STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC SAFETY
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RB 331 AAC THE DNA DATA BANK AND OVERSIGHT PANEL

The Department of Public Safety supports this bill.

The increase in the penalty for refusing to submit to the taking of a DNA sample for inclusion in the DNA Data Bank that is proposed by this bill should result in a higher compliance rate. The resulting increase in the number of samples submitted to the Data Bank will generate more DNA profile matches between the convicted offender samples and crime scene samples. These matches will aid in the investigation of unsolved crimes in both the state of Connecticut and the nation as a whole.

The majority of noncompliant offenders are on probation. Offenders on probation are advised by letter to go to one of the several collection sites in the state to have a sample collected. Increasing the penalty for noncompliance will motivate a much higher percentage of convicted felons to submit to sample collection. The Connecticut DNA Databank has already observed the benefits of the expansion to include all felonies. Numerous DNA matches have been made between offenders convicted of drug or property crimes and DNA evidence recovered from crimes against persons. Two examples of data bank matches made against offenders convicted of nonviolent crimes and sentenced only to probation were generated during the search of the Connecticut DNA Data Bank on October 31, 2005. A 2004 sexual assault in Hartford was aided by a match to an offender in the database whose felony conviction was for first-degree failure to appear. A 1998 sexual assault in New Haven was aided by a match to an offender whose felony conviction was for the sale of hallucinatory narcotics.

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This bill would also require information concerning the existence of data in the DNA data bank be disclosed to law enforcement officers upon request. The ability to disclose that an offender's DNA profile is in the DNA Data Bank will help investigators to narrow the list of individuals to investigate. The primary effect of the disclosure would be to eliminate individuals from suspicion. For example, if a bloodstain is found at the point of entry of a burglary, and the DNA analysis of the stain does not match to any convicted offenders in the data bank, a next step in investigating the crime may include determining that a number of convicted felons live in the area. If the police can be told that some of those convicted felons have profiles in the databank and that they do not match the crime scene sample, those individuals can be eliminated as possible suspects. The elimination of possible suspects would enable the police to focus their limited resources more effectively.

Finally, this bill would authorize the chairperson of the DNA Data Bank Oversight Panel to add ad hoc members to the panel. Past expansions of the DNA Data Bank have altered the degree to which different agencies have participated in the collection of biological samples. For example, the 2003 expansion of the DNA Data Bank to include all felonies vastly increased the participation of the Judicial Branch through the inclusion of many felons who are sentenced only to a term of probation. Data Bank operations would be enhanced if the Judicial Branch were a member of the DNA Data Bank Oversight Panel.

The operation of the DNA Data Bank requires the coordination of sample collection, in-service training, the distribution of collection kits, the delivery of the collection kits to the laboratory, and, the resolution of any problems with kits that have been delivered to the laboratory among the numerous agencies involved. The ability to add ad hoc members to the committee in response the changes in the operation or expansion of the DNA Data Bank will ensure the highest degree of cooperation, coordination, and efficiency among the different agencies that participate in the DNA Data Bank.

Sincerely,

Leonard C. Boyle
COMMISSIONER
Department of Public Safety