



CITIZENS CRIME COMMISSION
OF NEW YORK CITY

FACT SHEET

Expanding the use of DNA in New York
Convicting the guilty; Exonerating the innocent

What is DNA?

- Short for Deoxyribonucleic Acid, DNA is a molecule of hereditary material found in every cell in a person's body.
- A scientist can analyze the unique portion of an individual's DNA to create a DNA profile consisting of a pattern of DNA regions (markers).

How is DNA collected for law enforcement purposes?

- Law enforcement uses the least invasive method of DNA collection, which is from cheek cells inside the mouth using a buccal swab (similar to a q-tip).
- DNA is also collected from biological samples (such as blood, saliva, semen, sweat, skin oil, hair, and other DNA containing fluids or tissues), left behind at crime scenes or from missing persons.

Once tested, what can a DNA sample tell law enforcement?

- The DNA sample is used to match whether DNA collected at a crime scene comes from an individual.
- It can also tell law enforcement if DNA samples collected at multiple crime scenes came from the same person.

What is the DNA Databank?

- The DNA Databank maintains DNA profiles of convicted offenders so that law enforcement officials can identify the perpetrators of crimes when DNA evidence is collected from a crime scene.
- The Databank is used to compare the convicted offender profiles and the forensic profiles (from DNA collected at crime scenes) to identify a match. The Databank is also used to match DNA collected from multiple crime scenes (this happens when the same offender leaves DNA at multiple crime scenes).
- DNA profiles are compared to other profiles obtained locally, throughout the state, and nationally, through the Combined DNA Index System (CODIS), the Federal Bureau of Investigation's DNA Databank.

Other than matching known offenders to crimes, and for linking one crime to another, what else is the DNA Databank used for?

- Post-Conviction Testing – to determine if a person was wrongly convicted.
- Investigating Cold Cases – those that remain unsolved and have been shelved after all leads have been exhausted.
- Identification of Missing or Unidentified Persons – linking missing persons to human remains.

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Who is currently required to provide a DNA sample?

- Under current law, criminals convicted of any felony and any one of 36 specified misdemeanors are required to submit a DNA sample to be included in the DNA Databank.
- In not requiring DNA samples for the myriad of other crimes committed, the current law fails to collect DNA samples from 52% of those convicted of crimes.

What does expansion of DNA seek to do?

- We know that criminals often commit non-violent crimes before they commit violent crimes. Collecting DNA from convicted criminals can help deter future violent acts.
- For instance, of the offenders linked to homicides and sexual assault cases in the Databank 34% were required to submit a DNA sample for a drug, burglary, or a petit larceny conviction.
- Offenders matched to crimes through the DNA Databank on average had *three* prior non-qualifying convictions before they were convicted of an offense that required a sample be taken.

What will change under the new expansion law?

- Anyone convicted of a crime in New York State will be required to submit a DNA sample to the databank.
- Individuals convicted of the misdemeanors not currently covered by the DNA Databank law will now be required to provide a DNA sample.

Why would the expansion be effective?

- The expanded statute will help solve crimes. By increasing the number of offenders required to submit their DNA, there will be more “cold hits” (matches) on DNA left behind at crime scenes;
- The expansion of the databank will prevent crimes from occurring by identifying criminals before they have the opportunity to commit additional crimes;
- It will prevent innocent individuals from being wrongly suspected, arrested, and convicted of crimes they did not commit;
- It can help to exonerate individuals who have already been wrongly convicted by providing scientific evidence that the individual’s DNA does not match the DNA at the scene of the crime—Nationally there have been 271 DNA exonerations, 10% have taken place in New York State;
- The expansion of the databank would increase the cost efficiency of the state criminal justice system; and
- It will bring justice to crime victims.