

2018 Binational State Attorney General Exchange




2018 Encuentro Binacional de Procuradores y Fiscales Generales

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FAMILIAL DNA: PUTTING ELUSIVE CRIMINALS BEHIND BARS

HOW CA DECIDED TO EXPAND THE USE OF
IT'S DNA DATA BASE

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FAMILIAL SEARCH DEFINED

- National District Attorneys Association: “Familial Searching is a technique whereby a crime scene profile is deliberately run through the offender databank in the hopes of getting a list of profiles that are genetically similar to the DNA evidence and using this information as an investigative lead to interview family members of the near matches.”

CODIS (COMBINED DNA INDEX SYSTEM)

- Software allows for State (SDIS) and local (LDIS) databases to exchange and share data
- Also allows States to exchange and share data with the National DNA Index System (NDIS)
- Indices include; Convicted Offender, Arrestee, and Forensic.
- “Hits” reported are usually, a forensic or crime scene DNA profile matching a DNA profile in the Convicted Offender or Arrestee database.

WHY GO BEYOND ROUTINE CODIS SEARCHES?

- *"There is good a priori reason to believe that familial searching would have some success. According to the Bureau of Justice Statistics Correctional Populations in United States, 1996 report, at least 42.8% of inmates had close relatives who also have been incarcerated."*

CLOSE MATCH

- Modified CODIS searches are sometimes conducted
- David Hunt exoneration (North Carolina)
 - Hunt's attorney requested another search (a CODIS modified search) which revealed a close match to Anthony Brown
 - Investigators discovered that Anthony had a brother – Willard Brown
 - During interview, Willard smoked cigarette that was later tested and matched the crime scene DNA profile from the David Hunt's case

EVENTS LEADING UP TO CA FAMILIAL SEARCH POLICY

- David Hunt's case and others
- United Kingdom, an ongoing program since the mid 2000's
- Colorado's program
- Rock Harmon's efforts
- Meetings with AG executive staff, CDAA, and DNA DAG's

CA POLICY 2008

- Signed and distributed April 2008
- Special request by investigative agency is needed to go beyond a routine CODIS search
- Crime scene sample is single source and has been Y-STR typed
- CA DOJ Committee will review DNA and non DNA information that can be gathered on the possible perpetrator (relative of the subject who was in CODIS)
- Name can be released to investigating agency if unanimous committee approval

CA FAMILIAL SEARCH PROGRAM

- Software developed to compare evidence sample against offender samples in the data base using kinship indices
- Y-STR profile of the evidence sample and size of data base are factored into calculation
- Results are ranked and upper ranks are tested with Y-STRs

GRIM SLEEPER

- Familial Search conducted in 2010
- Possible relative to perpetrator revealed
- The “relative” had a father, whom law enforcement investigated further
- A discarded piece of pizza was analyzed, searched in CODIS against the forensic unknown file and matched to several cases that spanned the time from 1985- 2007.
- Lonnie David Franklin Jr. was subsequently convicted of 10 counts of murder

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