



Jurisprudence Section – 2011

E42 Forensic DNA Policy Developments: The United States and Abroad

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After attending this presentation, attendees will have a better understanding of new developments in forensic DNA policy and how such policy decisions will impact future demands for DNA analysis at crime laboratories. The presenters will provide attendees with an overview of significant changes in U.S. policy and funding as it relates to forensic DNA programs, as well as a global perspective on the current status as well as proposed growth to DNA programs in countries throughout the world. There will also be obvious implications for how DNA is utilized in criminal investigations and in prosecutions.

The presentation will impact the forensic science community by providing a broader understanding of how responsibilities and workloads of DNA laboratories are impacted by policies discussed by legislators. A better appreciation of such developments will in turn assist the forensic community in anticipating and managing the impact of such decisions in the future.

Forensic DNA programs and corresponding databases have seen tremendous growth in recent years, in both the United States and abroad. In the United States, approximately half of all states have expanded their DNA database programs to include certain arrestees, although most laws have vast differences in scope and other implementation issues such as collection point, expungement requirements, and funding. There is also continued interest in Congress and throughout the country in the status of backlogged rape kits and other rape kits that have never submitted for DNA analysis (including those kits from acquaintance rapes). Between database program expansion and potential new requirements regarding rape kit testing, actions taken by state legislatures and Congress will ultimately have a significant impact on the incoming workload at public crime laboratories. At the same time, the constitutional authority for arrestee DNA collection and sample retention is being challenged in United States and international courts, and matters such as familial searching are increasingly on the radar of policy makers throughout the United States.

Globally, the international community has also seen drastic expansion of DNA database programs as well as interest in increased regional database sharing. While most countries have initiated forensic DNA programs for analysis of crime scene evidence, a significant number of countries are only just beginning to give serious consideration to laws for DNA collection and databasing of offender and/or suspect samples. The growth of such databases will have a significant impact on the increased use of DNA in solving crimes without suspects and crimes with incorrectly identified suspects. As with the United States, there is a significant variation between countries in the extent of their DNA programs, and the existence and scope of databases. Politicians at both the national as well as state (or equivalent) levels are exerting enormous influence on how the criminal justice systems utilize DNA in forensic investigations. Additionally, sharing DNA data across borders is of growing interest for many countries, including throughout the European Union where the Prüm Treaty has resulted in the production of new standards for cross-border DNA sharing.

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