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DNA tests should be routine as fingerprints

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Raymon McGill began his criminal career with minor offenses, but soon graduated to very violent crimes. In January 2000, he raped an 85-year-old woman. Three months later, he murdered a 50-year-old woman. In January 2004, he murdered a 68-year-old man. The three crimes all occurred in Albany.

But it wasn't until McGill was convicted of attempted robbery in 2005 -- and required to provide a DNA sample -- that he was linked to the rape and murders, and finally held accountable for them.

What's more troubling is that in 2003, before he committed the second murder, McGill was convicted of a drug offense, but was not required to provide a DNA sample that could have linked him to the rape and first murder. Had he been required to do so, the second murder might never have occurred.

The way to avoid this travesty is very simple: Expand the collection of DNA to include those convicted of all crimes. To date, New York still fails to collect DNA in all misdemeanor cases, which, according to the Division of Criminal Justice Services, involve 54 percent of the individuals convicted of a crime, many of whom go on to commit violent offenses.

In other words, people convicted of crimes like McGill's drug possession charge still are not required to give a DNA sample. The state Legislature should move swiftly to require that anyone convicted of a crime be required to give one.

In 2009 alone, 18 percent of those arrested for a violent felony were not listed in the DNA databank, according to the Division of Criminal Justice Services, despite having been convicted of at least one prior crime. The DNA law fails to cover these 7,543 repeat offenders, and leaves the public at risk of these criminals who committed misdemeanor crimes and then went on to commit violent felonies.

Collecting DNA from convicted criminals can prevent future violent acts. That, we know, because criminals often commit non-violent crimes before they commit violent ones. It also can exonerate someone who is wrongly convicted or suspected of a crime.

The Division of Criminal Justice Services found that on average, criminals whose DNA matched crime-scene DNA in the databank had approximately 11 prior arrests and five prior convictions. In New York since 1991, there have been 26 post-conviction DNA

exonerations -- the third most in the nation, behind only Texas (40) and Illinois (29). Those exonerated spent an average of 11.6 years in New York prisons before their release.

The last time the state Legislature expanded use of this effective crime fighting tool was in 2006. As a result, anyone convicted of any felony and any one of 35 specified misdemeanors is required to submit a DNA sample to the state DNA databank, which in turn is compared with DNA collected from crime scenes. This 2006 expansion showed immediate impact, and in fact, in the two years following the expansion the number of DNA hits increased by more than 50 percent.

But we can and must do even better. We have the tools available to make our crime-fighting more precise. There is zero reason not to use them.

The arguments for adding this valuable crime-solving tool to both convict the guilty and exonerate the innocent are overwhelming. It's time to treat DNA as the 21st century fingerprint. The Legislature must act now to pass this proposal and protect public safety.

Richard M. Aborn is the president of the Citizens Crime Commission of New York City.