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DNA Expansion Fact Sheet

DNA collection upon conviction must apply to *all* crimes.

While New York State law requires all convicted felons to provide a DNA sample to the statewide DNA Identification Index, the majority of misdemeanants never need to provide a sample, even after they are convicted of a crime. I strongly support expanding the list of DNA eligible crimes to include all felonies and all penal law misdemeanor crimes upon conviction.

Why is DNA so Important?

DNA is a proven crime fighting tool, both in new and cold cases. Criminal justice studies demonstrate that high-level criminals tend to have a history of prior convictions, often for lower-level offenses. Limiting DNA samples to certain categories of crimes prevents the DNA database from being used to its full potential for identifying offenders.

Prove it.

The 2006 DNA databank expansion, which added some misdemeanors to the list of eligible offenses for DNA submissions after conviction, has contributed to *486 convictions*. Of the new qualifying offenses, very few were violent or sexual in nature. Moreover, while the DNA database has grown over 300% since the database expansion, the number of case-to-offender hits through the database has increased by more than *970%*. The results of the 2006 expansion illustrate the overwhelming crime-solving value of taking DNA from people associated with low-level and non-violent offenses.

What About My Privacy?

The DNA information used by law enforcement is no more invasive than a fingerprint, by design and by law. The DNA profiles contained within the DNA Identification Index are uniquely occurring sets of numbers derived from a few segments of each person's DNA. The pieces of DNA that are analyzed for the databank were specifically chosen because they are "junk DNA." That means they cannot be used to predict anything about a person's health, appearance, or behavior. Individual privacy is also protected by existing rules requiring that DNA samples collected by law enforcement only be used to identify and prosecute criminals. Any tampering with the DNA sample or non-law enforcement use of the Index is prohibited by law and punishable by up to four years in prison.

Most Importantly, DNA Expansion Can Save Lives and Help Victims.

In 2004, Curtis Tucker assaulted a 14-year-old girl in her Harlem apartment building. Tucker dragged his victim, who stood at 4'8" and weight 80 pounds, out of an elevator and into a stairwell, where he beat her repeatedly, choked her to unconsciousness several times, and seized all of the money she had on her – a one dollar bill and a student Metrocard. However, the victim valiantly fought back, falling with her assailant down three flights of stairs. At the bottom of the stairs, Tucker attempted to rape her. While Tucker avoided identification for this crime, he was subsequently convicted of two misdemeanor crimes, Criminal Possession of a Weapon in the 4th Degree and Criminal Contempt in the 2nd Degree, neither of which required DNA submission. In 2010, Tucker was convicted of felony burglary for robbing and assaulting a 74-year-old man who suffered from Parkinson's disease. When Tucker's DNA was added to the databank, it hit on the 2004 cold case. In May of 2011, he was finally sentenced to 15 years for the assault and attempted rape on the 14-year-old victim. Adding all crimes on arrest to the DNA databank would have solved the 2004 attempted rape years earlier and potentially prevented the burglary of an elderly man.