

HB

49



AMENDMENT #1 - Adopted

TO: HB 49 (WORK DRAFT 23-LS0132\I)

Page 2, lines 20 <sup>through</sup> and 22:

Delete all material and insert:

“tissue sample collected for inclusion in the DNA identification registration system.

(b) In this section “DNA identification registration system” means the deoxyribonucleic acid identification registration system established under AS 44.41.035.

(c) Unlawful use of DNA samples is a class C felony.”

Page 4, line 3:

Delete “subsection” and insert “subsections”

Page 4, after line 7:

Insert the following:

“(m) The Department of Public Safety may not include in the DNA registration system a blood sample, oral sample, or tissue sample of the victim of a crime, unless that person would otherwise be included under (b)(1) - (b)(5) of this section.”

AMENDMENT #2 - Adopted

page 3, line 19, insert a new section:

Sec. 7. AS 44.41.035(f) is amended to read:

(f) The DNA identification registration system is confidential, is not a public record under AS 40.25.110 - 40.25.140, and may be used only for

(1) providing DNA or other blood grouping tests for identification analysis;

(2) law enforcement purposes including criminal investigations and prosecutions;

(3) exoneration of the <sup>innocent</sup> wrongfully convicted;

(4) statistical blind analysis; or

(5)[4] improving the operation of the system.

DNA

AMENDMENT #3 - Adopted

page 1, line 14, following "repeat offenders,":

Insert "the exoneration of innocent persons,"

*MS Working Copy*

23-LS0132VL3  
Luckhaupt  
3/7/03

*New* AMENDMENT # 4 - *Adopted*

OFFERED IN THE HOUSE

BY REPRESENTATIVE GRUENBERG

TO: CSHB 49( ), Draft Version "I"

1 Page 1, line 6:

2 Delete "FINDINGS."

3 Insert "FINDINGS AND INTENT. (a)"

4

5 Page 1, line 12, following "offenders;":

6 Delete "and"

7

8 Page 2, line 1, following "remains":

9 Insert "; and

10 (4) the federal government is ~~reimbursing the state~~ <sup>paying</sup> for most of the  
11 costs of the ~~current~~ DNA identification registration system ~~and will reimburse the state~~  
12 ~~for most of the costs of the DNA identification registration system as the system is~~  
13 ~~expanded by this Act.~~

14 (b) The legislature ~~intends to~~ <sup>may</sup> reexamine the DNA identification registration  
15 system and its expansion by this Act if the federal government ~~eliminates or reduces~~ <sup>eliminates or</sup>  
16 the level of funding it provides ~~the state~~

17

18 Page 4, following line 24:

19 Insert a new bill section to read:

20 **\* Sec. 13.** The uncodified law of the State of Alaska is amended by adding a new section  
21 to read:

22 **INSTRUCTION TO COMMISSIONER OF PUBLIC SAFETY.** The commissioner of  
23 public safety shall notify the president of the senate and the speaker of the house of

1 representatives if, at any time after the effective date of sec. 1 of this Act, the federal  
2 government fails to ~~reimburse the state for most of~~ <sup>pay</sup> the costs of the DNA identification  
3 registration system." ~~pay~~ <sup>pay</sup>

4

5 Renumber the ~~following~~ bill sections accordingly.

6

7 Page 4, line 26:

8 Delete "sec. 13"

9 Insert "sec. 14"

**Subject: Re: HB 49**

**Date: Wed, 05 Mar 2003 09:57:13 -0900**

**From: Josh Applebee <Josh\_Applebee@Legis.state.ak.us>**

**Organization: Alaska State Legislature**

Yes, so sorry to be tardy with this. I believe we will be looking at a hearing next week. Thanks.

-Josh Applebee

The following are some differences between HB 49 and the work draft:

- 1/ The work draft makes it a crime (violating an order to submit to DNA testing) to fail to give a sample if you are required to do so as a sex offender (the work draft adds persons required to register as a sex offender to those who must give a sample for inclusion in the DNA registration system);
- 2/ HB 49 clarifies that a juvenile adjudicated a delinquent and required to submit a sample commits the crime (violating an order to submit to DNA testing) if the juvenile refuses to give a sample;
- 3/ The work draft raises the penalty for violating an order to submit to DNA testing from a class A misdemeanor to a class C felony;
- 4/ The work draft proposes a new crime, Unlawful use of DNA samples, a class C felony. The rationale is to protect a person's privacy. The DNA registration system only tests DNA for identification purposes. It does not obtain family history, propensity for disease, and other information. The system does keep the samples for verification in case of a match. The new crime is to discourage any unlawful use of the samples;
- 5/ Both expand the registration system to include samples from persons convicted of felonies (the work draft only includes felonies in Title 11 and AS 28.35 [DWI, Refusal]), and misdemeanor crimes against a person (e.g. assault in the fourth degree). The work draft, however, also specifically includes other DNA evidence, such as crime scene evidence, samples from voluntary donors, anonymous donors, and persons required to register as sex offenders. The work draft also allows obtaining DNA from tissue samples, to allow testing on unidentified body parts that may not have blood or saliva to test;
- 6/ Both allow testing of persons convicted of crimes before passage of the bill. HB 49 allows testing on persons still in state custody. The work draft also allows testing on persons who are on supervised release (probation or parole) after a conviction, and persons under supervision from another jurisdiction (from an interstate corrections or probation agreement), if the person would have been required to give a sample here.

>

23-LS0132U  
Luckhaupt  
3/3/03

**CS FOR HOUSE BILL NO. 49( )**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**TWENTY-THIRD LEGISLATURE - FIRST SESSION**

**BY**

**Offered:**  
**Referred:**

**Sponsor(s): REPRESENTATIVES ANDERSON AND HAWKER, Holm, Samuels, Lynn, Kookesh, Wolf, Wilson, Weyhrauch, Gatto, Seaton**

**A BILL**  
**FOR AN ACT ENTITLED**

1 **"An Act relating to the deoxyribonucleic acid (DNA) identification registration system**  
2 **and testing; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6 **FINDINGS.** The legislature finds that

7 (1) the deoxyribonucleic acid (DNA) identification registration system is an  
8 important tool in the investigation of crime, both in excluding innocent persons and in  
9 detecting repeat offenders;

10 (2) the inclusion of DNA samples from all persons who are convicted of a  
11 crime against another person or of any felony under AS 11 or AS 28.35 will greatly assist law  
12 enforcement agencies in solving crimes and detecting repeat offenders; and

13 (3) cooperation between the state and other criminal justice agencies improves  
14 the detection of repeat offenders, the location of missing persons, and the identification of

1 unknown human remains.

2 \* Sec. 2. AS 11.56.760(a) is amended to read:

3 (a) A person commits the crime of violating an order to submit to DNA testing  
4 if, when requested by a health care professional acting on behalf of the state to provide  
5 a blood sample, oral sample, or both, or when requested by a juvenile or adult  
6 correctional, probation, or parole officer or a peace officer to provide an oral sample,  
7 the person refuses to provide the sample or samples and the person [HAS BEEN]

8 (1) has been ordered to submit to DNA testing as part of a sentence  
9 imposed under AS 12.55.015; [OR]

10 (2) has been convicted of an offense that requires DNA testing under  
11 the provisions of AS 44.41.030; or

12 (3) is required to register as a sex offender under AS 12.63.

13 \* Sec. 3. AS 11.56.760(c) is amended to read:

14 (c) Violating an order to submit to DNA testing is a class C felony [A  
15 MISDEMEANOR].

16 \* Sec. 4. AS 11.56 is amended by adding a new section to read:

17 **Sec. 11.56.762. Unlawful use of DNA samples.** (a) A person commits the  
18 crime of unlawful use of DNA samples if the person knowingly, without authorization  
19 under AS 44.41.035, possesses or allows another person access to a blood, oral, or  
20 tissue sample collected for inclusion or identification data or a record included in the  
21 deoxyribonucleic acid identification registration system under AS 44.41.035.

22 (b) Unlawful use of DNA samples is a class C felony.

23 \* Sec. 5. AS 44.41.035(b) is amended to read:

24 (b) The Department of Public Safety shall collect for inclusion into the DNA  
25 registration system a blood sample, oral sample, or both, from (1) a person convicted  
26 of a crime against a person [, (2) A PERSON CONVICTED OF BURGLARY] or a  
27 felony under AS 11 or AS 28.35, (2) [ATTEMPT TO COMMIT BURGLARY, AND  
28 (3)] a minor 16 years of age or older, adjudicated as a delinquent for an act that would  
29 be a crime against a person [, A BURGLARY,] or a felony under AS 11 or AS 28.35  
30 [ATTEMPT TO COMMIT BURGLARY], if committed by an adult, (3) a voluntary  
31 donor, (4) an anonymous DNA donor for use in forensic validation. forensic

1 protocol development, quality control, or population or statistical data bases, and  
2 (5) a person required to register as a sex offender under AS 12.63. That  
3 department also may collect for inclusion into the DNA registration system a  
4 blood sample, oral sample, or tissue sample from crime scene evidence or from an  
5 unidentified person or body part. The DNA identification registration system  
6 consists of the blood, [OR] oral, or tissue samples drawn under this section, any DNA  
7 or other blood grouping tests done on those samples, and the identification data related  
8 to the samples or tests. Blood samples, [AND] oral samples, and tissue samples  
9 [FROM PERSONS] not subject to testing under this section, and test or identification  
10 data related to those samples, may not be entered into, or made a part of, the DNA  
11 identification registration system.

12 \* Sec. 6. AS 44.41.035(c) is amended to read:

13 (c) The Department of Public Safety may [PROVIDE]

14 (1) analyze DNA for [ANALYSIS SERVICES TO] law enforcement  
15 agencies [THROUGHOUT THE STATE]; and

16 (2) assist [ASSISTANCE TO] law enforcement officials and  
17 prosecutors in the preparation and use [UTILIZATION] of DNA evidence for  
18 presentation in court.

19 \* Sec. 7. AS 44.41.035(j)(1) is amended to read:

20 (1) "crime against a person" means an [A FELONY] offense, or an [A  
21 FELONY] attempt or solicitation to commit an offense, under AS 11.41 [, OTHER  
22 THAN AS 11.41.320, OR UNDER AS 11.46.400];

23 \* Sec. 8. AS 44.41.035(j) is amended by adding a new paragraph to read:

24 (3) "convicted" means that an adult, or a juvenile charged as an adult  
25 under AS 47.12 or a similar procedure in another jurisdiction, has entered a plea of  
26 guilty, guilty but mentally ill, or nolo contendere, or has been found guilty, or guilty  
27 but mentally ill, by a court or jury, regardless of whether the judgment was set aside  
28 under AS 12.55.085 or a similar procedure in another jurisdiction or was the subject of  
29 a pardon or other executive clemency; a person is not "convicted" if the judgment  
30 against the person was reversed or vacated by a court.

31 \* Sec. 9. AS 44.41.035 is amended by adding a new subsection to read:

1 (k) The Department of Public Safety may adopt regulations to carry out the  
2 purposes of this section.

3 \* **Sec. 10.** AS 44.41.035 is amended by adding a new subsection to read:

4 (l) The provisions of this section apply to a person from another state that this  
5 state has accepted under any interstate corrections or probation agreement or compact,  
6 regardless of whether the person is confined or released, if the person was convicted of  
7 an offense that is similar to an offense described in (b) of this section.

8 \* **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to  
9 read:

10 **APPLICABILITY.** The changes made by this Act apply to

11 (1) all convictions or adjudications of delinquency included under  
12 AS 44.41.035(b), as amended by sec. 5 of this Act, that

13 (A) occur on or after the effective date of sec. 5 of this Act;

14 (B) occurred before the effective date of sec. 5 of this Act if the person  
15 is incarcerated or is under supervised probation or parole for the offense on or after the  
16 effective date of sec. 5 of the Act; and

17 (2) all persons required to register as a sex offender under AS 12.63 before,  
18 on, or after the effective date of sec. 5 of this Act.

19 \* **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to  
20 read:

21 **TRANSITION: REGULATIONS.** The Department of Public Safety may proceed to  
22 adopt regulations necessary to carry out the changes made by secs. 5 - 8 and 10 of this Act.  
23 The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the  
24 effective date of the statutory changes.

25 \* **Sec. 13.** Sections 9 and 12 of the Act take effect immediately under AS 01.10.070(c).

26 \* **Sec. 14.** Except as provided in sec. 13 of this Act, this Act takes effect July 1, 2003.

**CS FOR HOUSE BILL NO. 49(JUD)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-THIRD LEGISLATURE - FIRST SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVES ANDERSON AND HAWKER, Holm, Samuels, Lynn, Kookesh, Wolf, Wilson, Weybrauch, Gatto, Seaton, Heinze**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the deoxyribonucleic acid (DNA) identification registration system**  
2 **and testing; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6 **FINDINGS.** The legislature finds that

7 (1) the deoxyribonucleic acid (DNA) identification registration system is an  
8 important tool in the investigation of crime, both in excluding innocent persons and in  
9 detecting repeat offenders;

10 (2) the inclusion of DNA samples from all persons who are convicted of a  
11 crime against another person or of any felony under AS 11 or AS 28.35 will greatly assist law  
12 enforcement agencies in solving crimes and detecting repeat offenders;

13 (3) cooperation between the state and other criminal justice agencies improves  
14 the detection of repeat offenders, the exoneration of innocent persons, the location of missing

1 persons, and the identification of unknown human remains; and

2 (4) the federal government is paying the costs of the DNA identification  
3 registration system.

4 \* **Sec. 2.** AS 11.56.760(a) is amended to read:

5 (a) A person commits the crime of violating an order to submit to DNA testing  
6 if, when requested by a health care professional acting on behalf of the state to provide  
7 a blood sample, oral sample, or both, or when requested by a juvenile or adult  
8 correctional, probation, or parole officer or a peace officer to provide an oral sample,  
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13 the provisions of AS 44.41.030; or

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18 \* **Sec. 4.** AS 11.56 is amended by adding a new section to read:

19 **Sec. 11.56.762. Unlawful use of DNA samples.** (a) A person commits the  
20 crime of unlawful use of DNA samples if the person knowingly, without authorization  
21 under AS 44.41.035, possesses or allows another person access to

22 (1) a blood, oral, or tissue sample collected for inclusion in the  
23 deoxyribonucleic identification registration system under AS 44.41.035; or

24 (2) identification data or records derived from those samples.

25 (b) Unlawful use of DNA samples is a class C felony.

26 \* **Sec. 5.** AS 44.41.035(b) is amended to read:

27 (b) The Department of Public Safety shall collect for inclusion into the DNA  
28 registration system a blood sample, oral sample, or both, from (1) a person convicted  
29 of a crime against a person [, (2) A PERSON CONVICTED OF BURGLARY] or a  
30 felony under AS 11 or AS 28.35, (2) [ATTEMPT TO COMMIT BURGLARY, AND  
31 (3)] a minor 16 years of age or older, adjudicated as a delinquent for an act that would

1 be a crime against a person [, A BURGLARY,] or a felony under AS 11 or AS 28.35  
2 [ATTEMPT TO COMMIT BURGLARY], if committed by an adult, (3) a voluntary  
3 donor. (4) an anonymous DNA donor for use in forensic validation, forensic  
4 protocol development, quality control, or population or statistical data bases, and  
5 (5) a person required to register as a sex offender under AS 12.63. That  
6 department also may collect for inclusion into the DNA registration system a  
7 blood sample, oral sample, or tissue sample from crime scene evidence or from an  
8 unidentified person or body part. The DNA identification registration system  
9 consists of the blood, [OR] oral, or tissue samples drawn under this section, any DNA  
10 or other blood grouping tests done on those samples, and the identification data related  
11 to the samples or tests. Blood samples, [AND] oral samples, and tissue samples  
12 [FROM PERSONS] not subject to testing under this section, and test or identification  
13 data related to those samples, may not be entered into, or made a part of, the DNA  
14 identification registration system.

15 \* Sec. 6. AS 44.41.035(c) is amended to read:

16 (c) The Department of Public Safety may [PROVIDE]

17 (1) analyze DNA for [ANALYSIS SERVICES TO] law enforcement  
18 agencies [THROUGHOUT THE STATE]; and

19 (2) assist [ASSISTANCE TO] law enforcement officials and  
20 prosecutors in the preparation and use [UTILIZATION] of DNA evidence for  
21 presentation in court.

22 \* Sec. 7. AS 44.41.035(f) is amended to read:

23 (f) The DNA identification registration system is confidential, is not a public  
24 record under AS 40.25.110 - 40.25.140, and may be used only for

25 (1) providing DNA or other blood grouping tests for identification  
26 analysis;

27 (2) law enforcement purposes including criminal investigations and  
28 prosecutions;

29 (3) statistical blind analysis; [OR]

30 (4) improving the operation of the system; or

31 (5) exoneration of the innocent.

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(1) "crime against a person" means an [A FELONY] offense, or an [A FELONY] attempt or solicitation to commit an offense, under AS 11.41 [, OTHER THAN AS 11.41.320, OR UNDER AS 11.46.400];

\* Sec. 9. AS 44.41.035(j) is amended by adding a new paragraph to read:

(3) "convicted" means that an adult, or a juvenile charged as an adult under AS 47.12 or a similar procedure in another jurisdiction, has entered a plea of guilty, guilty but mentally ill, or nolo contendere, or has been found guilty, or guilty but mentally ill, by a court or jury, regardless of whether the judgment was set aside under AS 12.55.085 or a similar procedure in another jurisdiction or was the subject of a pardon or other executive clemency; a person is not "convicted" if the judgment against the person was reversed or vacated by a court.

\* Sec. 10. AS 44.41.035 is amended by adding a new subsection to read:

(k) The Department of Public Safety may adopt regulations to carry out the purposes of this section.

\* Sec. 11. AS 44.41.035 is amended by adding new subsections to read:

(l) The provisions of this section apply to a person from another state that this state has accepted under any interstate corrections or probation agreement or compact, regardless of whether the person is confined or released, if the person was convicted of an offense that is similar to an offense described in (b) of this section.

(m) The Department of Public Safety may not include in the DNA registration system a blood sample, oral sample, or tissue sample of the victim of a crime, unless that person would otherwise be included under (b)(1) - (5) of this section.

\* Sec. 12. The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. The changes made by this Act apply to

(1) all convictions or adjudications of delinquency included under AS 44.41.035(b), as amended by sec. 5 of this Act, that

(A) occur on or after the effective date of sec. 5 of this Act;

(B) occurred before the effective date of sec. 5 of this Act if the person is incarcerated or is under supervised probation or parole for the offense on or after the

1 effective date of sec. 5 of the Act; and

2 (2) all persons required to register as a sex offender under AS 12.63 before,  
3 on, or after the effective date of sec. 5 of this Act.

4 \* Sec. 13. The uncodified law of the State of Alaska is amended by adding a new section to  
5 read:

6 TRANSITION: REGULATIONS. The Department of Public Safety may proceed to  
7 adopt regulations necessary to carry out the changes made by secs. 5 - 9 and 11 of this Act.  
8 The regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the  
9 effective date of the statutory changes.

10 \* Sec. 14. The uncodified law of the State of Alaska is amended by adding a new section to  
11 read:

12 INSTRUCTION TO COMMISSIONER OF PUBLIC SAFETY. The commissioner of  
13 public safety shall notify the president of the senate and the speaker of the house of  
14 representatives if, at any time after the effective date of sec. 1 of this Act, the federal  
15 government fails to pay the costs of the DNA identification registration system.

16 \* Sec. 15. Sections 10 and 13 of this Act take effect immediately under AS 01.10.070(c).

17 \* Sec. 16. Except as provided in sec. 15 of this Act, this Act takes effect July 1, 2003.

Rep. Holly

# AMENDMENT #5

Withdrawn

P. 3, Lines 2

Sec. 7. (line 21 and 22) After: "under AS 11.41" retain "OTHER THAN AS 11.41.320, OR UNDER AS 11.41.400; and add "OR AS 11.41.230, OR AS 11.41.270, OR 11.41.370, OR AS 11.41.250";

new laws - amendments

11.41.230 Assault in the 4<sup>th</sup> Degree

11.41.330 Custodial interference in the 2<sup>nd</sup> degree

11.41.250 Reckless endangerment

11.41.270 Stalking in the 2<sup>nd</sup> degree

# DNA and CODIS Update

February 2003

# Biological Testing at the Alaska Crime Laboratory

- 1982      Blood and Semen Identification
- 1987      ABO Typing    1 in 20
- 1992      DQ-alpha Typing 1 in 100
  
- PCR = Polymerase Chain Reaction  
(sufficient copies of DNA are amplified)

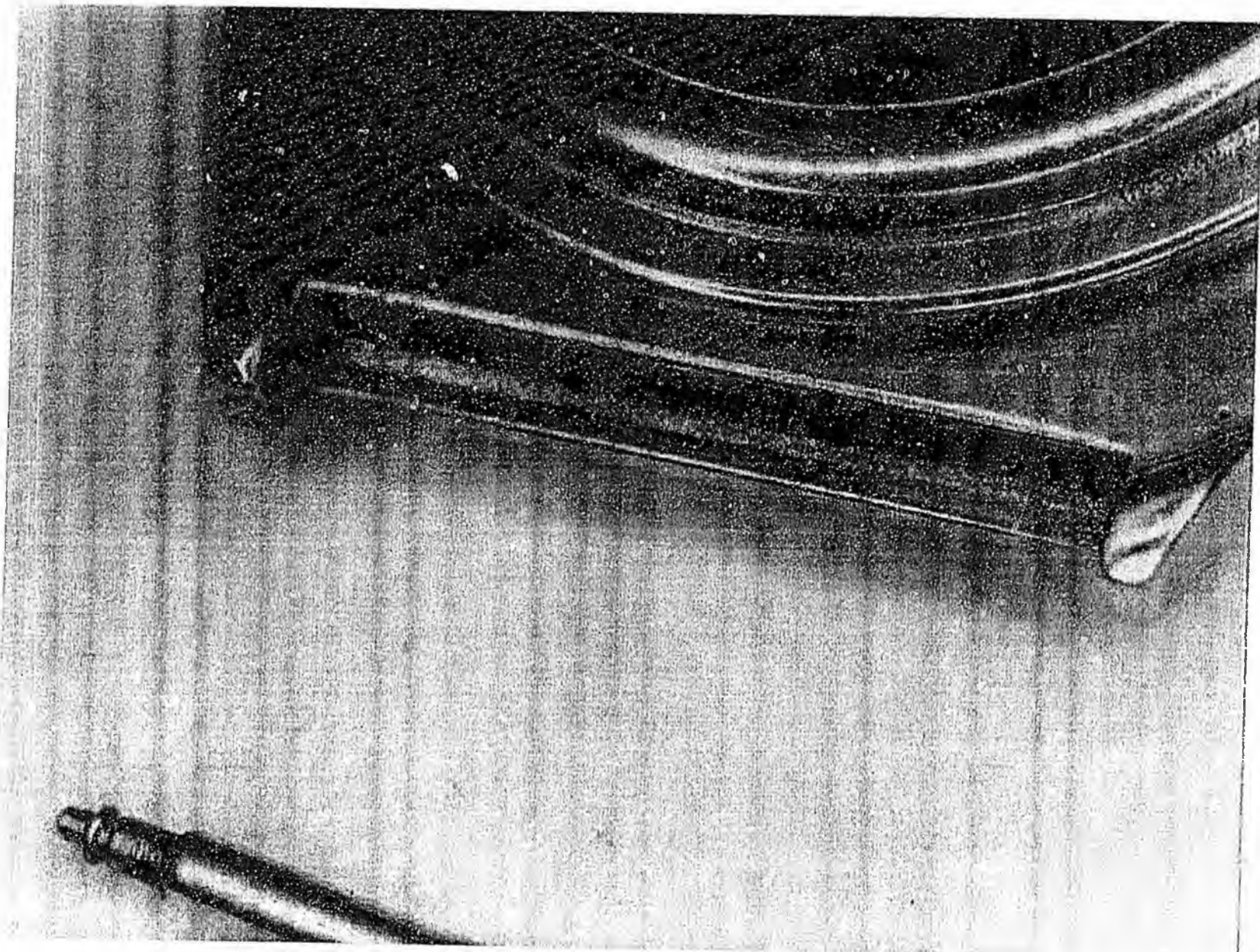


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Item # 72

Suspect's Watch

ALASKA SCIENTIFIC CRIME DETECTION LABORATORY



# Biological Testing at the Alaska Crime Laboratory

- 1982 Blood and Semen Identification
- 1987 ABO Typing 1 in 20
- 1992 DQ-alpha Typing 1 in 100
- 1996 Polymarker Typing 1 in 1000
- 1999 STR Typing  
1 in 2,111,000,000,000,000,000

# STR

## Short Tandem Repeat

1997 13 Core Loci Selected by FBI

Consistent Technology to Allow Comparisons

# Alaska's DNA Registration System

- AS 44.41.035 Directs DPS to establish a DNA registration system
- Individuals convicted of a felony crime against a person after January 1, 1996 must provide a blood or oral sample
- Burglary added as a qualifying conviction in September 2001

# CODIS

## Combined DNA Index System

- Convicted Offender
- Forensic (crime scene evidence)

# CODIS

- IDENTIFY SUSPECTS

Compare DNA profiles from unknown crime scene evidence to convicted offender DNA profiles obtained locally and nationally.

- LINK CASES

Compare unknown DNA profiles collected as evidence from various crime scenes.

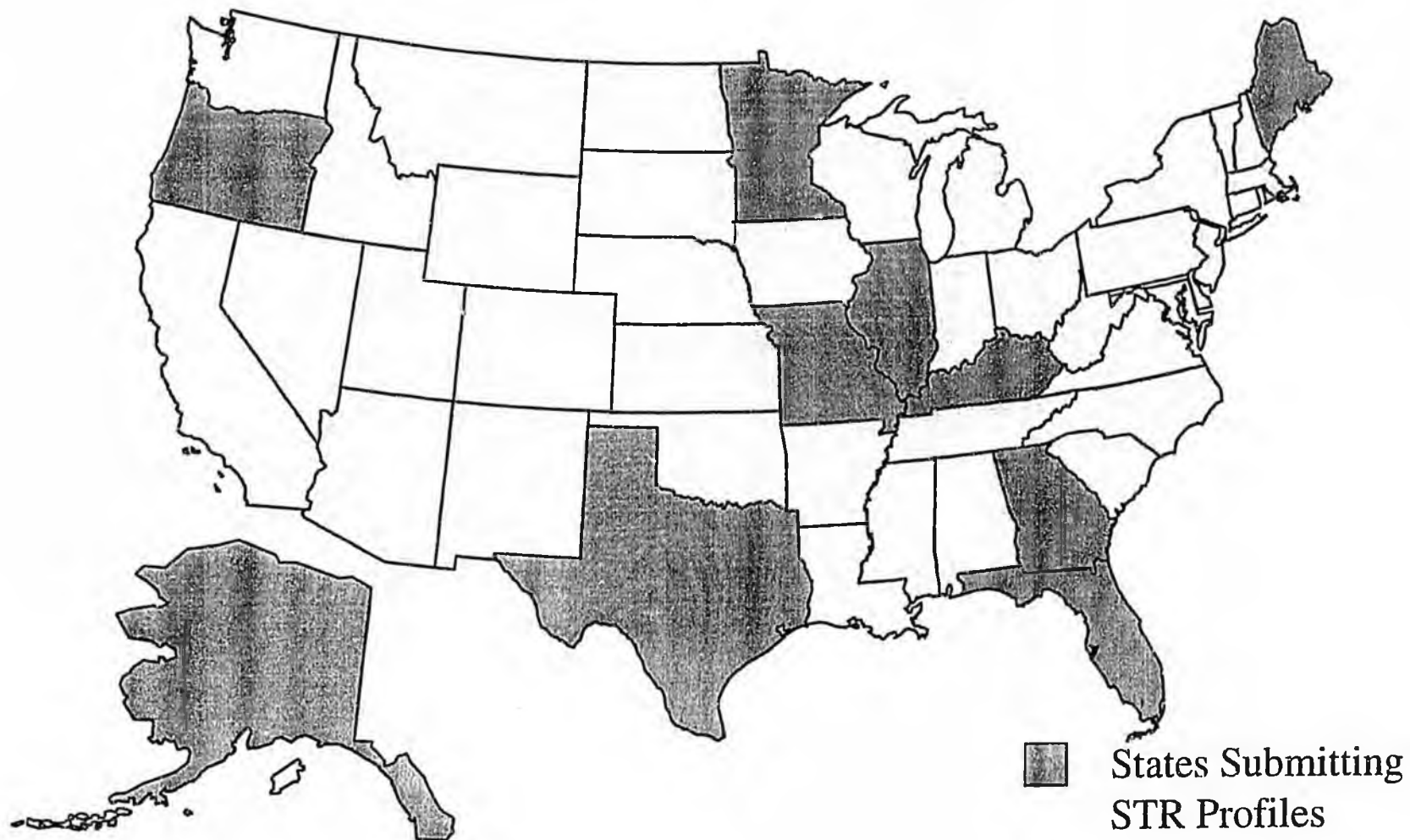
# CODIS

- State DNA Index System
- National DNA Index System (NDIS)  
NDIS opened October 13, 1998

# National DNA Index System

States Submitting STR Profiles to NDIS

October 1999 - 10 States



# NDIS Status

## October 1999

- 20,155 Offender STR profiles
- 1,722 Forensic STR profiles
  
- 10 States



This job requires more memory than is available in this printer.

Try one or more of the following, and then print again:

For the output format, choose Optimize For Portability.

In the Device Settings page, make sure the Available PostScript Memory is accurate.

Reduce the number of fonts in the document.

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Color	Notes	Year	Producer and Wine
red	old style tempranillo	1995	Palacio del Conde Grande Reserve
red	sweet american oak	1997	Antano Crianza
red	best value tempranillo	1997	Pergolas Tempranillo Old Vines
red	leafy, herbal character	1998	Veramonte Cabernet Sauvignon
red	rich and smooth, cherry	1999	Calderona Crianza
red	dense, 100% Mourvedre	1999	Castano Monastrell
red	rich cab sauv	1999	Ch. Magneau Ridge
red	balanced, good length	1999	Ironstone Cabernet Franc
red	dense tannat fruit	1999	Lafitta-Teston Madiran
red	smooth, sweet oak flavor	1999	Lorinon Tinto
red	smooth and rich grenach	1999	Mas de Chimeres Coteaux de Lang
red	big, bold fruit, spice	1999	Monte Antico Rosso
red	""Special Request	1999	Montes Cabernet Sauvignon
red	vanilla, cola, red cherry	1999	Montinore Pinot Noir Reserve
red	sweet style grenache	1999	Oupia Minervous Les Barons
red	spicy and rich	1999	Pierre Bise Gamay Anjou
red	pleasant cherry flavor	1999	Vill Puccini Sanglovesse/Merlot
red	volcanic, raisiny	1999	Villa Tonino Nero d'Avola
red	rock bottom price, good	1999	Willow Glen Shiraz-Cabernet
red	Mostly Syrah, nice	2000	Abundance Red
red	lighter bodied	2000	Amoux Cote du Rhone
red	dark fruit flavors, dry	2000	Arnaldo-Caprai Poggio Belvedere
red	well priced Priorat	2000	Bul y Gine "Gine Gine"
red	cassis fruit, smooth	2000	Cabernet Sauvignon
red	merlot/cab/cab franc bl	2000	Ch. Toulouze Graves de Vayres
red	earthy, dark berry flavor	2000	Chanteleuserie Bourgueil
red	best value WA merlot	2000	Columbia Crest Two Vines Merlot
red	tempranillo blend	2000	Condice Red Wine
red	dense, heady, powerful	2000	Conssegues Carignane W.
red	grenache, syrah, mourved	2000	D'Arenburg Stump Jump
red	nice portugesse blend	2000	DFJ Touriga National/Francesca
red	spicy syrah	2000	Dom. Claimonts Crozes-Hermitage
red	great value cab	2000	Eschol Ranch Cabernet Sauvignon
red	dense lively fruit	2000	Grand Arte Touiga Franca Tinto
red	smooth and flavorful	2000	Heron Merlot
red	peppery, dark fruit	2000	Jaboulet Cotes du Rhone Parallel #45
red	structured, black fruits	2000	Jean-Luc Columbo Syrah la Violette
red	country style blend	2000	Joso Portugal Ramos Tamara
red	med berry flavor, smooth	2000	Kiona Cabernet/Merlot
red	merlot styled wine	2000	La Sorte Valpolicell
red	always a favorite	2000	Luc Piriet Merlot
red	chocolate, cherry fruit	2000	Maryhill Rediviva
red	fruity style barbera, good	2000	Mattei Barbera
red	medium body, herbal fruit	2000	Mission Hill Cab Sauv/Merlot
red	grenache, syrah blend	2000	Perrin Rouge Reserve

red	merlot and syrah, spice	2000	Pesquier Valcluse
red	spicy grenache	2000	Pesque Cuvee Terrasses
red	great price, lush wine	2000	Renwood Sierra Zinfandel
red	solid, rich merlot	2000	Sageland Merlot
red	solid, dense sanglovese	2000	Salcheto Rossa di Montilcino
red	100% sanglovese	2000	Sasetti Il Ginepro
red	ripe and fruity pinot	2000	Sebastiani Pinot Noir Sonoma Coast
red	always a tasty bargain	2000	Segries Lirac
red	Sangrantino, cab., merlot	2000	Terra di Trinci Cajo
red	light and clean, fresh	2000	Terres Doress Beaujolais Ancien
red	refined and rich	2000	Trignon Sablet
red	Mourvedre, merlot, bac	2000	Viret VDP Solstice
red	zinfandel-like, plummy	2001	A-Mario Primativo
red	solid smooth sanglovese	2001	Bonfio Chianti Colli Senesi
red	best blend yet, big full	2001	Bonny Doon Big House Red
red	herbal cab franc	2001	breton Bourgueil "trinch!"
red	very good pinot	2001	Castlerock Pinot Noir
red	rustic, spicy, round flavor	2001	Ch. Hautes-Ribes Vacqueyas
red	full bodied malbec, organic	2001	Clos Roche Blanche Cot
red	merlot style of wine	2001	Concha Y Toro Diable Carmeriere
red	cassis flavors, tabacco	2001	Crios de Susam Cabernet Sauvignon
red	lively, dark berry flavor	2001	Di Majo Sanflovese
red	great value gamay	2001	Droughin Beajolais Villages
red	plush raspberry flavor	2001	Duboeuf Merlot
red	dry, fruity, fun wine	2001	Dupeuble Beajolais
red	med. Body, flavorful	2001	Grand Veneur Cotes du Rhone
red	2 great values from FSA	2001	Hamilton Cellers Shiraz
red	med body, dark berry	2001	Kermit Lynch Cotes du Rhone
red	smooth rioja	2001	Labastida Rioja Simi Crianza
red	fullbody, spicy fruit	2001	Madfish Shiraz
red	juicy and fresh	2001	Poggio Romita Chianti Colli Fiorentini
red	asian spice, cherry	2001	Roggeri Coreini Dolceto d'Alba
red	deep discount price	2001	Thorn-Clarke Cabernet Sauvignon
red	nice table wine	2001	Tortoise Creek Merlot/Cab. Sauv.
red	clean, bright, med body	2001	Valle Dell Asso
red	great value grigio	2001	Villa del Borgo Pinot Grigio
red	grenache, syrah blend	2001	Vina alarba Old Vines Grenache
red	best selling meritage	2001	Watc:brook Melange
red	plum, pepper oak	2001	Wyndham Shiraz Bin 555
red	goo value cab	2002	Penfold's Cab Sauv Rawson's Retreat
red	bright fruit, med. Body	2002	Yellow Tail Shiraz
red	cali field blend	-	NV Boeger Hangtown Red
red	deep price decrease	-	Thomas Mitchell Cab/Shiraz, Shiraz
red	deep price decrease	-	NV Sparr Marquis de Periode
Sparkling	nice bubbly		
white	peachy, tropical	2000	Airlie Pinot Gris
white	oak, nectarine, apple	2000	Ch. St. Jean Chardonnay

white	crisp and nutty	2000	La Lastra Vernaccia di San Gimignano
white	vanilla, buttery	2000	Lockwood Chardonnay
white	crisp pears and citrus	2000	Maryhill Sauvignon Blanc
white	shop favorite	2001	Anselmi Soave
white	fruit driven, smokey	2001	Barnard Friffin Fume Blanc
white	light, fresh, dry	2001	Bornos Verdejo
white	semillion, sauv. Blanc	2001	Ch. Magneau
white	Lively fruit, melony	2001	Cortenova Pinot Grigio
white	crisp chardannay	2001	Droughin Macon-Villages
white	light and fruity	2001	Kris Pinot Grigio
white	lively fruit, peach flavors	2001	La Sorte Soave Classico
white	very dry, shellfish wine	2001	l'Ecu Muscadet sur lie
white	light and fresh	2001	L'Encert Vino Blanco
white	tropical fruit flavors	2001	Lurton Viognier
white	spice, apple, pear	2001	Montinore Pinot Gris
white	gooseberry, herbal flavors	2001	Selaks Saubignon Blanc
white	tropical flavors, crisp acid	2001	Terte du Launay Entre-Deux-Mers
white	floral, rich, very tasty	2001	Valminor Albarino
white	melon, peach citrus	2001	Waterbrook Chardannay
white	2 great values from FSA	2002	Hamilton Cellers Savignon Blanc

Region	\$/Bottle	\$/Case
Valencia, Spain	\$ 7.00	\$ 84.00
Rioja, Spain	\$ 7.00	\$ 84.00
Valdepenas, Spain	\$ 5.25	\$ 63.00
Chile	\$ 7.00	\$ 84.00
Cigales, Spain	\$ 8.00	\$ 96.00
Spain	\$ 8.00	\$ 96.00
Graves, France	\$ 13.25	\$ 159.00
California	\$ 8.00	\$ 96.00
France	\$ 8.75	\$ 105.00
Rioja, Spain	\$ 9.75	\$ 117.00
Langeudoc, France	\$ 10.50	\$ 126.00
Tuscany, Italy	\$ 7.50	\$ 90.00
Chile	\$ 8.50	\$ 102.00
Williamette Valley, Or	\$ 14.25	\$ 171.00
Langeudoc, France	\$ 10.50	\$ 126.00
Loire, France	\$ 8.75	\$ 105.00
Italy	\$ 8.00	\$ 96.00
Sicily, Italy	\$ 5.25	\$ 63.00
Australia	\$ 4.50	\$ 54.00
California	\$ 10.50	\$ 126.00
Rhone, France	\$ 6.25	\$ 75.00
Umbria, Italy	\$ 10.50	\$ 126.00
Priorat, Spain	\$ 12.25	\$ 147.00
Columbia Valley, WA	\$ 8.75	\$ 105.00
Bordeaux, France	\$ 8.75	\$ 105.00
Loire, France	\$ 9.75	\$ 117.00
Washington	\$ 7.50	\$ 90.00
Spain	\$ 7.00	\$ 84.00
VDP, France	\$ 7.00	\$ 84.00
Australia	\$ 8.75	\$ 105.00
Estremadura, Portugal	\$ 8.75	\$ 105.00
Rhone, France	\$ 12.25	\$ 147.00
California	\$ 8.00	\$ 96.00
Estremadura, Portugal	\$ 8.75	\$ 105.00
VDP, France	\$ 8.75	\$ 105.00
Rhone, France	\$ 8.00	\$ 96.00
VDP, France	\$ 7.00	\$ 84.00
Ribatejo, Portugal	\$ 6.25	\$ 75.00
Washington	\$ 8.75	\$ 105.00
Vento, Italy	\$ 7.50	\$ 90.00
VDP, France	\$ 8.00	\$ 96.00
Washington	\$ 10.50	\$ 126.00
Piedmont, Italy	\$ 7.00	\$ 84.00
B.C. Canada	\$ 8.75	\$ 105.00
VDP, France	\$ 8.75	\$ 105.00

VDP, France	\$ 7.00	\$ 84.00
VDP, France	\$ 8.75	\$ 105.00
California	\$ 8.75	\$ 105.00
Washington	\$ 10.00	\$ 120.00
Tuscany, Italy	\$ 12.25	\$ 147.00
Tuscany, Italy	\$ 9.75	\$ 117.00
Sonoma, California	\$ 11.50	\$ 138.00
Rhone, France	\$ 8.75	\$ 105.00
Umbria, Italy	\$ 11.50	\$ 138.00
Beajolais, France	\$ 8.75	\$ 105.00
Rhone, France	\$ 13.25	\$ 159.00
Rhone, France	\$ 8.00	\$ 96.00
Apulia, Italy	\$ 7.00	\$ 84.00
Tuscany, Italy	\$ 7.00	\$ 84.00
California	\$ 8.00	\$ 96.00
Loire, France	\$ 10.50	\$ 126.00
Carneros, California	\$ 8.75	\$ 105.00
Rhone, France	\$ 9.75	\$ 117.00
France	\$ 9.75	\$ 117.00
Chile	\$ 8.75	\$ 105.00
Mendoza, Argentina	\$ 11.25	\$ 135.00
Italy	\$ 6.25	\$ 75.00
Beajolais, France	\$ 7.00	\$ 84.00
VDP, France	\$ 5.25	\$ 63.00
Beajolais, France	\$ 10.50	\$ 126.00
Rhone, France	\$ 7.00	\$ 84.00
South Africa	\$ 5.50	\$ 66.00
Rhone, France	\$ 9.75	\$ 117.00
Rioja, Spain	\$ 5.25	\$ 63.00
Western Australia	\$ 13.25	\$ 159.00
Tuscany, Italy	\$ 8.00	\$ 96.00
Piedmont, Italy	\$ 10.50	\$ 126.00
Barossa, Australia	\$ 5.25	\$ 63.00
VDP, France	\$ 6.25	\$ 75.00
Salento, Italy	\$ 5.25	\$ 63.00
Italy	\$ 8.75	\$ 105.00
Navarra, Spain	\$ 6.25	\$ 75.00
Washington	\$ 9.75	\$ 117.00
SE Australia	\$ 7.50	\$ 90.00
Australia	\$ 6.75	\$ 81.00
Australia	\$ 5.28	\$ 63.00
California	\$ 7.00	\$ 84.00
Australia	\$ 6.25	\$ 75.00
Loire, France	\$ 8.75	\$ 105.00
Oregon	\$ 8.75	\$ 105.00
Sonoma, California	\$ 9.25	\$ 111.00

Tuscany, Italy	\$ 6.25	\$ 75.00
California	\$ 8.75	\$ 105.00
Washington	\$ 8.75	\$ 105.00
Italy	\$ 8.75	\$ 105.00
Washington	\$ 7.50	\$ 90.00
Rueda, Spain	\$ 8.75	\$ 105.00
Graves, France	\$ 8.75	\$ 105.00
Veneto, Italy	\$ 7.00	\$ 84.00
Macon, France	\$ 8.00	\$ 96.00
Friuli, Italy	\$ 8.75	\$ 105.00
Vento, Italy	\$ 6.25	\$ 75.00
Loire, France	\$ 8.75	\$ 105.00
Spain	\$ 5.25	\$ 63.00
VDP, France	\$ 6.25	\$ 75.00
Williamette Valley, Or	\$ 8.75	\$ 105.00
Marlborough, New Zealand	\$ 12.25	\$ 147.00
Bordeaux, France	\$ 7.00	\$ 84.00
Rias Baizas, Spain	\$ 11.25	\$ 135.00
Washington	\$ 8.75	\$ 105.00
South Africa	\$ 5.50	\$ 66.00

# ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA

## MEMORANDUM

DATE: March <sup>20</sup> 17, 2003  
TO: Juanita Hensley, DPS  
FROM: Rep. Les Gara  
RE: HB 49 – DNA database

---

A handwritten signature in black ink, appearing to be "Les Gara", followed by a horizontal line.

Thanks for attending last Wednesday's Judiciary Committee meeting. Our office has a question we'd ask you to look into so we can determine whether there is a need for a legislative response.

As discussed during the hearing, there is a nationwide lag on processing rape kits. We'd ask that you please let us know:

- 1) The current backlog of unanalyzed rape kits;
- 2) How long it has taken in the past 6 months between the time a victim provides a rape kit, and the time it is analyzed.
- 3) How long this lag is expected to be in the future (there was an indication that that lag was getting shorter)?
- 4) Whether federal funding will cover the expenses of processing these kits, and whether that funding is adequate to process these kits quickly.

Certainly, approximation of these times would be fine. Also, please let me know what we might do to shorten lag times. Thank you for your help on this matter.

cc: Rep. Lesil McGuire

# ALASKA STATE HOUSE OF REPRESENTATIVES

Alaska State Capitol  
Juneau, Alaska 99801  
Room 432



Phone (907)-465-4954  
Fax# (907)-465-2418

Representative Tom Anderson

## MEMORANDUM

Date: February 24, 2003  
To: Representative Lesil McGuire, Chair  
House Judiciary Committee  
From: Representative Tom Anderson, Chairman  
House Labor & Commerce Committee T.A.  
Re: HB 49

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I would request that you schedule HB 49 for a hearing before your committee.

Enclosed are:

1. HB 49
2. Sponsor Statement
3. Sectional Analysis
4. Fiscal Note dated 2/11/2003
5. "Local rape rates are increasing" *Anchorage Daily News*, Feb. 15, 2003
6. "If shoes could talk" *Frontiersman*, Sept. 16, 2002
7. "Parolee arrested in Indiana for 1986 Chula Vista slaying" *The San Diego Union-Tribune*, February 11, 2003
8. "Wrongly accused" *Bayarea.com*, Feb. 14, 2003.
9. "Inmates Win on DNA Tests - New State Law Sets Right to Procedure" *Sacramento Bee*, Sept. 29, 2000.
10. "DNA ties man to homicide" *Anchorage Daily News*,
11. "Police capture serial rape suspect" *Anchorage Daily News*,
12. "Why have offender DNA databases?" *Cox News Service*, Jun. 8, 2001
13. "Why should legislators expand offender DNA databases?" *DNAresource.com*
14. "Fighting Crime with DNA" *NCSL LegisBrief*, October 2002

Representative Lesil McGuire, Chair

February 24, 2003

Page Two

15. "The First 100 Hits – Forensic-Offender Matches on the New York State DNA Data Bank" *Office of Justice Systems Analysis Stat: of New York*, January 2002
16. Communications of support:
  - a. Alaska Association of Chiefs of Police
  - b. Alaska Police Officers Association

We will provide additional letters of support as they are received.

Thank you for your consideration of this request.

# Alaska State Legislature

## House of Representatives



Official Business

State Capitol  
Juneau, AK 99801-1182

### SPONSOR STATEMENT FOR HB 49 BY: Representative Tom Anderson

**TITLE:** An Act relating to the DNA identification registration system; and providing for an effective date.

HB 49 will expand the Alaska State Database of DNA samples to include all persons convicted of felony convictions or certain sexual misdemeanor offenses. It would also require the collection of DNA samples from those juveniles adjudicated as a delinquent for commission of these same offenses. Further, HB 49 will require all those offenders and minors currently incarcerated for felony convictions or certain sexual misdemeanor offenses to provide samples to the Department of Public Safety.

Expanding the state databases to include all convicted offenders would have several benefits:

1. **Solves crimes** – DNA collection from all convicted felons, rather than just sex offenders and perpetrators of serious violent crimes, would result in an increase in the amount of violent crimes solved. Therefore, offenders who are required to submit DNA when convicted of non-violent felonies will be identified as they leave DNA behind at a rape and murder scenes.
2. **Prevents crimes** - Solving a crime -- and solving it quickly -- has a direct effect on preventing additional crimes by the same perpetrator. An offender who is not apprehended in a timely manner remains free to commit more crimes.
3. **Exonerates the innocent** - Increasing the DNA database to those convicted of non-violent offenses would reduce the occurrence of innocent people who are wrongly suspected, arrested and convicted of crimes they did not commit. Two common scenarios exemplify how a larger DNA database protects such innocent people, one where the guilty party is in the database, and secondly, where the innocent party is in the database.
4. **Increases Cost Efficiencies** – According to a study completed by the National Institute of Justice (U.S. Department of Justice) rape is the costliest crime in America with victim costs totaling \$127 billion. The study estimated that when all factors are considered the estimated cost of rape *per victim* is \$87,000. If the average rapist commits eight rapes, but a DNA databank stops the offender half way through his spree, then four rapes are prevented at a savings of \$348,000.

I urge your support for this legislation.

## **Sectional Analysis for HB 49**

**Section 1.** This section adds those juveniles adjudicated as delinquent for the crimes listed under AS 44.41.035 and broadens the description to include other law that has not been anticipated or adopted yet in statute.

**Section 2.** This section expands the types of offenses requiring DNA collection from a crime against a person, burglary or felony attempt to commit burglary, to include all felonies and certain misdemeanor sex crimes such as sexual assault, sexual abuse of a minor, and exploitation of a minor. Additionally, it includes those juveniles adjudicated as a delinquent for those same crimes.

**Section 3.** This section repeals the definition of a crime against a person under this statute. As the bill is expanded to all felonies, this delineation will no longer be required.

**Section 4.** This section adds to the requirement of all currently incarcerated offenders of crimes under the expanded scope of the DNA registration system and all incarcerated minors. Currently, offenders convicted of these enumerated crimes prior to January 1, 1996 are exempt from DNA collection. This change makes the bill retroactive to include all persons incarcerated before this date who are still incarcerated.

**Section 5.** This section allows for the act to take effect immediately.

# FISCAL NOTE

STATE OF ALASKA  
2003 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB 49  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DPS  
Title Expand DNA database BRU Statewide Support  
Component Criminal Records & ID  
Sponsor Representative Anderson  
Requester \_\_\_\_\_ Component No. 1190

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2003) cost: 0.0  
Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

This bill has no fiscal impact to the Department.

Prepared by: Diane Schenker Phone 907-269-5092  
Division Administrative Services Date/Time 2/11/03 9:50 AM  
Approved by: Commissioner William Tandeske Date 2/11/2003  
Agency Department of Public Safety

# FISCAL NOTE

STATE OF ALASKA  
2003 LEGISLATIVE SESSION

Fiscal Note Number: \_\_\_\_\_  
Bill Version: HB 49  
( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Law  
Title "An Act relating to the DNA identification BRU Criminal Division  
registration system; . . ." Component All  
Sponsor Representatives Anderson and Hawker  
Requester House Judiciary Committee Component No. \_\_\_\_\_

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2003) cost: 0.0  
Check this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
This bill expands the DNA registry to include samples from all persons who are convicted of a felony or misdemeanor sex offense. It would also include samples of persons 16 years of age or older and adjudicated as a delinquent for an act that would be a felony or misdemeanor sex offense. The bill is retroactive for crimes or delinquent acts committed prior to the effective date of the act, if the person is incarcerated for that conviction or in the custody of DH&SS for that offense on the day the sample is collected.

The Department of Law does not anticipate a fiscal impact from passage of this legislation. Any impact would likely result from increased prosecutions of the crime of refusing to submit to testing, and it is our experience that individuals seldom refuse to submit to DNA testing. We do not expect that broadening the pool of individuals who must submit will increase the incidence of refusal significantly.

Prepared by: Joan M. Kasson Phone (907) 465-5370  
Division Attorney General's Office Date/Time 2/25/03 1:48 PM  
Approved by: Kathryn Daughhete for Gregg D. Renkes, Attorney General Date 2/25/2003  
Agency Department of Law

# FISCAL NOTE

**STATE OF ALASKA**  
**2003 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: HB49  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Administration  
 Title DNA identification registration BRU Legal and Advocacy Services  
 Component Public Defender Agency  
 Sponsor Reps. Anderson and Hawker  
 Requester House Judiciary Component No. 1631

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009
Personal Services	***	***	***	***	***	***
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	***	***	***	***	***	***

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
-------------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	***	***	***	***	***	***
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	***	***	***	***	***	***

Estimate of any current year (FY2003) cost: \*\*\*  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2004 budget proposal:

**POSITIONS**

Full-time	***	***	***	***	***	***
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)  
 This bill expands the list of crimes, including some sexual offense misdemeanors and any felony, for which, after conviction or delinquency adjudication, a defendant or minor is required to give a DNA sample. Currently only felony crimes against a person and burglaries are listed.  
 The Public Defender Agency operations may be affected by this legislation. It is a class A misdemeanor to refuse to provide a sample on request. The Public Defender Agency is seldom appointed in these types of cases, but this bill expands the circumstance where a sample is required. The Agency currently handles over 3600 adult felonies a year, and an unknown number of misdemeanor sexual offense crimes. With the expansion sought in this bill, the Public Defender Agency may see an increase in appointments to cases charging a person with failure to provide a DNA sample, and an increase in its workload on the underlying case because of the additional penalty of requiring the person to give a DNA sample upon conviction or adjudication. More cases may go to trial as a result of this additional penalty. However, it is not possible to accurately predict the increase in caseload or workload. Therefore, the fiscal impact is indeterminate.

Prepared by: Linda K. Wilson, Deputy Director Phone (907)-334-4416  
 Division Public Defender Agency Date/Time 2/26/03 9:19 AM  
 Approved by: Commissioner Mike Miller Date 2/26/2003  
 Agency Department of Administration

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Anchorage Daily News

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## Local rape rates are increasing

**ANCHORAGE: City had 5th highest number of reported sexual assaults in nation.**

By Tataboline Brant  
Anchorage Daily News

*(Published: February 15, 2003)*

Anchorage had the fifth highest rate of reported rape among 274 metropolitan areas in the United States, according to 2001 statistics released Friday by city officials.

The numbers are based on the FBI's 2001 Uniform Crime Reports and were condensed into a report by the SAFE City Program, part of the Municipality's Department of Health and Human Services.

Anchorage police presented the statistics, along with some of their own, on Thursday to the Alaska Native Women's Sexual Assault Committee, a volunteer task force that meets monthly. The committee had asked police to make the presentation, said committee member Karen Lee, program director for the Alaska Native Justice Center.

What they heard was alarming, she said: "We were surprised to see such a dramatic increase over the last three years."

According to Anchorage police statistics, the number of reported rapes in Anchorage per 100,000 population has been on the rise in recent years after dropping to 59.5 in 1999. It climbed to 75.2 in 2000 and 81.3 in 2001. That put the city fifth behind Rapid City, S.D.; Bremerton, Wash.; Panama City, Fla.; and Benton Harbor, Mich., according to SAFE City statistics.

The 2002 rate is not yet tabulated, but police told committee members they expect another increase, Lee and others said.

Rape is not a new problem in Alaska. Since 1976, the state has ranked in the top five states in the nation for the highest rate of reported rape per capita, according to SAFE City statistics. For 19 out of the last 26 years -- including 2001 -- Alaska ranked highest in the nation, SAFE's numbers show.

Anchorage Assemblywoman Anna Fairclough, executive director of STAR, Standing Together Against Rape, said she wasn't surprised that the state ranked highest in 2001.

"We've always known at STAR that we have held the No. 1 spot," she said.

What was alarming were the statistics about Anchorage, Fairclough said. When you look at the overall rate for major crimes in the city -- homicide, rape, burglary, aggravated assault, theft, robbery -- Anchorage looks like a pretty safe place to live compared with the rest of the nation. But look at the rape category alone and Anchorage "just screeches to the top," she said.

Fairclough did not know what may have caused the rate of reported rapes in Anchorage to rise in

the last few years: "It would be a guess as to why."

Committee members Lee and Denise Morris, president of the Alaska Native Justice Center, said they too could only speculate on why the numbers have gone up.

The Alaska Native Women's Sexual Assault Committee was formed in 1999, after police released statistics indicating that more than 50 percent of the reported cases of sexual assault occurring in Anchorage had been reported by Alaska Native women, Morris said. Perhaps the committee had something to do with why the rates rose in 2000 and 2001, Lee said. "What happens sometimes when you bring awareness is people feel empowered to report," she said. "But that's only one scenario."

The committee will continue to study the issue and try to come up with solutions, said Morris, the committee chair. The task force already does "meet and greet" campaigns about three times a year, targeting Alaska Native women, Morris said. It hands out literature about how to stay safe.

"I think there's more that could be done," Morris said.

SAFE City wants to do a comprehensive study on sexual assaults in Anchorage, said Rhonda Grove, a statistical analyst with the program.

Funding for the study has not yet been secured, but officials already have plans to develop the methods for the study in the next year, she said.

The study would likely provide demographic information about rape victims and offenders and more details about the actual assaults, among other things, she said, which could be used to fight the problem.

Reporter Tataboline Brant can be reached at [tbrant@adn.com](mailto:tbrant@adn.com) and 907-257-4321.

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# Frontiersman

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## If shoes could talk

*By Naomi Klouda-Frontiersman*

Investigators at crime scenes have long wished shoes could talk. Or T-shirts, a bed, a dog, or a tree.

New technology called STR Typing makes that wish come true to some degree, with resolution in elusive criminal cases more possible than ever before. DNA testing ferrets clues from the smallest T-shirt stain, the slightest hint left on a tree. It can travel back through time and analyze old evidence in new ways.

A program called CODIS links the state crime lab to a national database that looks for matching evidence between unsolved crimes and searches through DNA profiles on convicted offenders. Chris Beheim, acting director of the Alaska Department of Public Safety's crime detection lab, seemed pleased as he explained the extent of what mysteries can now be solved thanks to the technology. Eleven matches in two years have led to new information that moved cold cases forward.

"That's impressive," Beheim said, "considering Alaska's database isn't very old and does not contain that many DNA samples as yet." Alaska has 3,300 listings in its data banks while Virginia's, for example, currently contains 183,000 entries.

One case this spring involved an Anchorage woman abducted and brought to the Valley where she was sexually assaulted. She scratched her attacker, and blood in stains from her clothing was linked to DNA evidence gathered in two previous rape cases. A suspect was then arrested.

In another case, an Alaska woman was raped and murdered in 1995 by a man who fled in a van. It remained unsolved until DNA information in Alaska's database matched with DNA taken from a man convicted of murder in North Carolina. He was serving his sentence in jail and was required to give a DNA sample, which was then entered into the national database. But first police there contacted Alaska authorities to inquire about him because his van bore Alaska license plates.

"These guys travel around, and the database is connecting them from state to state," Beheim said. "Every year, the success rate for solving cases increases incrementally as more data is entered."

The database works on an oft-seen fact of police investigation: Criminals repeat their criminal acts. For instance, evidence left at a crime scene in Alaska matches with a similar act in Oregon because that's where the criminal went next.

Results help victims and families of crime victims find closure. Certain crimes also haunt those in law enforcement long after the case has to be set aside unsolved. Beheim's memory is long from 25 years at the crime lab, and he said he hopes to solve cases that continue to disturb him.

Using this DNA evidence is also cost efficient, saving investigators time by eliminating certain suspects, saving courts time by offering solid proof. And it's a deterrent, Beheim believes, because if convicted felons in crimes against people have to give a DNA sample, they aren't as likely to re-offend.

Under current state laws, those convicted of certain felony crimes must give a DNA sample, usually a mouth swab, which is then entered into the database. Suspects' DNA cannot be legally added to the data base unless legislators change the law, though states like Virginia that enter such data have high success rates for finding matches.

This year, the Alaska Legislature expanded the law to include those convicted of burglary. And rather than focus on entering suspects' information, Beheim would like to see the law extend to all felony crimes, such as drug-related offenses, because, nationally, states that have done so found significant matches in the traditionally "victimless" crimes with offenses that left victims.

It's

elementary

Alaska State Trooper detectives Sgt. Dallas Massie and Leonard Wallner agree the new technology helps. It confirms their findings that criminals don't alter their behavior by much, and that some come to Alaska and repeat a crime done in the Lower 48. "It's another tool we can use, and it can confirm the findings of an investigation," Massie said.

Yet, investigations still require the same mind and foot work of Sherlock Holmes' days. As a team gathers physical evidence that can be forwarded to the lab, the investigators continue to try to answer traditional questions when they work an investigation: Who, what, why, when and how?

"An event occurs and we look at the facts associated with that event. We view those facts, try to evaluate who could have done that and why," Massie said. "You have a starting point -- a body is found in the woods -- and you back-track to find out the victimology, who were his family and friends?"

Investigations work backwards through a chronology, and the best way to understand all possible answers is still the old-fashioned way: Discussion. Massie and Wallner talk a lot to each other when they have a complicated case, going on a team concept that one person might notice a detail that another missed. "One person might be good at interviewing, another person might be better at gathering evidence from a crime scene," Wallner said.

The pairing up of investigators remains a strong tradition even in this

technologically-dependent era. Massie and Wallner have a long history together. They first met when Massie wrote Wallner a traffic ticket for speeding 15 years ago. Wallner wasn't a trooper yet, and he ended up beating the ticket at Palmer Court before Magistrate David Zwink. "It was our [Wallner and his wife's] wedding anniversary," Wallner said, by way of explanation.

"I still don't know how you beat that ticket," Massie chided.

Wallner joined the troopers in 1991, then the investigations unit in 1994. Massie became his mentor, he said. "I guess we kind of clicked. He has a lot of knowledge after 22 years on the job."

Other officers, such as Sgt. Dennis Ponder, also were instrumental as Wallner's partners through some of the most serious cases the department handled through the years.

They have no fancy rituals for evaluating crimes. There's no brandy-drinking or cigar chewing as they ponder the clues. It's just an older officer and a younger one often joined with other officers talking through a case.

Intuitive skills play as much a role in the process as any developed skill, the investigators said. They are reluctant to talk about current cases, but can give illustrations from the past. In the 1983 Robert Hansen serial murder case, for instance, certain "facts" didn't make sense. B-Detachment troopers were brought into the case after a woman's body was discovered buried near the Knik River. Massie, as a young trooper, located a spent shell casing not far from the body that eventually matched with Hansen's gun. But, early on, it was difficult to get investigation lined up for an arrest, he said.

"You don't want tunnel vision.. You have to think outside the box," Massie said. In the Hansen case, which eventually linked him to more than 20 murders, most of whom had been strippers or prostitutes, the case was slow going even though the clues were there. A woman running from Hansen after being stripped and handcuffed so he could place her in his airplane was a sure witness, yet her ordeal wasn't initially linked by the Anchorage Police Department to the other missing women.

A trooper fish and wildlife officer, knowing Hansen was a suspect, decided to follow him every time he flew. That was one of the major breaks in the case, Massie said.

"You look into peoples' past, their past behavior. Don't listen to what they say so much as how they say it. Look at what they do," Massie said. "Hansen had been a suspect in an arson case. He stole a chainsaw from Fred Meyer even though he owned a bakery. It didn't make sense that he would steal it. There's a reason why, but it doesn't make sense."

Based on that kind of a reaction to known details, tenacity and the desire to keep investigating a case, resolutions are found. Hansen was convicted of murdering most of the women, and is serving a life sentence at Spring Creek in Seward.

Wasilla Police Chief Don Savage, who has 30 years in law enforcement mostly with the troopers and as former Captain of B Detachment, calls the intuitive side of investigation

an "art" that compliments the science.

Science's new ability to firmly link suspects with crime scenes still depends on the intrinsic efforts of investigators like Massie and Wallner. It's all fine and well for the shoe to now be able to communicate clues; the officer is still the one who visualizes who wore the shoe and what happened to him or her.

### Raising

the benchmark :

One of the problems with newer, more refined DNA definitions that track suspects within one-in-one quintillionth of a match, may be that a "benchmark" is raised. Savage said. In the past, good police work gathering circumstantial and physical evidence led to solid convictions without the aid of highly developed science.

Current cases often are delayed by "lab issues," which means officers are waiting for the crime lab to confirm or dispute their findings. In most cases, the body of evidence points in a certain direction, yet an arrest is delayed because the new benchmark for proof is raised, Savage said.

After more than a century of sleuth work, fibers, hair and fingerprints still qualify within a body of evidence, he said. Prior to DNA breakthroughs, the fingerprint provided the best clue.

During the 1870s, the British surgeon Dr. Henry Faulds, published an article in "Nature" on one of the first discussions of fingerprints as a means for individual identification. He was credited for taking the first fingerprint from a greasy print left on an alcohol bottle.

A policeman in Argentina in 1891, working on fingerprint classifications developed by Charles Darwin's cousin Sr. Francis Galton, arrested a woman for murdering her two sons after proving she did it based on a bloody fingerprint. Mark Twain in 1883 made a fingerprint proof for a crime in "Life on the Mississippi," and it was rumored that Jack the Ripper investigators collected fingerprints from his casualties.

For the next 100 years, fingerprinting would become the most fool-proof method for matching a criminal to a crime scene. Today, Beheim said it remains a solid tool.

In Alaska, the kind of DNA typing called DQ Alpha led to Polymarker typing before STR typing was brought online in 1999. Advances in DNA technology have revolutionized the art of identifying biological evidence at the scene of a crime. But it wasn't until STR Typing that DNA data bases become possible today.

"DNA isn't the only thing we do," Beheim said. "Shoe prints, fire arms evidence, crime scene reconstruction, and fingerprints are still what solve a lot of cases."

"Technology is fabulous," Savage said. "You can look around the country and see how it has freed innocent people, too. These are wonderful advancements, but it doesn't replace good investigation, it only supplements and adds credibility."

Interviewing skills are probably the most important asset in collecting information, Savage believes. The criminal justice system still relies on what people see and hear. How a good interviewer extracts that information remains the same, he said.

In the 1980s, catching a child sex abuser largely depended on confessions. Even today, there is not likely to be physical evidence to firmly link in such cases, Savage said. And so the art of being an analytical, independent thinker, relating well to people in a successful interview, remain timeless tools. Officers good at interviewing people are generally compassionate, he said.

Staying in

the boundaries

For the future, law enforcement can continue to look at nationally standardized databases expanded even further. England's goal is to get the entire active criminal population in their database,

Beheim said.

In America, it's probably a reasonable goal to "take one step at a time," Beheim said. "We have privacy concerns. The civil libertarians are afraid the data will be misused. We need to make sure that the DNA

information is only used for law enforcement identifications and impose strict penalties if those are violated."

Names are not used in the data profiles, only case numbers. To find a named linked to a DNA entry, one would need to go to the case number. CODIS is a secure system that requires national security clearance, Beheim said, and there are only two computer stations in Alaska, both in the crime lab.

Alaska was 10th in the nation to upload STR profiles into the national data base. We beat out California, New York and Washington in entering the shared pool of information. Recently Washington and Oregon expanded to include all felony conviction cases. Florida has perhaps shown the most success in solving crimes from databanks, Beheim said, while Virginia also has an impressive record of more than doubling its number of matches between evidence and criminals each year.

Virginia has seen 920 "hits" or matches this year so far, Beheim said. Of those, they estimated that 86 percent would have been missed if they had not been able to include those convicted in all felony categories.

"We are doing some serious work here on DNA data," Beheim said. "The next step is to consider adding all felony convictions."

That would be a political decision, Wallner said. "It is an exciting tool. I've developed cases that I thought I had a good idea of who the bad guy was, and when DNA was tested, it exonerated the suspect. It works both ways, and that's the way it should be."

Start the Year With a New Career

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## Parolee arrested in Indiana for 1986 Chula Vista slaying

By Joe Hughes

UNION-TRIBUNE STAFF WRITER

3:34 p.m., February 11, 2003

A man recently released from prison was arrested in Gary, Ind., Tuesday in connection with the 1986 rape and slaying of a 14-year-old Chula Vista girl, police said.

Police connected George Williams Jr., 47, to the killing of Rickie Ann Blake after a computerized state DNA database matched samples from Williams to samples taken from the crime scene, police said.

Williams was arrested as he arrived for an appointment with his probation officer, police said.

Rickie was last seen in her home on the night of April 10, 1986, watching a Padres game on television. When her mother awoke at 5 a.m., Rickie was gone, the front door was open and her bed had not been slept in. She had left her shoes and handbag behind.

Her body was found the next day near Interstate 5 in San Diego. She had been raped and strangled.

It was not clear today if Rickie knew her killer.

Police said that Williams has an extensive criminal history and was convicted of rape in an unrelated case shortly after Rickie was killed.

After being released from prison in California, Williams moved to Indiana to be near his mother. In Indiana, Williams was arrested on a sexual assault charge and served four years of a six-year sentence.

**Find this article at:**

<http://www.signonsandiego.com/news/metro/20030211-1534-blakearrest.html>

Check the box to include the list of links referenced in the article.

Start the Year With a

Posted on Fri, Feb. 14, 2003

## Wrongly accused

**DISTRICT ATTORNEY'S PROBE OF TWO CASES IS COMMENDABLE, BUT A THIRD SHOWS POLICE STILL HAVE WORK TO DO TO GUARD AGAINST OBTAINING A FALSE CONFESSION**

WITHIN a span of months last year, DNA testing freed three men whom the Santa Clara County district attorney's office had charged with serious crimes. One had spent three months in jail, another had spent weeks there, their reputations shattered as a result of false accusations.

District Attorney George Kennedy promised to investigate what went wrong. This week, ending his inquiry, he acknowledged that a veteran assistant district attorney erred in filing charges in two of the cases before the DNA results were back from the lab. One case involved a San Jose man charged with attempting to murder his mother, the other a Palo Alto day-care worker accused of molesting a 4-year-old girl. Kennedy also faulted the San Jose police's handling of evidence, prolonging the incarceration in the attempted murder.

Kennedy went public with his criticism even though his department and the police face a \$1 million civil suit by the man in the San Jose case. His public revelation of a personnel inquiry was unusual. His candor was commendable -- but only to a point. That point was absolving his department and the Palo Alto police department in their handling of the third and most troubling of the cases, one in which an 18-year-old Gunn High graduate was charged with raping a 94-year-old woman.

The rape was a dreadful crime; the police felt pressure to solve it. But they rushed to judgment, charging Jorge Hernandez based on circumstantial evidence (a ring, stolen from Hernandez's brother that the perpetrator left behind), Hernandez's lack of an alibi and interviews in which the police appeared to have extracted false admissions from a frightened and impressionable young man.

Interrogators lied to Hernandez about evidence they had against him in order to break down his defenses; they coaxed him to apologize for a crime he insisted he didn't commit. The techniques blurred the line between deceiving a suspect during an interview, which is legal, and coercing him, which is not.

The assistant district attorney in charge relied on police statements but did not view the videotape interview before filing charges. Someone from the office should have.

In the six months since the young man's release on the rape charge, authorities have yet to clear Hernandez. They still claim he may somehow have been involved in the crime. His attorney has filed a civil rights claim against the police and the prosecutor, the first step toward a suit.

DNA testing is proving an indispensable tool not only to convict but also to exonerate. On one level, that is reassuring. Yet it also is exposing disturbing numbers of police errors and instances in which the innocent have admitted to -- or been picked out of lineups for -- crimes they didn't commit.

Kennedy should have focused on interrogation techniques that Palo Alto and other departments use. Until he confronts the issue of false confessions, he cannot guarantee his own department's written rule: "In all cases, we must be sure a person is guilty before charging."



*Sacramento Bee*  
*September 29, 2000*

### **Inmates Win on DNA Tests - New Law Sets Right to Procedure**

**By Dennis Love**

**SACRAMENTO** -- The way Herman Atkins sees it, he wouldn't have spent more than a decade in a California prison if a bill signed into law Thursday by Gov. Gray Davis already had been on the books.

Atkins, convicted of a 1986 rape and robbery in Southern California but exonerated earlier this year by DNA testing, said Davis' signature on legislation that allows imprisoned felons to request DNA testing to prove their innocence "gets the ball rolling for justice."

"This means that innocent people will no longer be at the mercy of a district attorney who won't allow DNA testing," said Atkins, who fought for years for such a test but was blocked by a prosecutor.

A judge finally ordered the test. Semen samples taken from the victim's sweater showed Atkins could not have committed the crime, and he was freed from Ironwood State Prison after 13 years, three months and six days.

The Democratic governor's approval of SB 1342, offered by Sen. JOHN BURTON, D-San Francisco, makes California the sixth state to provide DNA tests to prisoners meeting certain conditions.

Davis on Thursday signed two other DNA-related bills: AB 2814, by Assemblyman Michael Machado, D-Linden, which allows police to compare a suspect's DNA profile with evidence from unsolved crimes; and SB 1818, sponsored by Sen. Jackie Speier, D-Daly City, which creates a new DNA database for missing-persons cases.

"These new laws allow law enforcement to use the latest scientific technologies to prove the

guilt of criminals and solve crimes," Davis said. "DNA testing will assure to all that the guilty are truly guilty and the innocent truly innocent."

Supporters called the Burton bill one of the most significant changes in California criminal law in decades.

Since 1989, DNA tests have exonerated 73 American prisoners - four from California, according to information provided by the Innocence Project, founded by Barry Scheck and Peter Neufeld, members of O.J. Simpson's so-called "dream team" of defense attorneys. Eight of those prisoners were on death row and nearly all had exhausted their appeals.

In about half of the 73 cases, prosecutors resisted inmate requests for DNA testing, leading to prolonged litigation. The new law would make such court battles less likely by setting a statewide legal standard.

The bill also provides that bloodstains, semen or other biological evidence be preserved for as long as a convict is imprisoned. The fate of evidence currently depends on local policy, and many prisoners have been unable to benefit from DNA analysis because evidence has been destroyed.

Combined with Davis' recent signing of a bill sponsored by Assemblyman Lou Correa, D-Anaheim, which eliminates the current six-year statute of limitations on rape cases where DNA evidence is available, the legislation signed Thursday virtually revamps the investigation and prosecution of rape cases in California, supporters said.

"Mistakes can be made," said Karen Pomer of Los Angeles, founder of the Rainbow Sisters Project, an organization of rape victims that lobbied for the legislation. "What good does it do crime victims and the broader community if the innocent remain in prison while the real perpetrators are free?"

The DNA testing bill was the result of months of negotiations among Burton, Attorney General Bill Lockyer and law enforcement officials.

Lobbyists for groups such as the California State Sheriffs' Association initially argued that the law would result in the court system being flooded with frivolous requests for DNA testing from inmates.

The bill was changed to ensure that inmates could request the test only if a positive result would have affected the original verdict, and that the courts must determine that the request is not a delaying tactic.

The law also stipulates that the inmate must bear the cost of the DNA test, usually about \$4,000.

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By JOSH NIVA  
Anchorage Daily News

Somewhere in the cyberswap meet known as eBay, stuffed between a near mint copy of Fantastic Four No. 12 comic book and a Barry Manilow checkbook cover, sit the Anchorage Aces.

Expensive \$25,000 is the current bid for Fantastic Four No. 12) and downright cheap (\$8 for Manilow checkbook cover) are auctioned to the highest bidder.

"I just wanted the public to know that the team is for sale," said Aces owner Mike Cusack Jr. "It's just another marketing source to get it out to the public."

aces for sale. That side of the market most is composed of Web sites and domains. As Tuesday evening, less than four days remain in the auction and no official bids had been made on the team. The Aces were the only professional sports franchise for sale on the site.

A vague, four-sentence description accompanies the team's sale page. It closes by listing (

## A SUSPECT FROM THE START



MARG LEISTER / Anchorage Daily News

Lance Hinson was arraigned Tuesday at the Anchorage Jail. He was charged with first-degree murder in the death of Tina Shangin.

# DNA ties man to homicide

### *Hinson's story kept changing, police say*

By LUCAS WALL  
Anchorage Daily News

The 34-year-old man charged with murdering Tina Shangin two years ago had been a suspect since the beginning and was finally tied to the killing this spring with DNA evidence, police said Tuesday.

Police also said Lance Hinson continually changed his story during a series of interviews over the last few months, which also drew suspicion to him.

Hinson appeared Tuesday afternoon in Anchorage District Court to hear the charge of first-degree murder filed against him. Police arrested Hinson on Monday afternoon at Adelaide SRO, a downtown rooming house where he'd been staying lately.

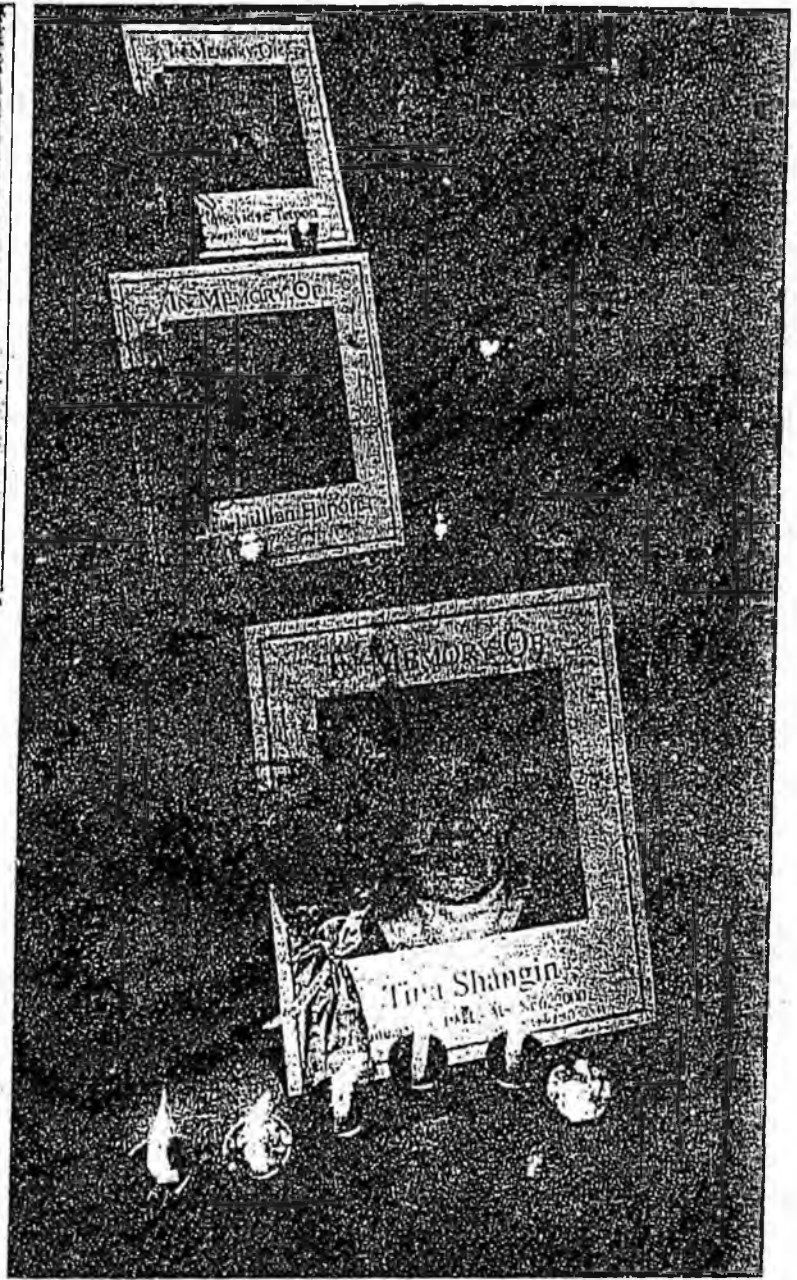
Shangin, 50, was born in Chignik Lagoon. She was one of six minority women who were victims of high-profile homicides in 1999 and 2000. Her case is just the second of those closed by police.

Sgt. Ross Plummer, homicide

detective supervisor, told reporters at a Tuesday morning news conference that police don't believe Hinson was involved in any of the four unsolved slayings. Plummer also said there's no evidence indicating any two of the deaths were perpetrated by the same person.

Shangin's naked body was found Aug. 0, 2000, in a wooded area along the Glenn Highway near Bragaw Street. An autopsy showed the cause of death was asphyxia due to neck compression. A ligature mark was on the right side of her neck, indicating strangulation using an object like a cloth or rope, Plummer said. She had a blood-alcohol concentration of 0.27, more than three times the current legal limit for driving.

During the autopsy, police took



BILL ROTH / Daily News archive

Tina Shangin's picture was part of the "Someone Cares" candlelight vigil in Town Square in memory of women who have been slain in Anchorage.

some hairs found on Shangin's right shoulder as well as a sample of semen found inside her.

Plummer said the motive for the killing appears to be sexual assault. Hinson has not been charged with raping Shangin, however, and told police the two had consensual sex a few days before her body was found.

Detectives had trouble with the case at first. Shangin's body had been there at least a few days.

"Pinpointing the last time she

was seen was part of the challenge and then also who was with her the last time she was seen," Plummer said. "There were a lot of people I interview to narrow down the focus."

Police first learned of Hinson's possible involvement about four weeks after Shangin was found when a woman told them she thought a man named Lance had killed Shangin. The woman said

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## 'WE GOT ONE Teacher, boater save tot

# ... choose their own leaders

Continued from A-1

Bush's call for the creation of a Palestinian state with provisional boundaries after the Palestinians elect new leaders and reform their institutions prompted wildly mixed responses on both sides of the bloody conflict. But supporters and opponents alike noted that while Bush's goals for resolving the vicious cycle of Middle Eastern violence were laudable, he offered no practical plan for achieving them.

Close associates of Foreign Minister Shimon Peres said he was dismayed and angered by Bush's call for the ouster of Arafat because he sees Arafat as the only leader acceptable to the Palestinian people. Many analysts questioned how the United States would respond if — as expected — Arafat is re-elected in the next Palestinian presidential election.

Bush decided to call for Arafat's removal after receiving intelligence information last week showing that the Palestinian leader had authorized a \$20,000 payment to a group that claimed responsibility for the most recent suicide attack, senior administration officials said Tuesday.

The official response Sharon issued to Bush's speech minutes after it ended Monday night suppressed signs of glee. And the Palestinian Authority's immediate commentary didn't hint of anger.

But the passions engendered on both sides played out Tuesday in the streets, on television, in newspapers and in official offices on both sides.

Israeli newspapers and columnists described the speech as an overwhelming political and personal triumph for Sharon, which hard-line members of his coalition government hailed and leftists lamented.

Fadel-Ahmad Tahboub, a member of the Palestinian National Council, said: "Bush's call for changing the Palestinian leadership is an imposition and intervention in internal Palestinian affairs and a contradiction to democracy and the outcome of elections that were supervised by the whole world."

The United States' two closest Arab allies voiced cautious hope that Bush's remarks will yield progress toward a Palestinian state. But elsewhere in the Arab world, the proposals were denounced as skewed toward Israel.

"We see this as the beginning of the end of the conflict between Arabs and Israelis," the Jordanian government said in a statement, "Bush's speech is in line with our position that an end game and a timeline should be defined so that the political process can be re-launched."

President Hosni Mubarak of Egypt called Bush's speech "balanced to a great extent," and

said that his country stands ready to provide the support that the Palestinians need to pursue the reforms Bush is demanding.

The other main U.S. ally in the Arab world, Saudi Arabia, offered no immediate reaction to Bush's proposals.

The governments of Egypt, Jordan and Saudi Arabia have been the most active in trying to persuade the Bush administration to take a role in stopping violence between the Israelis and the Palestinians and work toward final agreement on a Palestinian state in Gaza Strip and West Bank land captured by Israel in the 1967 Middle East war. While publicly affirming support for Arafat and insisting that Palestinians should choose their own leaders, these governments have also become steadily more skeptical of how Arafat's Palestinian Authority is run.

Many mainstream Arab commentators and intellectuals have recently begun to criticize the suicide bombers and call for an end to their operations. Yet they have also refused to label them terrorists and have argued that the fundamental problem is Israel's occupation of the Gaza Strip and West Bank. The violence will stop, the argument goes, when Israel pulls back within the borders that existed before the 1967 war — a move that Bush called for Monday.

"Sometimes barking is the convenient hammer people use," he said.

Proponents also said the new law will simplify adoption matters by having the city itself arrange for sterilization.

During past adoptions, the city has just made people sign an agreement to have their animal spayed or neutered within 30 days. Those who failed to do so lost a deposit — \$50 for dogs and \$40 for cats — and faced the possibility of a ticket. Adoption fees will now include reimbursement to the city for the cost of the microchip insertion, which could be around \$10 or \$15, as well as the cost of the sterilization.

Earlier versions of the pet law rewrite were much more controversial because they included a proposal to require cats to be licensed. But after hearing strong public opposition on that, the Assembly eliminated it.

Animal issues are emotional, noted Assembly member Dick Tremaine, who shepherded the rewrite through the Assembly at the request of the Animal Control Advisory Board.

Tremaine does not figure the version passed will be the final say on such touchy matters.

"I have every expectation we're going to revise this at some future (date)," he said.

Reporter Sean Cockerham can be reached at 257-4343 or scockerham@adn.com.

# SHANGIN: Police don't believe suspect is involved in 4 other women's deaths

Continued from A-1

that a few days before Shangin was found, Lance told her about a dead body in the woods.

Detectives later identified the man as Hinson. He fathered a child with Dorraine Shangin, a daughter-in-law of Tina Shangin.

Other people, including Dorraine Shangin, told police Hinson had told them about finding the body. Hinson never reported it to the police, however.

According to a criminal complaint filed Tuesday, police first interviewed Hinson in October 2000. Hinson said he knew Shangin and had been drinking with her on numerous occasions. He told police he'd last seen her about 10 days before her body was found.

Tests at the state crime lab estab-

lished a match between the semen sample taken from Shangin's body and Hinson's DNA. They also showed the hair found on the body matched Hinson. The last of these test results did not come back until March 28. Plummer said obtaining final DNA results requires sophisticated tests in an outside lab that often take months.

Armed with the physical evidence, detectives met with Hinson a week later, the first in a series of interviews over the past three months. Hinson said he'd heard a rumor about a body in the woods and that's why he had told others about it.

In a later interview, Hinson changed his story, the complaint states. He told detectives he was walking through the woods and spotted from a distance what looked like a

body in the brush.

Hinson would soon acknowledge viewing the body up close a couple of times.

"Lance first claimed that he had forgotten why he did not call the police, but thinks that he was probably concerned about getting into trouble," the complaint against him states. "Lance later stated that he did not call because he did not want to be considered a suspect."

Though Hinson has said he had sex with Shangin in the woods, he has denied raping her or killing her.

"Lance stated that he thought that someone came along, after he and Tina had sex, and wanted to have sex with Tina," the complaint states. "Lance thinks that Tina refused and that subject got mad and killed Tina."

Four of Shangin's family members attended Hinson's arraignment Tuesday. They declined to speak with a reporter as they left the Anchorage Jail courtroom. Hinson is being held in lieu of \$25,000 bail.

The Alaska Native Justice Center has monitored the investigation of Shangin's homicide and the four others from 1999 and 2000 involving Native women. Some in the Native community have criticized police for not working hard enough to find out who's responsible.

Karen Lee Schamber, program director, said she's pleased to see progress on one of the old cases. The center is helping Shangin's family through the court process.

"It has been a long time but I know how hard it is to have a good convic-

tion and it's important that all that evidence is there and reliable so that the cases aren't lost in court," she said.

Schamber said it's reasonable to conclude the five Native women killings aren't linked, and she suspects sexual assaults were likely a motive in most of them.

The sixth victim was black.

The justice center participates in a Native community committee working to reduce the number of sexual crimes. She said Anchorage needs a better shelter system to help at-risk women so they aren't camping in the woods and drinking with men, which makes them vulnerable to attack.

Reporter Lucas Wall can be reached at lwall@adn.com or 257-4321.



JIM LAVRAKAS / Anchorage Daily News

Jason Bausner of Aberdeen, Wash., skis past the south face of Mount McKinley as seen from the Kahiltna Glacier on Monday afternoon. Bausner, a student at Yale University, is on the mountain taking a guide course with the Alaska Mountaineering School this month and hopes to return to guide in the Cascades.

# Police capture serial rape suspect



John N. Hunter, 39, was arrested in Texas and returned to Anchorage to face charges of raping five women.

**ARREST:** DNA evidence links John N. Hunter to sexual assaults.

By SHEILA TOOMEY  
Anchorage Daily News

A combination of old-fashioned police work and high-tech crime fighting led to the arrest in Texas last week of a suspect in five Alaska rapes.

John N. Hunter, 39, was returned to Anchorage after waiving extradition. He was arraigned here Sunday on charges that he raped four women in Anchorage and one in Palmer between 1996 and last January.

An alert victim in the January case got a license plate number that helped police identify Hunter as a suspect, according to charging documents filed in court.

Blood stains obtained in this investigation provided a DNA profile that technicians at the State Crime Lab fed into its data bank of speci-

mens from unsolved crimes, said Chris Beheim, acting crime lab director.

It got two hits, Beheim said at a press conference Monday. DNA matching Hunter's was found on victims from 1997 and 1998 rapes, he said, both in Anchorage.

Hunter had been previously identified as a suspect in two additional rapes, one in 1996 and one in December 2001. When interviewed, Hunter said one woman was a prostitute who accused him because he refused to pay her. The other propositioned him, he said, according to the complaint.

These cases had not been forwarded to the district attorney for prosecution. The charging document suggests evidence in the 1996 case was equivocal, and the 2001 case was still being investigated.

Hunter has been charged in both assaults.



Chris Beheim, acting director of the State Crime Lab, said DNA from John N. Hunter matched DNA in a database.



Anchorage police detective Stephen Hill said the victims were offered rides or forced into a car while walking alone. They ranged in age from 20 to 40.

See Back Page, RAPES

will leave

By JAMES BE  
The New York Ti

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We've got to deal with it.

Sen. Pete Kelly, R-Fairbanks, opposes new taxes this year. Higher oil prices don't solve the state's fiscal problem, he said, but they do indicate that the state may have more time before it must enact revenue measures.

"Every time oil prices fall, we have talk about fiscal plans, hysteria," he said. Kelly favors use of Permanent Fund earnings before major taxes, he said.

"When we have all this money," he said, referring to the Permanent Fund, "we're just not ready to talk about taxes."

■ Reporter Ben Spiess can be reached at bspiess@adn.com.

part of victims and the impact upon families, the feeling of so many of our priests who are doing wonderful exemplary work and yet really feel touched by this whole thing and are embarrassed and angry."

The message apparently got through. On Monday the Vatican said it will summon U.S. cardinals and the elected leaders of the U.S. bishops to Rome for meetings next week to take up the issue of sexual abuse by clergymen.

Church officials and observers say it is an extraordinary step. U.S. cardinals have been called as a group to Rome to confer on problems before, but never on such short notice and never in such an atmosphere of emergency.

It is still unclear what is on the agenda for the meetings or whether they are likely to produce anything substantive. Skylstad suggested that the Vatican could be asked to permit the bishops conference to institute a set of uniform policies for handling sexual abuse that all U.S. bishops would have to adhere to. The bishops conference has produced recommendations in the past but has had no power to enforce them, because each bishop is considered autonomous, answerable only directly to the pope.

Several church sources said that among the more delicate decisions that need to be settled are how accusations against a priest should be judged, whether a priest with one incident in his past should be permanently removed from service, and whether the Vatican should make

it easier for priests to be defrocked.

"There is also a danger here of raised expectations," said the Rev. Thomas Reese, editor of America, a Jesuit magazine, "because the pope cannot get involved in micromanaging priest personnel policies in every diocese in the U.S. This is a local problem that has to be dealt with on the local level."

Several cardinals Monday would not comment about what they expect from the meetings. But Cardinal Roger Mahony of Los Angeles seemed to indicate that he expects the sessions in Rome to involve both give and take, not just an acceptance of orders from Vatican officials. The discussions, he said in a statement Monday, ought to be "open, frank and without limitations."

## RAPES: Suspect arrested in Texas now faces multiple charges in Alaska

Continued from A-1

The investigation that led to Hunter's arrest began Jan. 30, when an Anchorage teenager told Alaska State Troopers that her mother had been abducted earlier that day in Anchorage, taken to a house somewhere in the Wasilla area and raped.

Because the rape occurred in the Matanuska-Susitna Borough but the victim lived in Anchorage, state troopers and the Anchorage Police Department began a joint investigation.

Anchorage police officer Terry Smith interviewed the victim, noting that she had cuts and bruises on her face and head and a bite mark on her left hand. The woman said she had accepted an offer of a ride and some beer from "John" at a bar closing. Instead, after picking up a six-pack in Anchorage, he took her to an abandoned trailer near Wasilla and assaulted her, the complaint says.

[She fought him but he threatened to kill her,

so she quit fighting, the complaint says. He later drove her back to Anchorage, stopping at a McDonald's on the way. He dropped her off at Boniface Parkway and Debarr Road.

The woman gave police her abductor's license plate number, which led to Hunter, the complaint says. When questioned, Hunter said he picked up a hooker, had sex in the car, then refused to pay her. He denied taking her to the Valley. Investigators noted Hunter had a long gouge on his cheek, but he denied hitting the woman or biting her.

Police found what appeared to be blood-stained clothing in a shed Hunter said belonged to him and sent it to the crime lab for analysis.

Then, in early February, Hunter disappeared, the complaint says. The investigation continued.

It takes weeks to collect, extract and prepare stains for DNA analysis. On April 1, Beheim told troopers Sgt. Randy McPherron that blood found on the victim's body contained

Hunter's DNA and the blood on Hunter's shirt matched the victim.

Two days later, Beheim reported matches between Hunter's DNA and two "cold cases," meaning cases without enough evidence to make an arrest.

Alaska has been collecting DNA samples from sex offenders since 1996. In 1999, the state lab became proficient in what's called STR typing, which can match DNA samples from stains the size of the period at the end of this sentence to a certainty of one in 2 quintillion.

Alaska is one of 37 states that feed DNA profiles to a national computer index called CODIS. Some states collect profiles from all convicted felons. Alaska collects from sex offenders and burglars. Studies have shown a high correlation between early burglary convictions and later sex crimes and homicides, Beheim said.

The state also submits DNA profiles from samples of unknown origin found at crime

scenes. The second and third hits on Hunter came from this database, Beheim said.

Anchorage police Detective Stephen Hill said all the victims described in the charges against Hunter were picked up while walking alone. They either accepted offers of a ride or were forced into a car, and they ranged in age from about 20 to 40. Hill described Hunter as a day laborer.

Hunter was questioned in the December 2001 case, one of the two charges without DNA evidence. According to police, he told a story similar to the one he told in the 2002 case — that he picked up a prostitute, had sex, refused to pay her and she was lying because she was mad.

According to the complaint, Hunter has a 1981 armed robbery conviction in California and a 1983 rape conviction in Indiana. He was being held in lieu of \$250,000 bail.

■ Reporter Sheila Courney can be reached at scoomey@adn.com or 257-4341.



# WHY HAVE OFFENDER DNA DATABASES?

## *Texas Legislature expands use of DNA testing*

Cox News Service  
June 8, 2001 Friday

Byline: Laylan Copelin  
Dateline: AUSTIN, Texas

Christopher Ted Dye raped three Austin women in their homes before the police first arrested him in 1993 for burglarizing a house. Unaware they had apprehended a serial rapist, authorities released the 34-year-old former auto mechanic on bail.

Over the next six months, Dye raped four more women before being arrested a second time for burglarizing an apartment. He served two months in jail. For two more years, as the police searched for the MoPac rapist, nicknamed that because the attacks occurred near the expressway, Dye raped seven more women before finally being caught.

When Austin Police Chief Stan Knee began championing DNA testing at the time of arrest, he had to look no further than Dye, the city's most notorious serial rapist. "He's the perfect example of how we could have saved 11 (rape) victims." Testing Dye upon his first burglary arrest could have led to a DNA match from his first three rapes.

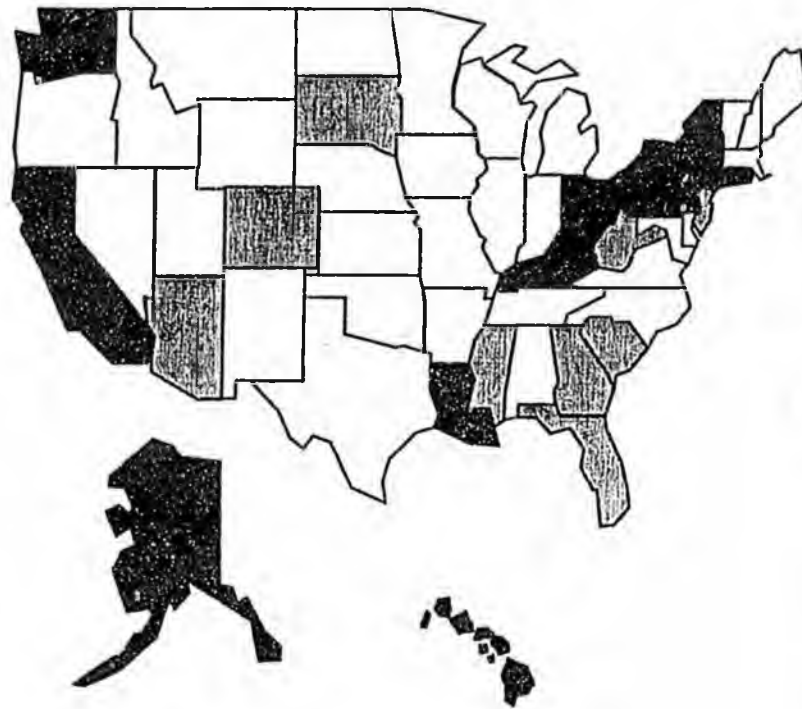


# DNA DATABASE EXPANSION (2000)

In 2000, 19 states introduced legislation to expand the offenders from whom DNA samples are required

## PASSED (8)

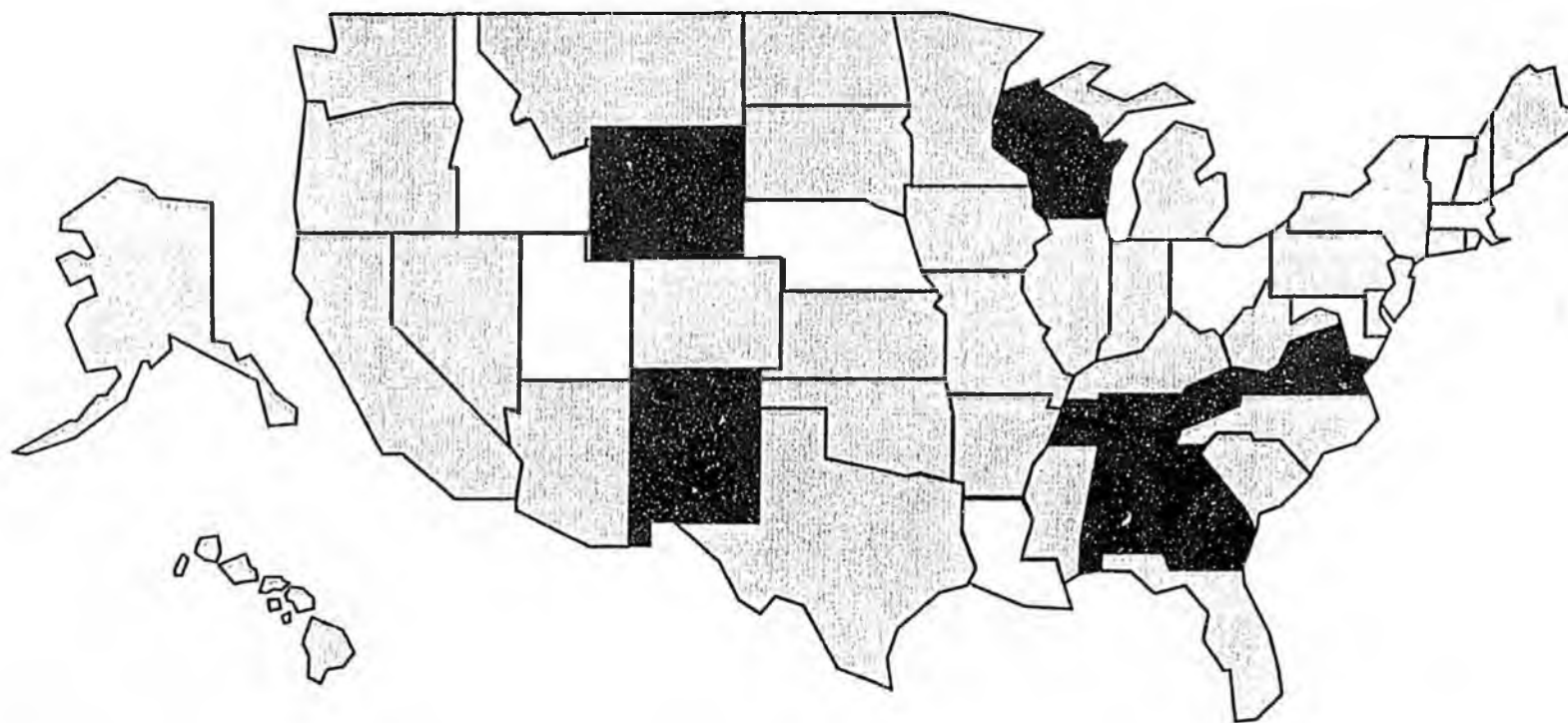
- Arizona -- Most non-drug related felonies
- Colorado -- Most non-drug related felonies
- Florida -- Burglary
- Georgia -- All felony convictions
- New Jersey -- Several violent felonies
- South Carolina -- Most non-drug related felonies
- South Dakota -- Most non-drug related felonies
- West Virginia -- Most non-drug related felonies



## DID NOT PASS (11)

- Alaska -- Burglary
- California -- All felony convictions
- Connecticut-- Fingerprintable arrests
- Hawaii -- Most violent crimes
- Kentucky -- Most violent crimes
- Mississippi -- All felony convictions
- New York -- All misdemeanor and felony convictions
- Pennsylvania -- Most violent crimes
- Ohio -- Most non-drug related felonies
- Rhode Island -- Breaking and entering & assault
- Washington -- All felony convictions

# DNA Database Expansion in the 2001 Legislature



35 states have introduced over 110 bills to expand the state offender DNA database to include more felons.

Of these states, 24 have introduced bills to expand the DNA database to include *all convicted felons*.



# 2001 Expansion Bills

<b>Alaska</b>	<b>SB 99 - Halford &amp; Murkowski</b>	<b>Burglary</b>	<b>Passed</b>
<b>Arkansas</b>	<b>HB 1376 - Hunt</b>	<b>Burglary</b>	<b>Passed</b>
	HB 1259 - Verkamp	All Felons	Failed
Arizona	SB 1171 - Smith	All Felons	Failed
<b>California</b>	<b>AB 673 - Migden</b>	<b>Burglary, robbery, arson, carjacking</b>	<b>Pending</b>
<b>Colorado</b>	<b>HB 1130 - Grossman</b>	<b>All Felons</b>	<b>Passed</b>
Connecticut	SB 89 - Brien	Violent felonies, burglary	Failed
<b>Delaware</b>	<b>HB 4 - Ewing</b>	<b>All Felons</b>	<b>Pending</b>
<b>Florida</b>	<b>SB 366 - Villalobos &amp; Silver</b>	<b>All Felons</b>	<b>Passed</b>
Hawaii	Multiple bills	All Felons	Failed
Iowa	HF 254 - Baudler	All Felons	Failed
<b>Illinois</b>	<b>HB 452 - Lyons</b>	<b>Stalking, concealment of a homicide</b>	<b>Passed</b>
<b>Indiana</b>	<b>SB 316 - Alexa</b>	<b>Probationers &amp; parolees</b>	<b>Passed</b>
<b>Kansas</b>	<b>SB 263 - Felciano</b>	<b>Burglary, misdemeanor sex offenses</b>	<b>Passed</b>
Kentucky	HB 33 - Younts	All Felons	Failed
<b>Maine</b>	<b>LD 1565 - Carr</b>	<b>Class A,B &amp; C crimes</b>	<b>Passed</b>
<b>Michigan</b>	<b>Multiple bills</b>	<b>All Felons</b>	<b>Passed</b>



# 2001 Expansion Bills

Minnesota	Multiple bills	All Felons	Failed
Mississippi	Multiple bills	All Felons	Failed
Missouri	HB 835 - Boucher	All Felons	Failed
Montana	HB 359 - Clark	All Felons	Passed
North Carolina	HB 1127 - Blust	All Felons	Pending
North Dakota	HB 1208 - Klemin	Violent felons, burglary	Passed
New Hampshire	SB 30 - Hollingworth	Murder, assault, arson, rob.	Pending
New Jersey	SB 2236 - Bucco	Robbery, carjacking, criminal restraint	Pending
Nevada	AB 489 - Gustavson	A, B & C felonies	Pending
New York	Multiple bills	All Arrestees	Pending
Oklahoma	SB 753 - Wilkerson	Robbery, burglary, kidnap, maiming	Passed
Oregon	SB 920 - Minnis	All Felons	Pending
Pennsylvania	SB 259 - Dent	Burglary	Pending
Rhode Island	SB 92 - Brien	Crimes of violence	Passed
South Carolina	SB 492 - McConnell	2nd degree burglary	Passed
Texas	HB 588 - Garcia	All Felons	Passed
	SB 638 - Barrientos	Indictments for certain crimes	Passed
Washington	HB 1335 - Miloscia	All Felons	Failed
West Virginia	HB 2456 - Pino	Arson, burglary, forgery	Failed

# **STATE DNA DATABASE STATUTES**

## **All Felonies Requirements (June 2001)**

**12 States require DNA samples for all felonies**





# WHY THE CHANGE?

## /// Citizen Demand / Public Safety

- ▶ Consider the following US Department of Justice statistics:
  - The average rapist commits 8-12 sexual assaults.
  - Of 108,580 persons released from prisons in 11 States in 1983, an estimated 62.5% were rearrested for a felony or serious misdemeanor within 3 years, 46.8% were reconvicted, and 41.4% returned to prison or jail.





# BUT HOW DO WE PAY FOR IT?

## FEDERAL SOURCES

- DNA Backlog Elimination Act (HR 4640)
  - ▶ \$170 Million authorized over 4 years, \$65 Million for 2002
  - ▶ Partially funded President's proposed budget, fully funded in "Sense of Senate" budget language.
  
- National Forensic Science Improvement Act (S. 3045)
  - ▶ aka, NFSIA or "Paul Coverdell" Act
  - ▶ Over \$450 Million over 6 years, \$85 Million for 2002.
  - ▶ Not funded in President's proposed budget, fully funded in "Sense of Senate" budget language.





## **BUT HOW DO WE PAY FOR IT?**

### **STATE SOURCES**

- Offender-pays requirements
- Funds earmarked for DNA analysis
  - ▶ *New York Governor Pataki commits \$11.8 million (backlog and new legislation).*
  - ▶ *California Governor Gray Davis commits \$5.5 million (backlog).*
  - ▶ *Florida Governor Bush commits \$2.1 million (burglaries).*

### **OTHER CONSIDERATIONS**

- Use of private labs for analysis --  
“outsourcing”

## **WHY SHOULD LEGISLATORS EXPAND OFFENDER DNA DATABASES?**

- **Catch Criminals** – Collecting DNA from all convicted felons, rather than only sex offenders and serious violent felons, would result in a staggering amount of additional crimes being solved. Statistics show that as many as half of all violent criminals have non-violent criminal prior convictions. *If a state takes DNA from violent offenders only, the likelihood of solving a particular rape or murder are reduced by 85%.*
- **Exonerate the Innocent** - Increasing the DNA database to include non-violent offenders will reduce the occurrence of innocent people who are wrongly suspected, arrested and convicted of crimes they did not commit. With strong DNA laws, law enforcement can use the DNA database to eliminate potential suspects before their lives are forever altered.
- **Protect Public Safety** - Solving a crime – and solving it quickly -- has a direct effect on preventing additional crimes by the same perpetrator. An offender who is not apprehended in a timely manner remains free to commit more crimes. When considering that as *many as half* of all violent criminals have prior convictions for non-violent crimes, it becomes evident that expanding DNA databases to include all convicted felons would significantly decrease the number and frequency of rapes and other violent crimes.

***The proven worth of DNA databases:***

- ✓ In England, where DNA is collected from all felons and misdemeanants, the DNA database is used to solve over 700 crimes per week.
- ✓ Virginia's DNA database, the most mature all felons system in the country, averaged at least one "cold hit" per day in 2002. In one month of 2002, the Virginia database made 68 "cold hits."  
"Cold Hit" - when DNA from a crime scene is matched on the DNA database to a convicted offender's profile.
- ✓ "Approximately 85% of hits would have been missed if the databank were limited to only violent offenders."  
Paul Ferrara, Director, Virginia Division of Forensic Science.
- ✓ 52% of Florida offenders linked to sexual assaults and homicides by DNA matches have had prior burglary convictions (non violent offense).

***Congress begins to respond:***

- ✓ The federal DNA Backlog Elimination Act authorizes \$170 million in federal funding for state DNA programs. Congress is now considering increasing this amount to over \$300 million.

***State Legislatures begin to respond:***

- ✓ In 2002, 27 states introduced over 80 bills to expand the state offender DNA database to include more felons.
- ✓ Of these states, 20 introduced bills to expand the DNA database to include all convicted felons.

FOR MORE INFORMATION, OR ASSISTANCE IN  
DRAFTING DNA DATABASE EXPANSION  
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OR VISIT:

<http://DNAresource.com>

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Posted October 15, 2002



Criminal Justice Program

## NCSL LegisBrief

Briefing Papers On the Important Issues of the Day

### Fighting Crime with DNA

By Kelly Fox and Donna Lyons

October 2002

Volume 10, Number 42

DNA technology has become one of the most critical tools in solving crimes. And its application in criminal justice is advancing far more rapidly than any other forensic science.

### State Action

States are expanding their policies to use stored DNA samples to identify and eliminate suspects. Every state has enacted legislation to establish DNA databases and require collection of samples from sex offenders and other violent criminals. Twenty-two states have expanded that requirement to include collection from all convicted felons; seven did so this year. Thirty states currently require collection of a biological sample from certain juvenile offenders and some include people found not guilty by reason of mental illness or insanity.

**"Hits" on Unsolved Crimes.** State DNA databases, along with the National DNA Index System maintained by the FBI, are all part of a coordinated system of local, state and national databases known as the Combined DNA Index System. Originated as an FBI pilot project in 1990, it consists of a "forensic" index, containing DNA profiles from crime scene evidence. It also has an "offender" index, with DNA profiles of convicted offenders. By electronically comparing DNA profiles from those indexes, analysts often are able to obtain "hits" (or matches) between DNA found at crime scenes and DNA profiles of convicted offenders. Analysts also can link multiple, unsolved crimes to a single perpetrator by comparing profiles in the forensic database. More than 1,110 forensic "hits" and more than 2,350 offender "hits" had been reported to the FBI as of March 2002, demonstrating the power of DNA as a crime-fighting tool.

Three states have enacted laws to extend DNA sampling to specific arrestees. Louisiana passed the first such law in 1997, authorizing DNA testing of those arrested for sex offenses and other violent crimes. The state is still working to coordinate state and federal funding to increase the capacity and capability of its crime laboratory. A Texas law passed in 2001 allows collection of post-indictment DNA samples from those charged with certain sexual assaults and kidnapping. This past session, Virginia lawmakers approved a measure requiring a DNA sample from every person arrested for a violent felony. These laws also contain provisions for the destruction and removal of an offender's DNA profile from the database in the event of an acquittal or dismissal of charges. Although courts have upheld taking and storing genetic samples from convicted offenders, such policies applied to arrestees raise yet unanswered legal questions.

The capability of crime laboratories to analyze DNA often has lagged behind expansion of policies to collect samples. As a result, many states have significant backlogs. Crime labs also contain unanalyzed forensic evidence from unsolved crimes, which, if appropriately reviewed and analyzed, might now be solved through DNA databases.

### Federal Action

Congress enacted the DNA Analysis Backlog Elimination Act in 2001, which authorized the appropriation of \$170 million to crime laboratories for contracts with the private sector or in-house DNA analysis. By the end of this year, more than \$80 million will have been distributed to state crime laboratories through programs at the National Institute of Justice. Congress is currently considering new legislation to expand funding to states for DNA backlog reduction, as well as other legislation that would provide funds to help police departments analyze unprocessed evidence collected in rape and other cases with no suspects. These efforts, together with those at state and local levels, seek to eliminate backlogs, and maximize the potential of DNA as the criminal justice system's premier investigatory tool of the 21st century.

---

#### States that require all felons to submit DNA sample for convicted offender databases (as of July 1, 2002)

Alabama  
Arizona  
Colorado  
Florida  
Georgia  
Iowa  
Illinois  
Kansas  
Maine  
Maryland  
Michigan  
Montana  
New Mexico

Oklahoma 1  
Oregon  
Tennessee  
Texas 2  
Virginia  
Utah  
Washington  
Wisconsin  
Wyoming

1 Law requires plan adding qualifying felonies incrementally with all felony offenses included by 2006.

2 Contingent upon federal funding.

Source: NCSL, 2002.

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National Commission on the Future of DNA Evidence. What Every Law Enforcement Officer Should Know About DNA Evidence. BC 000614. Washington, D.C., 1999.

Steadman, Greg W. Survey of DNA Crime Laboratories, 2001. Washington, D.C.: Bureau of Justice Statistics, January 2002.

## Contacts for More Information

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The National Institute of Justice  
Investigative and Forensic Sciences Division  
[www.ojp.usdoj.gov/nij/scientech/invest.htm](http://www.ojp.usdoj.gov/nij/scientech/invest.htm)

National Commission on the Future of DNA Evidence  
[www.ojp.usdoj.gov/nij/dna/welcome](http://www.ojp.usdoj.gov/nij/dna/welcome)



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**STATE DNA DATABASE LAWS  
QUALIFYING OFFENSES  
(As of October 2002)**

STATE	Sex Crimes	Murder	All Violent Crimes	Burglary	Drug Crimes	All Felons	Juveniles	Some Misdemeanors	Arrestees/Suspects	Jailed Offenders	Community Corrections	Retroactive Jail & Prison	Retroactive Probation & Parole
ALABAMA	✓	✓	✓	✓	✓	✓		✓		✓	✓	✓	
ALASKA	✓	✓	✓	✓			✓						
ARIZONA	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	
ARKANSAS	✓	✓	✓	✓			✓	✓		✓	✓	✓	
CALIFORNIA	✓	✓	✓	✓			✓		✓	✓	✓	✓	✓
COLORADO	✓	✓	✓	✓	✓	✓	✓						
CONNECTICUT	✓									✓	✓		
DELAWARE	✓	✓	✓	✓	✓	✓				✓	✓		
FLORIDA	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	✓
GEORGIA	✓	✓	✓	✓	✓	✓	✓				✓		
HAWAII	✓	✓								✓	✓	✓	✓
IDAHO	✓	✓	✓				✓			✓	✓	✓	✓
ILLINOIS	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	
INDIANA	✓	✓	✓	✓						✓	✓	✓	
IOWA	✓	✓	✓	✓	✓	✓		✓		✓	✓		
KANSAS	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓
KENTUCKY	✓	✓		✓			✓			✓	✓		
LOUISIANA	✓	✓					✓		✓	✓	✓	✓	
MAINE	✓	✓	✓	✓	✓	✓		✓		✓		✓	
MARYLAND	✓	✓	✓	✓	✓	✓		✓		✓	✓	✓	
MASSACHUSETTS	✓	✓	✓	✓			✓			✓	✓		

STATE	Sex Crimes	Murder	All Violent Crimes	Burglary	Drug Crimes	All Felons	Juveniles	Some Misdemeanors	Arrestees / Suspects	Jailed Offenders	Community Corrections	Retroactive Jail & Prison	Retroactive Probation & Parole
MICHIGAN	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	
MINNESOTA	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		
MISSISSIPPI	✓									✓	✓	✓	
MISSOURI	✓	✓								✓	✓	✓	✓
MONTANA	✓	✓	✓	✓	✓	✓	✓			✓	✓		
NEBRASKA	✓	✓	✓							✓	✓		
NEVADA	✓	✓	✓	✓	✓			✓		✓	✓		
NEW HAMPSHIRE	✓	✓	✓	✓			✓			✓	✓	✓	✓
NEW JERSEY	✓	✓	✓				✓			✓	✓	✓	
NEW MEXICO	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	✓
NEW YORK	✓	✓	✓	✓	✓					✓	✓		
NORTH CAROLINA	✓	✓	✓							✓	✓	✓	
NORTH DAKOTA	✓	✓	✓							✓	✓	✓	
OHIO	✓	✓	✓	✓			✓	✓		✓	✓	✓	✓
OKLAHOMA	✓	✓	✓	✓						✓	✓	✓	
OREGON	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓
PENNSYLVANIA	✓	✓	✓	✓			✓	✓		✓	✓	✓	
RHODE ISLAND	✓	✓	✓	✓	✓					✓	✓		
SOUTH CAROLINA	✓	✓	✓	✓	✓		✓			✓	✓	✓	✓
SOUTH DAKOTA	✓	✓	✓	✓						✓	✓	✓	✓
TENNESSEE	✓	✓	✓	✓	✓	✓	✓			✓	✓		
TEXAS	✓	✓	✓	✓	✓	✓	✓		✓				
UTAH	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓

STATE	Sex Crimes	Murder	All Violent Crimes	Burglary	Drug Crimes	All Felons	Juveniles	Some Misdemeanors	Arrestees / Suspects	Jailed Offenders	Community Corrections	Retroactive Jail & Prison	Retroactive Probation & Parole
VERMONT	✓	✓	✓	✓				✓		✓	✓	✓	✓
VIRGINIA	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓
WASHINGTON	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	
WEST VIRGINIA	✓	✓	✓	✓	✓			✓		✓	✓		
WISCONSIN	✓	✓	✓	✓	✓	✓	✓			✓	✓		
WYOMING	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	✓
TOTALS	50	48	44	41	28	23	30	22	4	46	46	31	17

George E. Pataki  
Governor

Katherine N. Lapp  
Director of Criminal Justice and Commissioner



## Office of Justice Systems Analysis

# Research Note

JANUARY 2002

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## The First 100 Hits — Forensic-Offender Matches on the New York State DNA Data Bank

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Bureau of Research and Evaluation

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### NOTE FROM THE DIRECTOR

This DCJS study represents the first comprehensive review of hits on the New York State DNA Data Bank in which DNA recovered through forensic methods successfully linked offenders to their crimes.

Deployment of this new and powerful forensic tool required stringent adherence to scientific standards. As important, though, is the capacity to assess the ability of the DNA Data Bank in bringing about appropriate criminal justice outcomes.

Routinely assessing the outcomes of DNA hits will require joining information across systems. Better integrated information, in turn, will enable more innovative uses of forensic DNA technology to attack crime in ways never before contemplated.

Katherine N. Lapp  
Director of Criminal Justice and Commissioner

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## EXECUTIVE SUMMARY

### HIGHLIGHTS

- Between February 29, 2000 and July 31, 2001, the State DNA Data Bank registered 104 hits in which forensic DNA evidence samples from crime scenes were matched with the DNA profiles of 102 indexed offenders.
- As a consequence of the 1999 expansion of the DNA Data Bank—requiring the indexing of all offenders then serving a sentence for a qualifying conviction—three-quarters of the offenders identified in these initial hits were already subject to some form of criminal justice control; most had extensive criminal histories, averaging 11.9 prior arrests and 5.5 prior convictions for felony or misdemeanor offenses; and most had a record of incarceration either in jail (75%) or prison (85%).
- For 55 of the 102 matched offenders, the first conviction was not for a DNA index offense. For these 55, the first DNA index conviction occurred about 4½ years after their first criminal conviction, during which time these offenders accumulated an average of 10.2 felony and 5.6 misdemeanor arrests.
- In 33 hits (32%), the police reported having "no suspect" at the time the forensic DNA evidence was submitted for matching against the index of convicted offenders.
- Offense types involved in hits included sex offenses (46%), burglary and related offenses (20%), homicide (13%), and other offenses (7%). In 14% of hits an offense type could not be determined.
- Only 36 hits (35%) could be tracked to update the status of police investigations or to obtain the outcome of criminal justice case processing. Existing information systems were incapable of linking data reliably, making tracking case outcomes extremely difficult.
- Of the 36 hits tracked, 9 cases were terminated at investigation with "no further action" recommended. In another 9 cases where an arrest was made, no further processing had been reported. Of the remaining 18 indicted cases, 14 were in still in process, 3 were convicted pending sentence, and 1 was sentenced.

### RECOMMENDATIONS

- Additional data linkages need to be developed before a detailed, substantive assessment can be performed on case processing involving DNA evidence:
  - Improve the ability to track DNA hits by routinely collecting additional information

when forensic samples are submitted, including: crime date, offense type, suspect status, and lead investigating agency.

- Improve the evaluation of the DNA Data Bank's impact on crime by collecting additional information on indexed offenders, including: type of qualifying conviction offense, the date of conviction and the date of entry on the offender index.
- Supplement the analysis of hits with a study of crime patterns of offenders not currently indexed to assess the benefits of expanding the DNA Data Bank.
- Conduct research on the effect of forensic DNA identification on the processing of sexual assault cases.
- Evaluate the effectiveness of forensic DNA identification in the investigation and criminal prosecution of burglary and related offenses.

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## **INTRODUCTION**

This report examines the first 100 hits on the New York State DNA Data Bank. Established in 1994 and expanded in 1999, the State DNA Data Bank is part of CODIS, the national Combined DNA Index System developed by the FBI. <sup>1</sup> A *hit* denotes a match between a DNA profile taken from a *forensic evidentiary sample*, submitted by law enforcement as part of a criminal investigation, and an offender's DNA profile stored on the Convicted Offender Index of the State DNA Data Bank. <sup>2</sup>

### **Structure of the Report.**

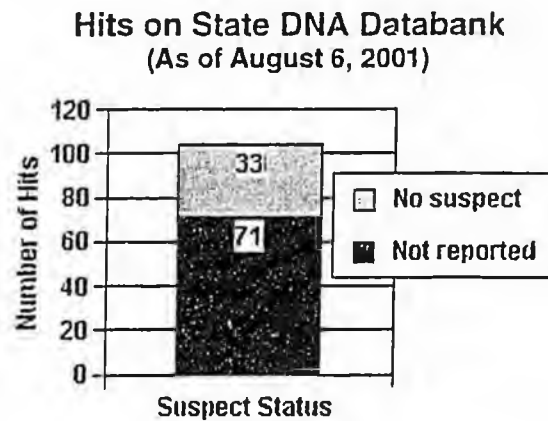
Initial sections of the report describe the demographics of offenders matched with forensic DNA profiles, and also note the prevalence of offenders identified in hits who were "grandfathered" into the Data Bank as a result of the 1999 change in the law that required the indexing of offenders then serving a sentence for a qualifying conviction offense. Later sections summarize the extent of offenders' prior involvement in the criminal justice system, their criminal justice status at the time of the hit, and the distribution of offenses associated with the hits. Where it was possible to track cases after the hit, the criminal justice processing outcomes are also reported. The final section discusses the implications of these findings and offers recommendations for improved hit tracking, the expansion of the DNA Data Bank, and the utility of DNA Data Bank information in researching substantive areas of criminal justice policy.

This report is based on an analysis of data maintained in the Division's Computerized Criminal History (CCH) database and Indictment Statistical System (ISS), as well as informal updates provided by local law enforcement officials in response to a follow-up on hits conducted by the Division's Office of Forensic and Victim Services (OFVS).

## **FINDINGS**

### **The First 100 Hits.**

As of August 6, 2001, a total of 104 forensic DNA evidentiary profiles submitted from crime labs throughout the State had been matched to 102 offenders indexed on the Data Bank over an 18-month period. <sup>3</sup> Of these, 33 matches were described by local officials as "cold" hits or, more appropriately, "no suspect" matches in which the police had exhausted all leads that would link a known person to the crime.



In the remaining 71 hits, the suspect status was not reported, ruling out a full assessment of how DNA evidence aided police investigations—whether to identify an unknown suspect, to confirm the identity of a known suspect, or to eliminate a suspect from the investigation.

**Demographics.**

All but one of the 102 matched offenders were male. At the date of match these offenders averaged 33 years of age.

**Demographics**  
[n = 102]

Male	99%
Average Age at:	
First Conviction	19 years
First DNA Index Conviction	24 years
Forensic DNA Match	33 years

**"Retroactive" Offenders.**

Legislation establishing the State DNA Data Bank requires offenders convicted of qualifying offenses to submit biological samples for DNA profiling. In 1999, the law was amended to require the additional profiling of thousands of convicted offenders then serving a sentence for a DNA index qualifying offense. As a result of this change in the law, approximately two-thirds of the offenders on the Offender Index at the time of this study had been "grandfathered" into the system.

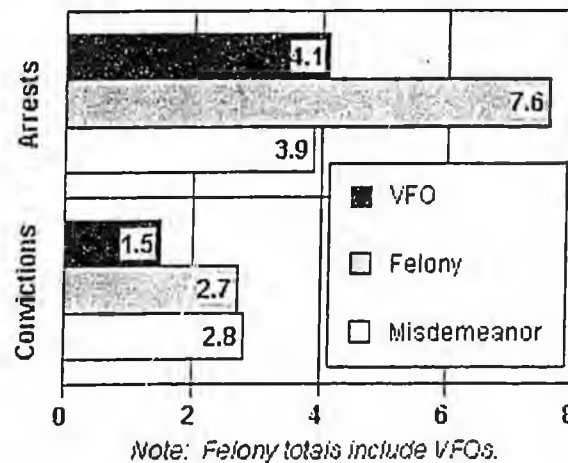
An exact count of retroactive offenders identified in these initial hits was not possible, because neither the date of the offender's qualifying conviction nor the conviction offense is stored in the Data Bank. Nonetheless, several factors consistent with a large number of retroactive offenders included in the study make it apparent that these offenders accounted for the majority of forensic DNA matches. Foremost among these is that most offenders were already subject to some form of criminal justice control at the time the hit was made. Other indications were found in the extensiveness of criminal histories as well as in the lengthy period between

the first qualifying conviction and the date of the hit (an average of nine years).

### Criminal History.

This section examines the criminal histories of matched offenders *prior to the date the hit was made*.<sup>4</sup> A sentence being served at the time of the match, as well as the accompanying arrest and conviction, were included in the criminal history.

#### Average Prior Arrests and Convictions



**Prior Arrests:** The 102 matched offenders averaged a total of 11.9 arrests in their criminal histories. The types of offenses for which matched offenders had been arrested averaged 4.1 Violent Felony Offenses (VFOs), 7.6 felonies, and 3.9 misdemeanors. Only three offenders had no arrests for VFO offenses prior to the hit date.

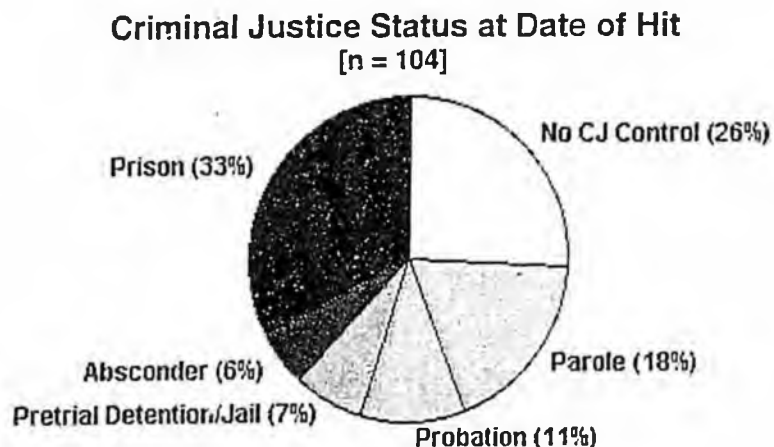
**Prior Convictions:** Matched offenders averaged 5.5 felony and misdemeanor convictions combined. Their criminal histories averaged 1.5 VFO, 2.7 felony, and 2.8 misdemeanor convictions. The first criminal conviction was a felony for 58% of offenders, and for 45% this conviction was for a DNA index qualifying offense. Only 12% had no history of a prior VFO conviction.

**First Conviction on Non-Index Offenses:** For 55 of the 102 matched offenders, the first criminal conviction was not a DNA index qualifying offense. On average, 4.7 years elapsed before these offenders were convicted of a DNA index offense.<sup>5</sup> In the interim, they had averaged 10.2 arrests for felonies and 5.6 for misdemeanors.

**Prior Sentences to Incarceration:** Most offenders were incarcerated either prior to or at the time of their match. Three-quarters had served time in jail and nearly 85 percent had served a prison term. Overall, offenders averaged 2.7 jail sentences and 1.9 prison sentences. Due to the number of retroactive offenders in the study, as previously noted, rates of prior incarceration were higher than would be expected for offenders convicted of a qualifying offense after the 1999 expansion of the DNA Data Bank.

**Criminal Justice Status.**

As of the date of the match, nearly three-fourths (74%) of offenders identified in the hits were subject to some type of criminal justice control. The prevalence of retroactive offenders on the Offender Index likely accounts for the higher number of matched offenders serving custodial or supervisory sentences. The following chart shows the criminal justice status of offenders at the time of the hit.



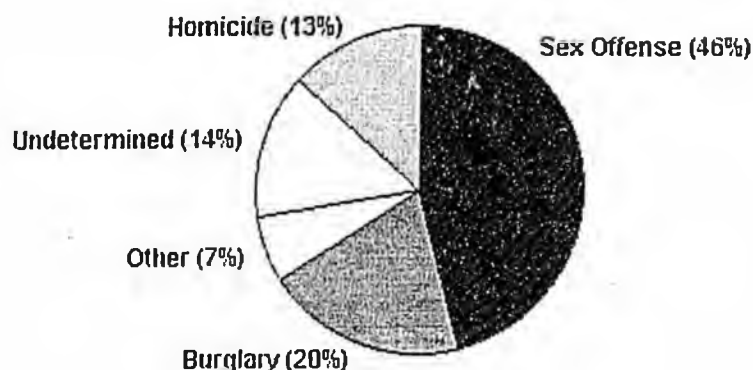
- 33% in prison
- 26% no criminal justice control
- 18% on parole
- 11% on probation
- 7% pretrial detention or in jail
- 6% absconded from parole

**Offenses Related to Forensic DNA Matches.**

Offense types involved in hits were ascertained from the OFVS review. No offense type was determined in 14% of the hits. The distribution of offense types is illustrated in the following chart.

**Type of Offense Involved in Hit**

[n = 104]



- 46% sex offenses (rape, sodomy, sex abuse, sexual assault)
- 20% burglary offenses
- 13% homicides (murder, manslaughter)
- 7% other offenses (robbery, assault, racketeering).

**Processing Outcomes of Cases Linked to Matched Offenders.**

Processing outcomes and status updates on all cases reported in this study are current as of August 14, 2001.

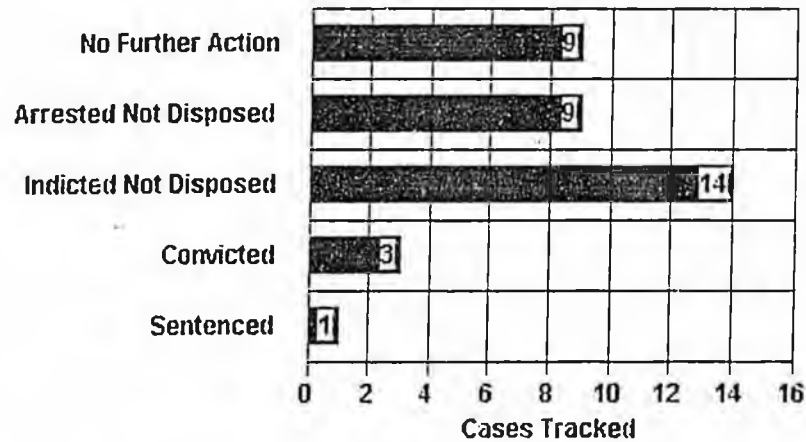
Linking Hits to Criminal Cases: To establish a reliable linkage between an offender identified in a DNA hit and the resulting criminal case on the DCJS Computerized Criminal History (CCH) or Indictment Statistical System (ISS) requires information on the type of offense, the date of the crime, and the lead investigating agency submitting the forensic DNA sample. In the absence of these identifiers, connecting matched offenders to their related criminal cases for this report often amounted to an "educated guess" based on a subjective evaluation of the information available in the record. As a result, the method for determining processing outcomes in cases was inefficient and, often, imprecise.

Processing outcomes reported here are only for those cases in which a link to the matched offender was substantiated in one of two ways. One method involved coordinating the date of an arrest, court filing or disposition for an offender located in the CCH or ISS systems with the date of a similar criminal justice event reported in the OFVS review. The other involved directly linking the offender to the case through the OFVS follow-up, in which a status update was provided by local officials familiar with the case. 6

Case Linkage: Of the 104 hits, processing outcome and status updates were available for only 36 cases (35%) using the above methods. Offenders could not be linked to cases in the remaining 68 hits (65%). However, many of the hits that were not linked were relatively recent cases for which processing data would not normally have been transmitted to the DCJS by the August 14 update.

Case Outcomes: Processing outcomes for the 36 cases linked to offenders were distributed as shown in the following chart:

**Case Status and Processing Outcome**  
[n = 36]



- No Further Action — 9 cases did not go forward and were closed, according to local officials. Accounts varied by case but the most frequent reason cited was the uncooperativeness of a victim of sexual assault (5 cases).
- Arrested Not Disposed — in 9 of the 27 cases in which an arrest was reported, further processing had been reported at the time of update.
- Subsequent Indictment — For 14 of the 18 cases in which an indictment was handed up or an information filed, an adjudication had not been completed by the time of update.
- Convicted — 3 cases resulted in a conviction in which sentence had yet to be imposed.
- Sentenced — 1 case resulted in a sentence of incarceration. In sum, of the 36 DNA hit cases that could be tracked, a final outcome had been reached in 13 cases.

In sum, of the 36 DNA hit cases that could be tracked, a final outcome had been reached in 13 cases. The other 23 cases—almost two-thirds of those analyzed— remained open at a post-arrest stage at the time of this study and would be subject to the normal delays of case processing. As more of these cases mature and advance in their processing, the number remaining open will decline.

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## **IMPLICATIONS AND RECOMMENDATIONS**

This analysis of the initial hits on the State DNA Data Bank raises several issues concerning the integration of information systems, the expansion of the DNA Data Bank, and the potential impact of forensic DNA technology on criminal investigation and case processing. In this section the implications of findings in these areas are discussed, and specific recommendations are offered to improve the usefulness of current information sources to inform public policy.

**RECOMMENDATION #1:** For improved statistical tracking of forensic-offender DNA matches, the following information should be collected and retained on each submission of a forensic DNA sample:

- Lead Investigating Law Enforcement Agency
- Date of Crime
- Offense(s) (Penal Law classification)
- Suspect Status ("no suspect," "known suspect," "elimination," or "other")

**RECOMMENDATION #2:** For improved statistical tracking upon indexing an offender on the DNA Data Bank subsequent to conviction for a qualifying offense, the following information should be collected and retained in relation to offender identification:

- Conviction Offense(s) (Penal Law classification)
- Date of Conviction
- Date of Entry on Index

### **Integration of Forensic and Criminal Information Systems.**

Tracking criminal justice outcomes of cases that result from DNA hits is distinct from the process of using DNA evidence to identify an offender associated with a crime. Forensic-offender DNA matching is a highly controlled and rigorous scientific process. Outcome tracking, however, becomes relevant if ultimately we are to understand the effects of this science on the prosecution and sanctioning of offenders. It becomes critical in the development and refinement of policy governing the use of this new technology.

The current level of integration across existing information systems is not sufficient to track outcomes accurately and routinely. Improving this integration is the focus of these recommendations.

Currently, cross-system matching is largely a manual process that is time-consuming and unreliable. If, as expected, growth in the number of hits on the DNA Data Bank rapidly accelerates—as already has occurred in Virginia—routine tracking will not be feasible unless key information is shared across systems to allow a greater degree of automation. Before a reporting system can be instituted to track DNA hits routinely through their criminal justice outcomes, four operational issues must be addressed:

1. *Incomplete results:* The manual process of linking DNA hits used in this study yielded incomplete results. Even in this small initial sample in which each hit was individually reviewed and updated, only one in three hits could be linked to a corresponding criminal investigation, arrest or prosecution.

2. *"Not forwarded" cases:* The Division's criminal justice information systems begin tracking cases at the point of arrest. One-quarter of the cases linked to hits could not be tracked because the investigation did not go forward to arrest. Updates on these hits were available only through direct communication with local law enforcement officials.
3. *Tracking hits in criminal cases across information systems:* The ability to track outcomes of hits improved considerably upon arrest or indictment, as cases entered the scope of DCJS information systems. However, tracking the outcome of a case resulting from a DNA Data Bank hit through official criminal justice information systems remains problematic, because basic incident descriptors, including crime date and type of offense, are not indexed on the Data Bank along with the forensic DNA profiles.
4. *Indeterminacy of criminal histories:* The principal utility of CODIS lies in its unprecedented contribution as an evidentiary tool in establishing (or eliminating) suspect identities in criminal investigations. However, on a much broader scale, CODIS offers the potential to *prevent future crimes* by expediting interventions earlier in the careers of criminals at risk of becoming high-rate offenders before their offending behavior can escalate and diversify. To substantiate the value of CODIS in achieving this goal, it is essential to determine the prior criminal histories of offenders accurately. That task is made unnecessarily difficult—and, for *retroactive* offenders, nearly impossible—because neither the conviction offense resulting in placement on the Offender Index nor the date of indexing is available on the Data Bank.

**RECOMMENDATION #3:** The analysis of hits in support of expanding the DNA Data Bank should be supplemented by a study of crime patterns of offenders not currently indexed.

**Expanding the DNA Data Bank.** Overall, 102 matched offenders—most of whom were indexed retroactively—averaged 10 felony and 6 misdemeanor arrests in less than 5 years before their conviction for a DNA index offense. At first glance the seriousness and frequency of criminal involvement prior to their conviction for a qualifying offense is alarming and amplifies a prevailing concern about the adequacy of existing Data Bank qualifying standards. *This study supports the premise that under current qualifying criteria some offenders engage in serious and repeated crimes before they are indexed on CODIS.*

However, an important limitation of the present study, which only analyzed hits on the DNA Data Bank, is that it cannot fully assess the effects of expanding the Offender Index. A more focused examination of this issue is provided in a companion DCJS research report, "Expanding the Offender Index of the New York State DNA Data Bank." That study looks at criminal career offending patterns not only of indexed offenders but also of non-indexed offenders, comparing each group's involvement during young adulthood in crimes likely to yield DNA evidence. For this reason, any assessment of proposals to expand the State's DNA Data Bank should also consider the results of the companion study as a supplement to the findings presented in this report.

**RECOMMENDATION #4:** Conduct research on cases that involved DNA matches in the investigation and prosecution of sexual assault.

**Sexual Assault Hits.** This study would aim at understanding and isolating factors that contribute to—or detract from—the successful prosecution of sexual assault cases in which

forensic DNA evidence is a factor. Nine of the 36 hits in which cases were linked to offenders in the present study did not go forward. According to local law enforcement officials, more than half the DNA hit investigations which were closed without arrest involved sexual assault victims who were reportedly unwilling to cooperate with authorities in the investigation and prosecution of their cases, despite the presumption of credible forensic evidence linking a suspect to the crime.

Although this finding is inconclusive, if case outcomes in fact differ depending on whether the suspect is known to the victim or not, important questions are raised about the impact of forensic DNA. Victim perceptions and behavior can and do affect the success of criminal prosecutions. For instance, victim cooperation, especially in cases of sexual assault, may be predicated on the availability and provision of appropriate services. How victims are influenced by the introduction of forensic DNA evidence in the processing of criminal cases is a concern of policymakers and practitioners that is worth investigating in a separate research initiative.

**RECOMMENDATION #5: Conduct research on the application of forensic DNA methods in solving burglaries.**

**Burglary Hits.** In this study burglary offenses generated more hits than homicides; only sex offenses had a greater number. In homicide and sex offense cases, crime scene and medical protocols to capture DNA evidence are well-developed. Burglary is by far the more common crime, yet attempts to obtain DNA evidence for matching to convicted offenders on the Data Bank are far less routine. The productivity of forensic DNA in solving burglaries seems to show great promise in anecdotal accounts, but to date no systematic research has been conducted on this topic. Due to the nature of burglary and related property crimes, DNA matches are more likely to result from cases in which the police do not have a suspect. Moreover, the establishment of an offender's MO through forensic-to-forensic matches may also be a critical tool in investigations that solve a string of burglaries.

***SUMMARY***

This report on the first one hundred hits on the New York State DNA Data Bank examined 104 matches of forensic DNA evidentiary samples with 102 offenders. DNA hits were described in terms of the demographics and criminal histories of matched offenders, as well as the types of offenses involved. Where possible, status updates on investigations and processing outcomes of criminal justice cases were also reported.

***CONCLUSION***

The State DNA Data Bank is an integral component of CODIS and represents one of the most important advances in criminal identification in recent years. However, the ability to monitor the performance of this system, to use it effectively in the formulation of policy, and to improve law enforcement operations cannot be fully realized until it is better integrated with other criminal justice information systems, including those that report on case processing and offender criminal histories.

A unique opportunity now exists to enhance the productivity of both forensic and criminal justice information systems by strengthening the interface between them. However, the time to engage this process is limited. Simple but fundamental changes in reporting requirements by law enforcement agencies and forensic laboratories need to be initiated before the operational aspects of the DNA Data Bank become inundated by the very success of the program.

The advantages to be gained from modifications of the kind suggested in this report will lead to an integrated system that is more manageable from an operational perspective and more informative on substantive issues in the larger arena of criminal justice policy.

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## ENDNOTES

1. Ch. 737 of the Laws of 1994 became effective August 2, 1994, amending the Executive Law by adding Article 49-B establishing the State DNA Identification Index. The Executive Law was again amended on December 1, 1999 (L. 1999 Ch.560 §1), expanding the list of DNA Index qualifying offenses to a total of 56 felonies and 34 attempts at these offenses. CODIS, the Combined DNA Index System, was developed by the FBI in 1990 as a national index of DNA records generated locally by subscribing laboratories around the country. The State DNA Index participates in CODIS under the provisions of §995-b(9)(ix).
2. Only forensic-to-offender matches were analyzed in this study. The development of suspects on the basis of matches between forensic DNA analysis samples from different crime scenes was not examined.
3. There were more hits than offenders because two offenders were matched to two different forensic DNA profiles. The first forensic-offender DNA match was generated on Feb. 29, 2000 and the most recent on July 13, 2001. Between March 1, 2000 and August 1, 2001, the number of DNA profiles from convicted offenders in the State DNA Data Bank rose more than 500%, from 7,793 to 49,422, while the number of indexed forensic profiles soared 3600%, from 58 to 2,187.
4. Prior arrests, convictions, and sentences in this study are counted in relation to the DNA match date because the crime date was not available in the forensic index file. For a few offenders the arrest resulting in the hit was counted as a prior arrest. In addition, a conviction or sentence the offender was serving at the time of the match was considered a prior conviction or sentence. All offenders will have had at least one felony conviction to be in the data bank.
5. The specific offense for which offenders are indexed in the DNA data bank is not distinguished ("flagged") either in the Convicted Offender Index of CODIS or on the criminal history system (CCH). As a result, particularly for retroactively indexed offenders, an offender's first conviction to a DNA index offense in the criminal history may not be the conviction offense for which the offender was actually indexed. However, it does represent what would have been the first opportunity to enter the offender's DNA profile on the Data Bank if the current index had been in effect.
6. Of the 36 cases that could be linked with matched offenders, 19 were located in either the CCH or the ISS systems irrespective of OFVS's follow-up, and 17 were updated on the basis of the OFVS review alone—including all 9 cases where "no further action" was specifically reported by local officials.
7. In 1998, Virginia recorded only 8 hits involving forensic samples against indexed offenders. In 1999, the number of hits climbed to 144 and to 352 in 2000. In 2001, 459 hits have been recorded during the first nine months alone. Virginia officials account for this dramatic growth as a result of the elimination of the backlog of unanalyzed DNA profiles of convicted offenders and an increase in the number of crime scene forensic DNA samples submitted for matching against the convicted offender index.
8. "Expanding the Offender Index of the New York State DNA Data Bank", a Policy

Research Report. New York State Division of Criminal Justice Services, Albany, NY (January 2002). This study looks at the adult offending patterns of a statewide birth cohort to determine the proportion of those who would and would not qualify on the existing or expanded convicted offender indexes.

9. In Virginia, burglary and robbery offenses account for 43% of hit offenses, compared to 12% for homicide and 34% for sex offenses and 3% for homicide/sex offenses combination. (Source: <http://info.dcis.state.va.us/sections/forensicscience/whatsnew.cfm>).

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# Alaska Association of Chiefs of Police

February 10, 2003

Honorable Tom Anderson Chair,  
House Labor & Commerce Committee  
State Capitol Building, Room 432  
Juneau, AK 99801-1182

Dear Chairman Anderson:

On behalf of the Alaska Chiefs of Police Association, we encourage you and your colleagues in the State Legislature to support HB 49, expanding the State DNA Database.

We believe that the collection and examination of DNA evidence is the next step in the technological advancement of the art and science of crime investigation. Unfortunately, the potential of DNA identification technology as a crime fighting/solving tool is not being realized due to under funding of forensic laboratories and the limitations on sample collection.

Forensic DNA typing has had a broad, positive impact on the criminal justice system. In recent years, convictions have been obtained that previously would have been impossible. Countless suspects have been eliminated prior to the filing of charges. Old, unsolved criminal cases, as well as new cases, have been solved. Mistaken accused defendants have been freed both before trial and after incarceration. And increasingly, the unidentified remains of crime victims are being identified.

HB 49's expansion of DNA collection to all felons and the specific misdemeanor sex crimes will increase the samples in the statewide database and lead to an increase in the number of unsolved crimes both old and new. HB 49 will additionally help to make police investigation more efficient and more accurate, helping both law enforcement and crime victims.

We encourage both you and your colleagues to support this very important piece of legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Clemons", written in a cursive style.

Chief Thomas Clemons  
President Alaska Chiefs of Police Association

STATE OFFICE  
**ALASKA PEACE OFFICERS ASSOCIATION**

P.O. Box 240106 Anchorage, Alaska 99524-0106 Phone (907) 277-0515 Fax (907) 272-3353



February 6, 2003

Representative Tom Anderson  
State Capitol  
Juneau, AK 99801-1182

Dear Representative Anderson:

On behalf of the Alaska Peace Officers Association (APOA), I would like to thank you for co-introducing House Bill No. 49, an act relating to the DNA identification registration system; and providing for an effective date.

The APOA State Board's Legislative Committee recently reviewed this proposed legislation and decided to unanimously support this bill.

As you are aware the DNA identification registration system has proven itself in the identification of suspects that would have otherwise been undetected. The broadening of the DNA database is not only a positive suspect identification tool for Alaskan law enforcement but also a proven means of helping to solve "cold" cases, where the leads had all but dried up. We believe that this proposed legislation will be of benefit to both the citizens and law enforcement of Alaska.

Please contact the APOA office in Anchorage at 277-0515 if there is anything our organization can do to assist in the passage of this bill.

Sincerely,

Leo J. Brandlen  
State President

**Business Manager**

Joseph Young  
Anchorage

**Board of Directors**

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Andrea Jacobson, Member  
Ketchikan  
Pres. First City Chapter

James See, Member  
Craig  
Pres. Prince of Wales Chapter

John Lucking, Jr., Member  
Unalaska  
Pres. Aleutian Islands Chapter

Jeff Odom, Member  
Wrangell  
Pres. Wrangell Chapter

# Is in before Board of Regents

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regents and students received his message of support by having it delivered by his most trusted longtime political adviser, his wife," Saddler said.

Saddler said the senator hopes Alaska monetarily benefits from the bill, from opening the Arctic National Wildlife Refuge to the potential of building a natural gas pipeline. The role he plays in energy legislation is in the interest of the state's wealth, which will help fund the university.

Members of the board, including

Chancellor Lee Gorsuch and UA President Mark Hamilton, addressed the Nancy regarding issues the university would face in the years to come.

The chancellor expressed his excitement for the future of students in Alaska in terms of jobs and opportunity. Gorsuch said there was a shortage of teachers, engineers, nurses and technologists in the state.

"Alaska is going to solve problems by being collaborative," Gorsuch said.

SEE MURKOWSKI, PAGE 3

## Our Life" convention

## New suspect charged

*Original released after wrongful charge*

By Kim Perry 10/23 - 10/28 2002  
Northern Light

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SEE AFN, PAGE 3

University police are now confident they have the correct suspect in custody from the Sept. 27 campus sexual assault. Joseph Coolidge, Jr., was released from Cook Inlet Pre-Trial Facility Oct. 11 after being wrongfully charged with the sexual assault of a student on the University of Alaska Anchorage campus.

The same day Michael A. Stephan, 34, was charged with the crime after evidence directed university police to suspect his involvement, university police said.

Coolidge, 36, was released after two weeks at the pre-trial facility when DNA evidence collected from the victim cleared him of the crime, police said.

SEE ASSAULT, PAGE 4

# Assault: DNA helps police

CONTINUED FROM PAGE 1

"The DNA came back and it was not his (Coolidge)," UPD Chief Dale Pittman said.

UPD then used a national DNA database to look for leads on the case and found a match with Stephan.

"The DNA match came back to another person from Alaska named Stephan," Pittman said.

Stephan has a 1997 assault record and had a DNA sample taken while he was incarcerated, under a 1996 law requiring all violent-felony offenders to give DNA samples. He also has a history of indecent exposure convictions.

"If he hadn't been convicted for that felony assault, the DNA profile would not have come back as a match," Pittman said.

Stephan had no involvement with the university and didn't work nearby, Pittman said.

Pittman said the suspect's activities are known until 4 a.m. on Sept. 27, the day of the assault. He was with friends on the west side of town before the incident. Stephan's whereabouts from 4 a.m. until 10 a.m. are still unknown, Pittman said.

"We know that at 7 o'clock he was on campus committing a crime," Pittman said.

The incident happened around 7 a.m. outside the Allied Health Sciences Building. The student was forced to the ground, choked unconscious and pulled into the brush near the building, where the assault occurred. There were four witnesses between 7:40 a.m. and 8 a.m. before the university police were

contacted and the victim taken to the hospital.

At 6 p.m. the same day, Coolidge was arrested. He was charged the next morning with first-degree sexual assault and held at the pre-trial facility.

"Mr. Coolidge was not the rapist...eyewitness identification was wrong," Pittman said.

A university officer picked up Coolidge near the Auto Diesel Technology Building after matching his description to the reports given by witnesses.

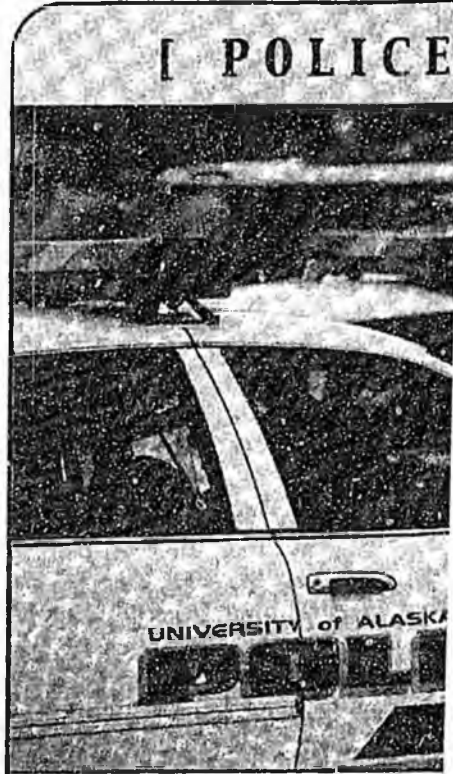
The suspect was described as Native, with shoulder length hair, 5 feet 6 inches tall, wearing a blue jacket with a stripe. There were two witnesses who identified Coolidge as the perpetrator.

"We had a witness drive by, who positively identified him as the assailant," Pittman said.

A photographic lineup was prepared by the Alaska State Troopers. They collected the drivers' license photos from the suspect in question and other people who also match the description. The photos were then shown to another witness, who selected Coolidge from the lineup, Pittman said.

The victim was unable to identify anyone from the lineup.

"Mr. Stephan and Mr. Coolidge look similar. Both are the same height, same weight. Mr. Coolidge obviously looked similar enough that eyewitness were able to pick him out of a line up," said Pittman. "The real rapist is in jail. We have no doubts about that."



## Oct. 10

**MOOSE STRAIGHT LIMPIN'**  
7:48 a.m. - A staff member called aft Consortium Library parking lot. Two observed the animal until it went into

**DRAG RACING WAS COOL II**  
7:37 p.m. - A resident on Florina Streets that were racing in Alder lot. Two race car drivers a verbal warning for

**Oct. 11**  
**CATCHING A CAT NAP ON T**  
1:48 a.m. - A custodian called UPD restroom on the second floor of the S and found the man not in need of the S resulted in an arrest.

**Oct. 12**  
**SHUTTLE BUS RIDING ON E**  
6:40 p.m. - A shuttle bus driver radi the corner of UAA Drive and Scoter until gasoline could be brought to th

**Oct. 13**  
**CALLING EARL**  
12:40 a.m. - A housing resident adv reported an offense to deal with a d

## ARRIVE ON CAMPUS RELAXED



Read a book or grade papers, leave the



# Alaska State Legislature

Please enter into the record my testimony to the House Judiciary Committee  
committee name

Committee on HB 49 Expand DNA Database, dated 03-12-03  
bill # / subject

To Representatives McGuire, Anderson, Coghill, Holm, Samuels, Gara, and Gruenberg:

I am OPPOSED to HB 49! This bill will allow people's right to privacy to be invaded by the State of Alaska's criminal justice system. The citizens of Alaska have a right to their privacy, including their DNA! This bill will be very costly in litigation from prisoners and citizens who are ordered to submit their DNA. Our Public Defenders will spend time fighting against this invasion of privacy, for prisoners who disagree with submitting their DNA. It will be fought and appealed by many prisoners, juveniles, people on probation, and people who are convicted of misdemeanor offenses. The State of Alaska is already facing a budget crisis! Enacting a bill such as HB 49 will not save the taxpayers money. If HB 49 passes, it will cause repercussions that will dramatically add to our budget deficit in increased costs of litigation. It will be done in various ways. People will apply for Alaska Legal Service to help them fight against submitting their DNA because of a misdemeanor conviction. Alaska Legal Services is already completely overburdened with requests for legal assistance to low income people. Alaska Legal Services is paid for by tax payer's money! The Alaska Court system is backlogged. Court cases drag on for years because the court's calendar is too full. Do not allow HB 49 to pass, it will make average citizen's submit to providing their DNA. If your grandmother gets pulled over for a speeding ticket, she would have to submit her DNA! HB 49 is unconstitutional. VOTE NO on HB 49!

Signed: Laurie Churchill  
Testifier

\_\_\_\_\_  
Representing (optional)

PO Box 7043 Nikiski, Ak 99635  
Address

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