few men have indicated that they do not want to give a sample, but the practice, coupled with a state law that allows those samples to be permanently stored in a state DNA database, rankles some civil libertarians.
16. "Rape Suspect Matches Profiles Created By State, FBI." Palm Beach Post, December 24, 2003.
In Florida, DNA taken from blood collected during a fight in November matched that of semen found at the sites of two rapes this fall of little girls in a neighborhood west of downtown Fort Pierce. In an unrelated encounter, the man's demeanor had raised the suspicion of police. After a battery call, police found the man bleeding from a small knife wound and they offered him a dry paper towel to dry the blood. "He gave me the dry paper towel with the blood. It was garbage to him," said the officer. "I thought it might be worth something." After the DNA tests linked him to the crimes, the suspect admitted to raping the girls and to committing attempted burglaries in the area. The Fort Pierce lead Detective said the DNA match was "great" news for the multi-department task force members assembled earlier this month to catch the rapist. "We kind of lucked out," said of the arrest. "Mitchell wasn't in our database and we were kind of out of leads."
17. "Custom van is a mobile lab and more." Press-Enterprise (Riverside, CA), December 24, 2003.
In California, a custom-outfitted Ford 250 crime-scene investigation van is replacing a pickup that Banning Police Department evidence technicians had been using to do their job. The van also carries specialized equipment for gathering DNA and working on arson investigations, along with protective clothing for the times when the technicians have to deal with biohazardous materials or work around decomposing bodies. Each item, right on down to the plaster used in making shoe impressions, has its own storage compartment. The van also contains lockers for transporting evidence to the police station.
18. "DNA match links Virginia man to 9-year-old Douglasville rape." The Associated Press State & Local Wire, December 23, 2003.
Police have charged a Virginia man with rape after DNA evidence linked him to an attack on a newspaper carrier in Georgia nine years ago. The man was brought to Douglas County, Georgia after he was arrested in Chesapeake County, Virginia on a theft charge. Authorities there took a DNA sample and entered it into a national crime database, which produced the match.
19. "Man arrested in decade-old crime in Colorado." The Associated Press State & Local Wire, December 23, 2003.
An Arizona man has been arrested in the 1992 slaying of a western Colorado woman after police said new DNA tests linked him to the crime. The victim disappeared in September 1992 after she went to meet the suspect. Her body was later found in the trunk of her car in Grand Junction, Colorado, after two people stole the vehicle and drove it for several hours before discovering the body. The two were cleared of any connection to the murder, and the suspect was questioned about the case but original DNA tests were inconclusive.
20. "DNA links Arizona man to 1968 murder of San Francisco girl." The Associated Press State & Local Wire, December 23, 2003.
The 1968 rape and murder of a 14-year-old San Francisco girl has been linked through DNA tests to a man in Arizona who was convicted of rape in three states and is currently being held in the state's mental hospital. The man's rape convictions occurred in California, Colorado and most recently in Arizona in 1991. He completed his sentence for the Arizona crime in 2001 but was deemed a sexual predator in a civil proceeding and was confined to the state mental hospital. At the time of the girl's death, DNA comparison was not available, but police suspect a semen sample was taken to prove the girl had been raped and to test for the suspect's blood type. This crime may

be the oldest ever solved using the FBI's nationwide DNA database.

21. "Rape suspect is arrested after police match DNA." *Contra Costa Times*, December 23, 2004.
In California, police arrested a rape suspect after the Contra Costa sheriff's crime lab matched a DNA sample he provided to evidence found from a woman assaulted in August. The victim remembered the car's license plate, and police interviewed the owner of the car. The car's owner denied involvement but he agreed to provide some saliva to police for genetic testing. He recently confessed after he was confronted with the evidence.
22. "Can Of Lager Trapped Burglar." *Daily Post (Liverpool)*, December 23, 2003.
In the United Kingdom, a burglar was caught after leaving behind a can of lager at a home in North Wales. The man was identified through his DNA and fingerprints left on the can, and subsequently admitted burglary at the garage at a house.
23. "Innocence Project Relocates, Expands Public Policy Role." *New York Law Journal*, December 23, 2003.
The Innocence Project, begun on a shoestring in 1992, settled into much-needed larger quarters recently, moving four blocks uptown from the Benjamin N. Cardozo School of Law. With the move, the program established by defense attorneys Barry Scheck and Peter Neufeld means to launch a whole new phase of existence. Since 1988, Messrs. Scheck and Neufeld have been pioneers in the use of DNA evidence in post-conviction proceedings. When their work first resulted in overturning a conviction, they won national media attention and an avalanche of mail from prisoners. The Innocence Project was born, underwritten by Cardozo and staffed with eager student researchers. The project is now a 501-C-3 corporation. With 140 exonerations to date, including those of death row inmates, "People are now seeing that it's not just what criminal defense lawyers want, but what law enforcement wants."
24. "Obituaries." *Reno Gazette-Journal*, December 23, 2003.
Enrico Natale Togneri, 56, former Director of the Washoe County Crime Lab and past president of the American Academy of Forensic Sciences, died of a heart attack on Friday, December 19, 2003, at St. Mary's Hospital in Reno, Nevada. He was 56 and lived in Reno. In lieu of flowers, please send contributions to Forensic Sciences Foundation Endowment Fund, c/o the American Academy of Forensic Sciences, 410 N. 21st St., Colorado Springs, Colorado 80904; the Committee to Aid Abused Women, 1735 Vassar St., Reno, NV 89502; or the ACLU Foundation, 125 Broad Street, 18th Fl., New York, NY 10004.
25. "Lab backlog common in Indiana cases." *Chronicle-Tribune (Marion, IN)*, December 22, 2003.
Indiana labs continue to see backlogs which result in delays in forensic analysis. To start lowering the backlog, the state police is slowly increasing the number of laboratory employees. In late 2001 and early 2001, they hired 17 people, seven of whom are DNA analysts. In 2004, an additional 22 will come on board. Again, seven of that batch will focus on DNA. But it can take up to two years to be certified in DNA analysis, so progress may be slow. The state police also has started outsourcing DNA analysis to outside labs to increase the pace. In 2003, 350 DNA cases were sent elsewhere for analysis, and all those are expected to be back by year's end.
26. "DNA Link Cracks Cold File." *Edmonton Sun (Alberta, Canada)*, December 22, 2003.
An international career criminal convicted of rape and murder in Canada and in the U.S. has been linked through DNA to four cold cases in the Toronto area dating back more than 20 years. The man is serving seven years for drugs and weapons offences in Pennsylvania, but he is wanted in Canada, other jurisdictions in the U.S., and Jamaica for far more serious crimes including two sexual assaults, a home invasion in, and the rape of a 14-year-old girl. Police allege that for the last 22 years, the man has repeatedly slipped through the cracks in every jurisdiction he has lived in. Without a DNA match, he never would have been identified as a threat. During the yearlong joint investigation, police determined the only times the man was not committing crimes in the last 22 years were while he was in jail. After he was convicted in Virginia for gun and drug offences, he was identified in Canada as a suspect.
27. "Murder Victims' Relative Seeks Wider State DNA Database." *Los Angeles Times*, December 22, 2003.
A voter initiative in California would expand the DNA database to include DNA samples from every convicted felon. Furthermore, the initiative also would allow local agencies to collect DNA evidence from people arrested on suspicion of murder and rape and, beginning in 2009, from anyone arrested on suspicion of committing a felony. The initiative would be funded by charging convicted felons an additional 10% in fines, which would raise about \$25 million annually. A bill with similar provisions to expand the DNA database failed earlier this year in the state Legislature, due to concerns over its cost and impact on civil liberties. Backers of the initiative must collect

373,816 valid signatures by April 2004 to get the proposed initiative on the November ballot. The sponsor is a man whose brother and sister-in-law were murdered in their home. Detectives have used DNA evidence to link the 1980 deaths of the couple to four other Orange County slayings.

28. "DNA Test Cracking Unsolved Assaults." Dayton Daily News, December 21, 2003.
The Miami Valley Regional Crime Laboratory (Ohio) has reduced its backlog of untested rape kits and other DNA samples from more than 1,700 cases to just above 500. Ohio law-enforcement agencies were given \$2.2 million last year and another \$1 million this year in federal funds for DNA testing. Since July 1, 2002, 1,732 no-suspect evidence kits have been analyzed for DNA at labs across the state. This testing has linked evidence gathered at crime scenes to 132 suspects and matched evidence gathered from 58 other unsolved crimes. Overall, those no-suspect cases have resulted in 238 investigations being aided. The state Attorney General has been encouraging expansion of the state statute providing for requiring DNA from every felony offender.
29. "Missouri Today; DNA leads to man's arrest in 1988 slaying of aunt." The Associated Press State & Local Wire, December 20, 2003.
DNA from blood splatter evidence from the scene of a 2002 church burglary has tied a Kansas City, Missouri man to the brutal slaying of his aunt over 16 years ago. The man had told police that he and two other men took part in the burglary, but was not tested against the man although it was tested (and did not match) the other two named accomplices. But after the DNA was linked to the killing, police obtained a search warrant to get a sample of the burglar's DNA, and tests showed a match.
30. "Add Earlier Rape To Assault Rap." Daily News (New York), December 20, 2003.
In New York City, DNA has linked a homeless ex-con who beat a woman senseless in an attempted sex assault to a rape of a 67-year-old woman near the same spot just two weeks earlier. The woman was taken to a hospital with bruises to her head and face, but she did not realize she had been sexually violated. "The only thing she remembers is getting hit," a source said. Cops prepared a routine rape kit in the case anyway, leading to the new charges. The suspect has a three-decade-long rap sheet of violent crimes but was freed in August after serving seven months of a yearlong sentence for molesting a woman on a subway.
31. "Department of Defense guard arrested, charged with 1987 killing in LA." The Associated Press State & Local Wire, December 19, 2003.
In California, a Los Angeles Air Force Base guard was arrested and charged with murder in connection with a 1987 shooting outside a Hollywood nightclub after authorities matched his DNA with samples on a bullet seized as evidence. During the carjacking attempt, the victim was killed after first pulling a gun on his assailant and shooting him in the arm. The suspect had been arrested for the crime shortly after it happened, but charges were dismissed due to lack of evidence. Police began investigating the man again in May after he applied for a job with the San Francisco Police Department, which noticed his previous arrest and contacted Los Angeles police. Detectives used a warrant to get a DNA sample from the man's saliva and matched it to the bullet found at the crime scene.
32. "DNA ties teen suspect to slay scene." The Boston Herald, December 19, 2003.
In Massachusetts, a teen charged with shooting a 15-year-old boy during a gang beating on a street corner this summer has been linked to the shooting through DNA found on a baseball cap near the scene. The defendant's attorney said the DNA match is irrelevant because his client admits owning the hat witnesses said the shooter dropped near the scene. The defendant told police, however, that the hat was stolen from him.
33. "DNA profiling: a double-edged sword of justice." Financial Times (London), December 19, 2003.
Police in the UK are allowed to take a sample from anyone who is suspected of, arrested for, or charged with a crime. Their profile remains on the database whether or not they are eventually convicted in court. Civil liberty groups are unhappy about this policy, claiming that the UK is the only country that retains DNA samples from people who are not convicted and turn out to be innocent of the crime. However, at a time when Britain's main political parties are trying to appear tough on law and order, there is little pressure on the government to restrict admissions to the database. A four-year, Pounds 182m program to expand it to include the "entire active criminal population" will be complete by next April. The government's Forensic Science Service says that in a typical month DNA matches are found linking suspects to 15 murders, 31 rapes and 770 motor vehicle crimes. One example of a successful DNA match – a man was arrested in 2001 for stealing Pounds 10 of groceries; his DNA sample was fed into the database and matched a profile of a rapist who had attacked two girls in 1988.
34. "Tremont man to be tried for 1993 killing." Morning Call (Allentown, PA), December 19, 2003.

In Pennsylvania, a man linked to a 1993 murder through the state DNA database has been convicted of the crime. In man was arrested for stabbing a 68-year-old man to death and stealing his wallet. In 2000, the state police crime lab matched a DNA sample from the mat to blood found on the 1993 murder victim's pickup truck.

35. "New unit targets missing person list." Waikato Times (Hamilton, New Zealand), December 19, 2003.
In New Zealand, the Office of the Commissioner has announced a new national unit will be set up by police to better manage the thousands of missing persons files that come across police officers' desks every year. As part of the new program, police will collect DNA samples from immediate family members of missing people in a bid to solve long-standing cases. 800 people in New Zealand have been missing for longer than one year and on average 7000 people are listed missing each year.
36. "Lindh murder investigators link crime scene DNA to jailed suspect." Agence France Presse, December 18, 2003.
Swedish prosecutors investigating the killing of foreign minister Anna Lindh said they have matched DNA from the murder scene with that of a jailed suspect. Lindh, who had been tipped to one day become prime minister, was fatally stabbed in the abdomen on September 10 while she was shopping at a Stockholm department store. She died the following day. Swedish papers, quoting investigators, have also claimed that police had enough technical evidence to secure a guilty verdict without a confession after DNA samples were secured from a bloodied knife, a baseball cap and a pair of trousers which were found at the murder scene. If convicted, the man could face a sentence of up to life in prison, although in practice no-one usually serves more than 14 years.
37. "DNA Leads Way In 'Cold Cases'." The Arizona Republic, December 18, 2003.
A \$300,000 grant from the National Institutes of Justice will allow the Mesa, Arizona crime lab to screen a backlog of possible DNA evidence. The DNA crime lab supervisor said the funding is expected to come at the start of next year and will be used to pay overtime and purchase state-of-the-art equipment to screen about 400 "no suspect" sexual assault and burglary cases for DNA for the next two years. For the past year, the five-member staff has been working about seven hours a week overtime on average, even working weekends, to clear a backlog of cases with possible DNA evidence from a similar \$125,000 grant.
38. "CSI: Denver DPD's crime lab makes TV reality." Denver Westword, December 18, 2003.
A recent \$726,000 grant from the National Institute of Justice, will allow the Denver crime lab to review and analyze DNA from cold cases in which there is no known suspect. The department plans to hire two analysts whose sole mission will be to derive DNA from evidence in old sexual assault and homicide cases. But the grant is only for two years, so the city will eventually have to fund the extra scientists in order to continue the work. In preparation for the grant, the police department has already paid detectives overtime to go back and identify hundreds of old cases that have DNA evidence but no suspect for what is being referred to as the Cold Case DNA Program. The department has also expanded its lab to make way for the additional caseload. The new analysts plan to look at 500 homicides dating back forty years and 200 sexual assaults going back to 1996. (Although the statute of limitations on sex crimes was increased from seven years to ten in 2001, much of the evidence from before 1996 has already been destroyed.)
39. "Serial Rapist Suspect Held." Home News Tribune (East Brunswick, NJ), December 17, 2003.
In New Jersey, a 32-year-old city man captured outside a music store where he tried to rape a woman has been linked through DNA evidence to a string of sexual assaults in the city that started in September 2001. His capture came after he was chased through more than a foot of snow and beaten by a bystander and two men who joined him before police arrived. The man's DNA has been found to match six other unsolved rapes. The man is described as an illegal immigrant from Honduras who had held construction jobs in the area, possibly as a day laborer. He had a previous brush with the law locally, getting charged with criminal restraint in New Brunswick in 1998.

Genetic Research / Privacy

40. "DNA: A New Tool In Tracing Ancestral Roots." Orlando Sentinel, December 30, 2003.
A half-dozen U.S. companies are cashing in on the latest in DNA advances to help thousands of people dig up their roots. The research is fueling a boom in genealogy, already the second biggest hobby in America behind gardening. One company matches DNA of clients with one or more of its 11,200 samples from people in 85 African ethnic groups (formerly called tribes). About 85 percent of the time, matches are found. These DNA databases are being collected by scientists around the world, at Brigham Young University in Utah, University of Arizona, Oxford

University in England, and several in Germany and France.

41. "UOP To Get Hi-Tech DNA Machines." The Times of India, December 29, 2003.
In India, the Cambridge-based Sanger Institute has donated five sophisticated DNA sequencing machines, arguably the only ones of their kind in the country, to the University of Pune (UoP). The machines would soon be installed at the Institute of Bioinformatics and Biotechnology on UoP campus.

Paternity

42. "Drug company scion wants to use DNA in paternity suit." The Associated Press State & Local Wire, December 28, 2003.
A 73-year-old scion of the Johnson & Johnson pharmaceutical fortune is lobbying New Jersey lawmakers to expand the use of DNA testing in paternity cases. J. Seward Johnson Jr. wants to prove whether a certain woman is his biological daughter. At stake is the woman's share of a family trust fund worth an estimated \$350 million. Johnson's lobbying efforts began after the New Jersey Supreme Court ruled that he could not challenge paternity and his formal acknowledgment of the woman during his 1965 divorce was final. Following the ruling, Johnson hired a lobbyist to plead his case in Trenton and donated \$250,000 to lawmakers and their party backers. Johnson wants to revise state law to allow DNA testing in any dispute over parentage with no time limit. He has found others with similar aims and donated money to the New Jersey Citizens Against Paternity Fraud.
43. "Gender Bias Is Getting Its Day In Court." Asahi News Service, December 26, 2003.
Paternity DNA testing may have a role in abolishing an old law in Japan that stipulates that women cannot remarry for six months after a divorce. The reason for the waiting period is to avoid the birth of a child whose father would be difficult to determine and to clarify whether the child was conceived in wedlock – but modern DNA testing could alleviate this concern. The provision has not been changed since 1898. This summer, the United Nations' Committee on the Elimination of Discrimination against Women warned Japan's government that this provision was discriminatory.
44. "US Visa Makes Blood Relatives, Literally." Indian Express, December 21, 2003.
In India, citizens traveling to the US and who have been sponsored by a relative there may be asked for a DNA test, and the samples matched, before a visa is issued. The US Embassy has clarified: "The option of the DNA test is typically suggested to the applicant when there appears to be no other way to establish the relationship upon which immigration benefits are sought." But while the Embassy tells applicants that the DNA testing is voluntary, it also makes it clear in documents given to them that "if you and other relatives choose not to take a DNA test, we will be unable to proceed with the applications".

FEDERAL REGISTER

1. Department of Justice - Regulations Under the DNA Analysis Backlog Elimination Act of 2000 (December 29, 2003). The Department of Justice has published its final rule to implement section 3 and related provisions of the DNA Analysis Backlog Elimination Act of 2000, as amended by the USA PATRIOT Act. The rule specifies the Federal offenses that will be treated as qualifying offenses for purposes of collecting DNA samples from Federal offenders, sets forth the responsibilities of the Federal Bureau of Prisons for collecting DNA samples from individuals in its custody, and sets forth related responsibilities of the Federal Bureau of Investigation for analyzing and indexing DNA samples.