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

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The April 30, 2004 DNA Resource Report is listed below.

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### SUMMARY

A Louisiana bill would set standards for DNA evidence ranging from collection methods to analysis, and Atlanta has announced new standards for handling DNA evidence from rapes. Kansas state crime labs have been reaccredited, and audits found a mislabeling incident was an isolated event. The Massachusetts crime may see budget cuts, but Phoenix is likely to see an increase. Editorials in Missouri and Pennsylvania urged more funding for DNA programs.

Cold hits on DNA databases linked a West Virginia offender to a Virginia rape, a Florida offender to an Oregon rape, and identified suspects in a Virginia burglary and a Nebraska rape. The FBI, Indiana, Kentucky and Ohio are all looking for the same serial offender connected to crimes through DNA. DNA has also linked an Ohio man to two rapes, and a Pennsylvania man to a murder. San Francisco's lab has produced an increasing number of hits, resulting in an increasing workload for prosecutors.

Post conviction DNA testing bills were introduced in Louisiana and South Carolina. A post conviction testing motion was granted for the defense in Wisconsin, and for the prosecution in North Carolina. An exonerated Montana man is suing the state, and Janet Reno recently spoke on the importance of post conviction DNA testing.

In international news...England is using DNA to determine race in a serial rape investigation, and DNA from an envelope identified a man sending obscene letters in England. Australian states continue to move forward on DNA sharing agreements. Japan is collecting blood samples from troops prior to deployment in Iraq, and Saudi Arabia hopes DNA testing will identify a suicide bomber. Testing on remains thought to belong to an Italian poet indicate the skull does not belong to the body.

### STATE LEGISLATION

#### Forensic DNA

1. Florida HB 1935 -- Extends the period following sentencing during which a petition may be filed or considered by the court to order the testing of criminal DNA evidence; provides for retroactive applicability.
2. Louisiana HB 1537 – Requires that procedures used in the collection, submission, identification, analysis, storage, and disposition of DNA samples and typing results of DNA samples meet or exceed current standards for quality assurance and proficiency testing for DNA analysis issued by the FBI.
3. South Carolina SB 1171 – Under certain conditions, allows for post conviction DNA testing for any felony conviction of any evidence in the State's control related to the investigation, prosecution or conviction.

## Genetic Privacy / Research

4. New York SB 7064 – Provides for stem cell, embryonic, and fetal tissue research and prohibiting human cloning

## **NEWS ARTICLES**

### Forensic DNA

1. “DNA Breakthrough In Hunt For Britain's Worst Sex Offender.” The Independent (London), April 28, 2004.  
In England, Scotland Yard has used a technique developed in the US to identify the ancestral origins of a serial offender who is believed to have been responsible for more than 80 offences including four rapes and 27 indecent assaults. The DNA testing method indicates is from the Caribbean. The Metropolitan Police now plans to take DNA samples from about 200 black officers and staff with Caribbean origins and hope to use the information to identify which Caribbean island the attacker and his family are from. The details will then be used to narrow down a list of 21,500 possible suspects. Investigators are also using DNA to possibly identify family members of the suspect who might be on the national DNA database. They have identified 100 families who have a similar DNA make-up to the suspect, but so far about 80 have been eliminated from the inquiry.
2. “Kansas audits crime lab procedures.” The Kansas City Star, April 28, 2004.  
The Kansas Bureau of Investigation discovered last year that a 1991 rape suspect was allowed to go free and allegedly commit other crimes because a blood sample was mislabeled. The admission ignited internal and external audits of the KBI's laboratory procedures to determine whether similar mistakes had been made in other cases. The Kansas Attorney General announced that audits of 1,823 cases and 9,032 items of evidence by 18 forensic experts found that the error was an isolated one.
3. “System Primed For Disaster.” Australian Financial Review, April 27, 2004.  
In Australia, federal police forensic scientists will be able to convert a national criminal DNA database into a disaster victim identification tool at short notice after putting the technology to an unexpected test after the Bali bombings. A separate, secure and isolated version of the national criminal database was built, then the programming was altered to incorporate the family matching feature. The database could at all times be used in its original capacity to identify criminals, while at the same time assisting in victim identification.
4. “Japan Defence Agency Keeps Blood Samples Of Troops In Iraq.” BBC Monitoring International Reports, April 27, 2004.  
Japan's Defense Agency has stored blood samples of the Self-Defense Forces (SDF) troops stationed in Iraq with an eye to using DNA in the samples to confirm identities in the event they are killed. The move was aimed primarily at keeping records of antibodies in case the troops contract infectious diseases. While the agency has not taken DNA out of the samples, it has acknowledged the possibility of the DNA being used in case the troops are involved in an accident or another "undesirable" situation. The agency will seek consent from families if a DNA test becomes necessary.
5. “DNA testing allowed in case of man convicted of killing jogger.” The Associated Press State & Local Wire, April 27, 2004.  
In Wisconsin, a state appeals court ruled a man sentenced to life in prison for murdering a woman jogging near her home must be allowed to have independent DNA testing done on some evidence in the case. The inmate has been seeking DNA testing on 10 items of police evidence in an attempt to prove his innocence. The man, who served as his own attorney during three days of a five-day trial in 2001, contends that police officers poured animal blood onto his leg as he slept in a police car after being taken into custody and DNA testing will prove it. The independent DNA testing will be conducted at the inmate's expense, with court ordered conditions that will protect the evidence.
6. “KBI unveils new DNA equipment, announces reaccreditation.” The Associated Press State & Local Wire, April 27, 2004.  
Kansas Bureau of Investigation labs have received reaccreditation from the American Society of Crime Laboratory Directors. KBI also showed off a new \$94,000-DNA extraction equipment that will speed up the process of analyzing and documenting DNA evidence. It also will eliminate the need for the state to send about 10,000 blood

samples a year to labs outside of the state for processing.

7. "Make police crime lab higher priority for funds." The Kansas City Star, April 27, 2004.  
Editorial: "...In fact, recent developments make a strong case for increasing funds for the crime lab regardless of what the federal government decides. Police used the grant to pay overtime wages so a team could analyze DNA evidence from old cases with no suspects. Working nights and weekends, the team ran evidence from 85 cases through a huge computerized database. It scored hits for nine rapes and 22 homicides...DNA testing is proving itself as an essential crime-fighting tool, and the Police Department should reorganize priorities to take advantage of it. Citizens look to the police for security. Getting rapists and murderers off the streets quickly is a good way to provide it."
8. "New battlegrounds in push to expand DNA sampling." Miami Daily Business Review, April 27, 2004.  
Discussion of the growing push to expand DNA databases to include samples from persons arrested for felonies. Virginia and Louisiana have already passed such legislation, and Illinois and California are considering similar proposals this year. Debate centers around constitutional issues of reasonable searches. Law enforcement maintains that it is reasonable, and that the need to find and prosecute the right offenders trumps the privacy concerns of individuals. Defense lawyers have privacy concerns and also point to significant existing backlogs that should be addressed first.
9. "DNA tests allowed in murder case." The News & Observer (Raleigh, NC), April 27, 2004.  
In North Carolina, a judge gave state investigators permission to test for DNA on clothing worn by the victims of a 1992 double murder as well as that of a man sentenced to death for the killings. The decision came in a hearing for one of three men convicted in the murders. The man was on leave from Saudi Arabia at the time of the murders, and maintains that he saw the crime but did not participate. He is seeking a new trial.
10. "DNA Leads To Charges In 1990 Rape Case." The Washington Post, April 27, 2004.  
A hit on the DNA database has linked a West Virginia inmate to a 1990 rape in Virginia. The case marks the first cold hit for West Virginia. In another DNA match in Virginia, In what police said was another DNA match, police have arrested another man for breaking into historic Rippon Lodge and stealing a nude painting of 1940s actress Dorothy Lamour.
11. "Prosecutors say Canadian porn actress may have been killed during "snuff" film." The Associated Press Worldstream, April 24, 2004.  
In Pennsylvania, prosecutors revealed that a Canadian porn actress found stabbed to death last month may have been killed while shooting a film that was to have simulated the murder of a woman during sex. Detectives obtained several bloodstained items from the film producer's car and from apartment in the Philadelphia, which matched the victim.
12. "Nine officers face disciplinary action for mishandling rape cases." The Associated Press State & Local Wire, April 24, 2004.  
In Georgia, nine Atlanta police officers face disciplinary action after a 17-month investigation found they failed to submit rape reports for women they deemed uncooperative. By underreporting the number of sex crime to the department's Central Records Unit from November 1999 to February 2001, the officers made Atlanta's rape case statistics appear about 10 percent lower. The department has announced an overhaul of the way rape investigations are conducted, including better handling of DNA evidence, additional training for officers and improved coordination with the local rape crisis center.
13. "Pervert Trapped By Traces Of Saliva On His Obscene Letters." Daily Record (London), April 24, 2004.  
In England, a wheelchair-bound man who sent obscene letters to neighbors has been trapped by his own saliva. He became a suspect and the detectives asked him for a DNA sample. Experts matched traces of saliva found on the envelopes he had sent earlier.
14. "Police want man." Milwaukee Journal Sentinel, April 24, 2004.  
In Wisconsin, Wauwatosa police, who tied a suspect to a murder crime scene using DNA analysis, want the man prosecuted and voiced frustration that the Milwaukee County district attorney's office has yet to charge him. The assistant district attorney assigned to the case and others in the legal community say DNA evidence may not be enough for a conviction in the case and raised questions about double jeopardy and prosecuting an octogenarian suspect. The suspect is a convicted rapist with a history of violence against women. He was recently sentenced to

five years in prison for lying to his parole officer about whether he had been in the victim's home the day of her death. In revoking the man's parole, an administrative law judge cited the DNA results saying the likelihood that the semen came from anyone but the suspect was at least 1 in 36 billion and that it proved the man had been in the victim's home, contrary to his claims to his parole officer.

15. "Reno Tells Task Force How To Improve Criminal Justice System." Capitol Times (Madison, WI), April 23, 2004. The former attorney general of the United States said that the cases of wrongly convicted people who have been exonerated is just the tip of a huge iceberg. "It is important to understand that there are still people on waiting lists waiting for DNA testing" to try to prove their innocence, Janet Reno told a task force meeting in Wisconsin. The task force is trying to develop recommendations for improving Wisconsin's criminal justice system so that no more cases occur such as the one in which Steven Avery spent 18 years in prison for murder and rape before he was proven innocent.
16. "Man wrongly convicted of rape seeking \$16.5 million." The Associated Press State & Local Wire, April 23, 2004. In Montana, a man who served 15 years in prison after being wrongly convicted of a 1987 rape is seeking \$16.5 million in damages from the state of Montana, Yellowstone County and the city of Billings. The man was exonerated in 2002 through post conviction DNA testing. The suit lays blame with the state of Montana for "reckless and intentional misconduct of Arnold Melnikoff," then the head of the state crime lab. The suit says, "Melnikoff provided false testimony under oath that hair taken from a crime victim's bedding matched hair taken from the claimant."
17. "Authorities in three states see suspect in robberies, assaults." The Associated Press State & Local Wire, April 23, 2004. The FBI and police in Indiana, Kentucky and Ohio are searching for a suspect in seven robberies and six sexual assaults dating to 1992. DNA evidence linked the suspect in a 1992 robbery to a 1999 sexual assault at a park in Kentucky. DNA testing has also linked a subsequent robbery and sex assaults at stores in Indiana and Kentucky. Moreover, similarities in the cases indicated the same person was at work at similar crimes in Ohio. Law enforcement has a description of the suspect, but has not yet identified the man.
18. "Identities of young flood victims remain buried with them." The Associated Press State & Local Wire, April 23, 2004. In Connecticut, two families whose 2-year-olds were swept away in a massive flood a half-century ago were hoping that modern science might be able to give them closure. But city detectives have not been able to get permission to dig up two unmarked graves believe to contain the bodies of the missing toddlers. Detectives hoped to exhume both bodies this spring and use DNA testing to identify the girls. However, the Office of the Chief State Medical Examiner has declined to issue the permits. The bodies in the unmarked graves were wrapped in cloth before burial and medical examiners believe they are completely decomposed. Since nearly 50 years has passed it is not likely there would be any bone or tissue left to test for DNA.
19. "Officials say suspect linked to 2nd rape." The News-Messenger (Fremont, OH), April 23, 2004. In Ohio, new DNA evidence has linked a man to a second rape in the Port Clinton area earlier this year. The man was arrested earlier in the week and charged with rape and aggravated burglary in the Feb. 4 home break-in attack. Several days later, local authorities received DNA test results that connect the man to the similar Jan. 18 rape. The man was paroled from prison in May after serving an 11-year sentence for attempted aggravated burglary of a residence.
20. "DNA match leads to arrest in rape." Omaha World Herald, April 23, 2004. In Nebraska, a hit on the DNA database has linked a man to a rape committed earlier this year. The man has a prior conviction in the same county for sex assault on a child. He was sentenced in 1999 to one to three years in prison, and was released in February 2001.
21. "Hit Parade; The S.F. crime lab is making more cold hits, but the new cases are burdening already strapped PD and DA offices." The Recorder, April 23, 2004. In San Francisco, the local crime lab has produced with 34 "cold hits" on the DNA database, and to date, those cold hits have led to at least 10 prosecutions. While prosecutors and cops have publicly applauded the cold hit program, behind the scenes the DA and public defender are grappling with how to handle the increase in work. Struggling to staff their regular caseloads as it is, both offices also are resisting pressure from City Hall to cut their spending to

help address a citywide budget deficit. Discusses the numerous hurdles both prosecutors and defense lawyers face in bringing these cases to court.

22. "NT and Qld sign DNA data sharing agreement." AAP Newsfeed, April 22, 2004.  
In Australia, Queensland and the Northern Territory have signed a deal to allow sharing of criminal DNA data. Authorities said the move would help improve the clear-up rate of unsolved crimes, with police now able to cross-check DNA samples in each other's jurisdiction. The NT has similar agreements with Tasmania and Western Australia, with discussions underway with the governments of South Australia and the Australian Capital Territory. Queensland was also in the process of signing agreements with SA and Tasmania, and had signed a deal with WA last year.
23. "Mysterious skull found in Petrarch's tomb, experts say." Associated Press Worldstream, April 22, 2004.  
In Italy, experts hoping to reconstruct the features of Italian poet Petrarch by examining his bones have a problem: The skull in the 14th-century writer's tomb is not his. Test results showed that the DNA of the cranium found in the casket thought to hold Petrarch's remains was different to that of the body. Physical marks, including a leg injury sustained while riding from Florence to Rome in 1350, confirm that the body was Petrarch's. "Don't ask me where the real cranium is, because no one knows where it finished up or who took it," said one researcher. "Think of all the craniums in the world - where would we look?"
24. "Top Saudi cleric denounces terrorists as official death toll rises." Associated Press Worldstream, April 22, 2004.  
Officials in Saudi Arabia are examining the remains of the suspected attacker in the recent suicide bombing that killed five people. It is hoped that DNA will reveal the attacker's identity.
25. "DA to Receive Award for Work to Expand Use of DNA Evidence in Sex Cases." City News Service, April 22, 2004.  
In California, the Los Angeles District Attorney has been honored for his efforts to expand the use of DNA evidence in sexual assault cases. He received the Justice Armand Arabian Award from Project SISTER, which provides sexual assault crisis services in the eastern part of Los Angeles County. It honors those whose work has influenced law, legislation or public policy that has promoted the dignified treatment of sexual assault survivors by the judicial system, increased sentencing for those convicted of rape or sexual assault and reduced the incidence of rape and sexual assault.
26. "AP Interview: Romney safety chief says House budget cuts key programs." The Associated Press State & Local Wire, April 22, 2004.  
In Massachusetts, the state House budget plan for the State Police not only cuts \$1 million, but also ties up another \$2.3 million in earmarks, including money for special police patrols. The reductions do not leave enough money for more important projects like a \$2.7 million counterterrorism unit or improvements to the state police crime lab to speed the processing of DNA evidence. "They eliminated a counterterrorism capability, they eliminated the expansion of the crime lab and 300 new troopers but they still found money for beach patrols or pet projects."
27. "Supreme Court decision means no new trial for Proctor." The Associated Press State & Local Wire, April 21, 2004.  
The South Carolina Supreme Court reversed an appeals court ruling that the alleged "Lowcountry Rapist" of the early 1990s was improperly denied critical information during his two trials. The ruling will prevent the man, who had two trials in 1998, from getting a new trial. A lower court ruled DNA evidence submitted by a SLED expert at the trial was subject to scrutiny. It was DNA evidence that linked the man to two rapes 13 years ago. He is serving two life sentences for convictions in those cases and is suspected in as many as 27 Lowcountry rapes. Until 2001, SLED did not release the results of crime lab evaluations, saying they could be considered personnel reviews. The Supreme Court found that "for purposes of determining whether (the inmate) was denied a fair trial, we will assume that the undisclosed proficiency tests would have revealed that the SLED DNA lab did not, in fact, have a perfect record." But the court noted that a victim positively identified the man and that police recovered a gun similar to one used in the attack.
28. "State agencies submit legislative wish lists." The Associated Press State & Local Wire, April 21, 2004.  
The Montana Justice Department will propose expanding the offender DNA database to require DNA from all convicted felons.
29. "Grant a key element in case." The Kansas City Star, April 21, 2004.

A federal DNA grant program is credited with allowing police in Kansas City, Missouri to finally identify a serial murder case. Police were not aware that a serial killer was at work until DNA analysis of cold cases revealed 12 women had been murdered by the same person. Further review of the cases revealed the name of a man who had been a suspect in one of the murders. A sample of blood collected from the suspect in 1987 was tested and found to match the DNA found on the murder victims.

30. "DNA Match Leads Police To Suspect In Southeast Portland Rape Last Fall." The Oregonian, April 20, 2004. In Oregon, Portland police say DNA evidence led them to arrest a man on suspicion of raping and robbing a woman at knifepoint outside an elementary last fall. The offender was identified through a cold hit which linked the unsolved crime to a Florida convict.
31. "State should make advances in DNA use." Public Opinion (Chambersburg, PA), April 20, 2004. Editorial on the expansion of the Pennsylvania DNA database to include all convicted felons: "Expanding the use of DNA evidence would be an advance in the criminal justice system; however, lawmakers need to find a way to pay for the testing... Passing a law won't do much good unless the criminal justice system can handle an expansion of testing. State police, for example, have a backlog of 20,000 prisoner DNA samples and 150 samples from active cases that need to be analyzed, spokesman Jack Lewis said. State officials, should they approve the package of bills, also should figure out a way to pay for the work that would be required."
32. "Police And Fire Services Not Cut." The Arizona Republic, March 27, 2004. Phoenix will ax about \$7 million in services and programs from its \$900 million budget this year, but police services are likely to escape cuts. In fact, the crime lab may receive funding to hire five new laboratory technicians at an estimated cost of \$127,000.

#### Genetic Privacy / Research

33. "Technical Report: Life; It's All In The Genes." Reinsurance Magazine, May 1, 2004. In depth look at the potential use of genetic testing in risk assessment for insurance purposes.
34. "Second Phase Of DNA Profiling Of Kutchi Jains." The Times of India, April 24, 2004. In India, a team of three scientists will be in Ahmedabad to collect blood samples of the Kutchi Dassa Oswal (KDO) Jains, a small but highly literate and business community, numbering around 28,000 countrywide. Over the past 30 years, KDOs have found their numbers dwindling. Interestingly, this is the only community in India that maintains a record of its population and has been conducting its own census since 1925. The data maintained by the community, which was also brought to the notice of the Census Commissioner of India, reveal that the growth rate of the KDOs has declined steadily. The team hopes that DNA testing will allow them to trace the reasons for such a drastic decline in population as well as map its susceptibility to certain diseases and disease prevention, especially cardio-vascular disorders.