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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BUREAU OF FORENSIC SERVICES CHIEF CA DEPARTMENT OF JUSTICE (RETIRED)
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.”

www.dnaforensics.com/familialsearches.aspx
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."

Finding Criminals Through DNA of Their Relatives, Beiber, Brenner, Lazer; Science Vol. 312 2June2006
• 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
• 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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