



DNA: CONNECT N.Y. DOTS

By RICHARD M. ABORN

June 9, 2006 – THE expanding use of DNA to identify criminals is perhaps the single most significant advance in crime-fighting in recent years – but New York state is behind the curve.

Law-enforcement officials in New York can only take DNA samples from those convicted of a limited number of crimes; legislation to expand that is now bottled up in the state Assembly.

DNA evidence allows police to identify criminals quickly, and with a high degree of certainty. New York's own experience offers definitive proof of its importance and should move the Assembly to stop stalling.

A 1996 law allowed New York law-enforcement to collect DNA samples from criminals convicted of homicide and sex-related offenses. The Legislature expanded the list in 1999 and again in 2004 to cover a broader range of felonies and a few misdemeanors. The results were startling – with each expansion, the number of criminals identified and crimes solved soared.

In total, DNA evidence has linked 2,455 offenders to 3,864 crimes in New York – with 1,600 of the offenders identified thanks to the expansions of the list. The 2004 expansion alone allowed police to solve 77 rapes and 14 homicides, along with many other offenses.

For seven years, Gov. Pataki has proposed and the Senate has passed – as recently as February, by a vote of 60 to 1 – a bill to treat DNA the same as fingerprints: a conviction of any crime would require a DNA sample.

At first, New York limited DNA sampling to 20 or so offenses – crimes where perpetrators were likely to leave DNA samples. But as a result of technological advances, DNA collection is now so sophisticated that samples can be recovered from many places: drinking glasses, discarded cigarettes and many other surfaces.

The 1990 and 2004 expansions added violent felony offenses, some sex crimes and other felonies including terrorism and hate crimes. But this is not enough. Studies have shown that criminals (when finally added to New York's DNA databank) had committed on average 11 prior offenses.

We also know that violent felons engage in non-violent crimes. More than 850 offenders linked to sexual-assault cases through DNA in New York had previous convictions for less serious offenses such as larceny, burglary or drug violations.

Clearly, the more DNA we collect, the more criminals we can convict and the more *future* crimes we can prevent. This is crime-fighting at its best.

Critics contend that DNA samples could be misused by the government or corporate sector to create genetic profiles. This is an understandable concern – but it hasn't happened, in the many U.S. states that collect extensive DNA samples, or in the United Kingdom, which for a full decade has collected DNA from everyone *arrested* for anything.

In all of these years, and despite the huge number of collected samples, there has not been one single case of misuse in either country – not one. Moreover, improper use of any DNA sample is a felony in New York.

New York law-enforcement officials have DNA samples for 18,000 unsolved crimes. Undoubtedly, the perpetrators are continuing to commit new crimes. Expanding the DNA databank would not only help to solve some of these offenses, but prevent other crimes.

Note, too, that expanding the DNA databank, reduces the chance of individuals being falsely accused of crimes because police can accurately link more crime scenes to actual offenders, thus sparing the innocent from the indignity of an arrest and criminal proceeding. One enduring lesson of 9/11 is that, had U.S. law enforcement used the technology and data in its possession to “connect the dots,” it might have apprehended the terrorists and prevented the attacks. New York state now possesses similar unconnected “dots.” The bill that the Assembly refuses to pass would let us connect them.

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