

**COUNTY OF SUFFOLK  
DISTRICT ATTORNEY'S OFFICE**



**THOMAS J. SPOTA  
DISTRICT ATTORNEY**

For Immediate Release: February 3, 2012

**SUFFOLK COUNTY LAW ENFORCEMENT OFFICIALS VOICE SUPPORT FOR  
GOVERNOR CUOMO'S PROPOSAL TO EXPAND NEW YORK'S DNA DATABANK**

*New York's Deputy Secretary for Public Safety Elizabeth Glazer, Suffolk County District Attorney Thomas J. Spota Discuss How Expansion Will Help Better Protect New Yorkers*

Suffolk County law enforcement officials – including District Attorney Thomas J. Spota – today joined with New York's Deputy Secretary for Public Safety Elizabeth Glazer to show support for Governor Andrew M. Cuomo's proposal to expand the state's DNA Databank, which will help solve more crimes, bring justice to victims and exonerate innocent New Yorkers.

The District Attorney and Deputy Secretary were joined by Suffolk County Police Department Deputy Inspector Kevin Fallon, Riverhead Police Chief David Hegermiller and Kevin O'Hare, president of the Suffolk County Citizens' Police Academy Alumni Association, at a press conference at the Suffolk County Police Department's Fourth Precinct in Hauppauge.

Deputy Secretary Glazer said: "Every day we wait to expand the state's DNA Databank, another cold case goes unresolved, a person wrongly convicted sits in prison, and we risk one of our loved ones falling victim to a crime that could have been prevented. How do we know this? Because we have evidence that shows every time we expanded the Databank, we solved more crimes. It's just that simple."

Added District Attorney Spota: "Today, state law permits DNA to be collected from less than half of the offenders convicted of a crime even though experience has taught us that the people who commit serious felonies often have criminal records of past convictions for misdemeanor charges. The Governor's All Crimes DNA bill will make certain the DNA Databank will be used to its fullest potential."

New York State has yet to realize the full potential of the DNA Databank because state law only permits DNA to be collected from 48 percent of offenders convicted of a Penal Law crime. Currently, anyone convicted of a felony or one of 36 misdemeanors under the Penal Law must provide a DNA sample.

The Governor's proposal would require DNA samples to be collected from anyone convicted of all remaining Penal Law misdemeanors and any felony under other state laws, such as felony driving while intoxicated under the Vehicle and Traffic Law, aggravated animal cruelty under the Agriculture and Markets Law, and prescription drug offenses under the Public Health Law.

Acting Suffolk County Police Commissioner Edward Webber said: “As Police Commissioner, I want to ensure that my officers have the resources they need to investigate and solve crimes. The DNA Databank expansion will help to ensure that victims achieve justice and that the residents of Suffolk are safer. This DNA Databank expansion will be an important tool in making sure that the innocent will be exonerated and the guilty arrested and prosecuted.”

Added Chief Hegermiller: “As police chief, I applaud and fully support the Governor’s proposal to increase the state’s DNA Databank. DNA evidence has become a vital tool in law enforcement’s arsenal. Increasing the offender samples in the Databank will only improve our ability to solve more crimes and bring justice to more victims. Thank you, Governor Cuomo.”

Mr. O’Hare said: “Being an officer of the Suffolk County Citizens’ Police Academy Alumni Association, as well as a board member of Kings Park In-The-Know – an anti-drug coalition, I feel this proposal by Governor Cuomo to expand New York State’s DNA Databank is long overdue. It will help all police departments in the state of New York resolve cold cases and at the same time free those citizens that are wrongly incarcerated. I support and applaud Governor Cuomo for proposing to expand New York State’s DNA Databank.”

Added Southampton Police Chief William Wilson: “Access to an expanded DNA Databank is the kind of modern, science-based tool that will enable our police force to be more precise and effective at solving crimes. The Southampton Town Police applaud the Governor for recognizing the substantial opportunities to achieve justice that lie in providing enhanced technology to New York’s police forces.”

The last Databank expansion in 2006, which for the first time made some misdemeanors DNA-eligible, showed that criminals do not specialize. Today’s low-level offender is often yesterday’s violent felon:

- DNA samples taken from individuals convicted of the misdemeanor crime of petit larceny have been linked to 965 crimes, including 51 murders, 222 sexual assaults, 117 robberies, and 407 burglaries.
- And DNA samples taken from individuals convicted of second-degree criminal trespass have been linked to 30 homicides, 110 sexual assaults and 121 burglaries, among other crimes.

Data from the state Division of Criminal Justice Services (DCJS) also shows that offenders linked to crimes through the DNA Databank had three prior convictions for non-DNA eligible offenses before they were convicted of offenses that required DNA samples. Many of low-level, non-DNA eligible misdemeanors are precursors to violent crime:

- 27 percent of individuals convicted of unauthorized use of a vehicle are subsequently arrested for a violent felony offense within five years of the misdemeanor conviction.

- 21 percent of individuals convicted of three other misdemeanors – third-degree criminal trespass, fourth-degree criminal mischief and theft of services – also are subsequently arrested for a violent felony offense within five years of being convicted of one of those crimes.

Taking a DNA sample is not an invasive process: convicted offenders rub the inside of their cheek with a swab. The New York State Police Forensic Investigation Center then converts that material into a numerical profile, specifically unique to that offender. The profile is only used to match convicted offenders to evidence found at a crime scene, and link crimes that may involve the same perpetrator. The profile cannot be used for any other purpose and cannot identify anything about a person's race, appearance, health or behavior.

The process in which DNA profiles are uploaded, tested and matched to convicted offenders ensures that nothing, other than science, affects the outcome of a match. Names, photographs or criminal history records that correspond to the DNA profiles are not maintained in the Databank, and DCJS, the agency confirming the identity once a match has been made, does not have access to the DNA profiles maintained in the Databank. Also, once a DNA match has been made, confirmatory testing is done to ensure its accuracy before local labs and law enforcement personnel are notified.

The New York State Police Forensic Investigation Center in Albany can process 10,000 DNA samples from convicted offenders a month. The Governor's proposed expansion will bring the monthly total to less than 7,000 and will not create a backlog.

If enacted, the Governor's proposal would take effect Oct. 1, 2012, and it would not be retroactive. In addition, the proposal would not apply to children involved in Family Court matters or to youthful offenders.

New York State has launched an interactive website as part of the Governor's campaign to build a new New York and keep residents informed about key state initiatives. For more information, visit [www.NYGetInvolved.com](http://www.NYGetInvolved.com) and join the #DNASTopsCrime conversation.

###