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DNA lag leaves potential for crime
Samples have yet to be analyzed

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WASHINGTON WASHINGTON -- Under Maryland law, Raymont Hopewell should have had his DNA taken after he was sentenced for selling \$20 worth of cocaine in April 2004.

But the state police, who lacked sufficient technicians, never got around to it. So no one knew that Hopewell's DNA matched a pair of unsolved rape/murders on the national DNA database. He served a few months in a halfway house and went on to commit three more murders, one rape and four assaults before being caught in September 2005. Then, a DNA test was performed.

Hopewell, now 36, pleaded guilty to all five murders, including three that a DNA match could have prevented. He was sentenced to four consecutive life terms last year.

Since 1998, the state and federal governments have used a computer database to match genetic samples from convicted or suspected criminals to DNA taken at the scene of unsolved crimes.

The Combined DNA Index System (CODIS), which is overseen by the FBI, has become a staple of television crime shows and has produced some dramatic results.

It has made matches that caught criminals or otherwise aided in 50,500 cases since the system's inception. The DNA profiles of about 4 million criminals have been added to the system since 2001.

Along with the success stories, however, comes a growing list of DNA samples collected but not analyzed.

Lisa Hurst, who edits the website DNAResource.com, said cases in which such missed DNA matches led to further crimes have begun to "pop up increasingly" as test backlogs grow.

Cases similar to the Maryland case have been reported in California, Ohio, Illinois and elsewhere in the past four years. "You have to

believe there are a whole lot more than what gets reported," Hurst says. "This is not something that people want to talk about. It's much worse than just an embarrassment."

At first, most states and the federal government took DNA samples only from people convicted of the most serious felonies, such as rape and murder. As DNA has proved its usefulness, legislators have sought to extend its reach to people convicted of lesser offenses and even to arrestees.

Forty-five states and the federal government require DNA samples from all felons, and 11 states take it from some arrestees. Next year, the federal government is scheduled to begin taking DNA samples from as many as 500,000 new federal arrestees and detainees such as immigration violators.

DNA testing requirements began to strap overworked crime labs. In 2003, the Justice Department estimated that nationwide, 200,000 to 300,000 samples had been taken and awaited analysis, while as many as 1 million more awaited testing. By this July, the FBI's backlog by itself totaled nearly 200,000, according to Justice Department records.

Congress has tried to bridge the gap, allocating more than \$560 million since 1999 to allow states to outsource some DNA testing, to hire staff and to improve laboratory capacity.

Barry Fisher, director of the Los Angeles County Sheriff's Department crime lab, says the federal payments have had "some success" but have had trouble keeping up with ever-increasing demands.

In California this year, for instance, federal and state grants reduced a 160,000 backlog by more than half, according to state Department of Justice research. But a state law that takes effect in 2009 will add DNA samples from felony arrestees and others, probably adding 400,000 samples per year to the backlog.

It's critical for the FBI to cut its backlog before the federal government starts taking DNA from immigration violators and other federal detainees next year, said Rep. Dave Reichert, R-Wash., a major supporter of federal funds for DNA testing.

That program could add more than 1 million samples annually to the FBI's workload, according to a paper an FBI technician presented at a science conference in February.

"We can get them more money and more people, but the bottom line is, (the FBI) has got to get those DNA samples up there," says Reichert, a former King County sheriff. "It's the only way the DNA does everything it's capable of."

President Bush's DNA initiative, a five-year plan designed to improve the use of DNA in the criminal justice system, has accounted for about 75% of the federal DNA spending. Funding expires after this year, and no follow-up legislation has been proposed.

Increased use of technology and private sector management techniques helped the Forensic Science Service (FSS), the United Kingdom's national lab, eliminate a 500,000-sample backlog in 2004, says Richard Pinchin, the service's director of U.S. operations.

FSS, a government-owned company, is bidding for outsourced work in the USA and has signed Orange County, Calif., as a client.

*FBI backlog, 1A