

## Protecting Public Safety With Arrestee DNA Identification Laws

**ISSUE:** Arrestee DNA identification can solve crime, prevent crime and save lives. Many US citizens are not adequately protected from repeat, violent offenders because of limited state DNA database laws. Failure to pass these laws results in cases remaining unsolved – leaving perpetrators on the street while victims await justice.

### MORGAN HARRINGTON, HANNAH GRAHAM – PREVENTABLE CRIMES



Morgan Harrington



Hannah Graham

While the Harrington murder investigation yielded few clues, the Graham case resulted in a near-immediate suspect identification due to surveillance footage. Once Jesse Matthew was arrested, his DNA was linked to a 2005 rape and to evidence in the Harrington murder. Consider the timeline below:



Matthew's 2009 arrest for felony grand larceny was a missed opportunity to require a DNA sample as part of the felony booking process. Doing so would have linked him to 2005 rape and thereby remove him from the streets prior to the disappearance of Morgan Harrington.

#### Background

- The national DNA database system, called CODIS (Combined DNA Index System), has aided the investigation of more than 219,300 cases. ([www.fbi.gov/about-us/lab/biometric-analysis/codis](http://www.fbi.gov/about-us/lab/biometric-analysis/codis))
- All 50 States require DNA from all convicted felons for inclusion in CODIS. 28 States and Congress have passed laws to require DNA upon arrest for certain felonies. (see map at [www.dnasaves.org](http://www.dnasaves.org)).

#### Solves and Prevents Crime

- **Case studies of 19 offenders in just six States have identified 168 crimes that could have been prevented** by collecting DNA upon felony arrest. ([www.DNASaves.org](http://www.DNASaves.org))
- Since implementation of Proposition 69 in California to require DNA for felony arrests, the state DNA database program has aided more than three times as many investigations (33,028) in the six years since arrestee DNA collection began, as it did in the preceding 25 years combined (8,307). <http://oag.ca.gov/bfs/prop69/faqs>
- New Mexico has made more than 788 matches to 739 arrestees since implementing its law in 2007.

#### Frees the Innocent

- More than 300 individuals have been exonerated through post conviction DNA tests – many were not fully exonerated until after a DNA match was made to another offender. ([www.innocenceproject.org](http://www.innocenceproject.org))
- One of the first matches in New Mexico from DNA arrestee testing exonerated a man awaiting trial for the murder and rape of a child. The match also identified the true killer.

#### Not a privacy intrusion

- The US Supreme Court has that collection of DNA upon felony arrest does not violate the 4<sup>th</sup> amendment. *When officers make an arrest supported by probable cause to hold for a serious offense and they bring the suspect to the station to be detained in custody, taking and analyzing a cheek swab of the arrestee's DNA is, like fingerprinting and photographing, a legitimate police booking procedure that is reasonable under the Fourth Amendment. (King v. Maryland, 2013)*