



A Better Way Foundation is a Connecticut non-profit organization that is dedicated to a sensible shift in drug policy from one of incarceration to substance abuse treatment and public health.

A Better Way Foundation's Testimony, March 20, 2008  
Judiciary Committee

**Raised Senate Bill 692:** An Act Requiring DNA Testing of Certain Arrested Persons (Oppose)  
**House Bill 5034:** An Act Concerning DNA Collection from Certain Arrestee and Convicted Person. (Oppose)

Good afternoon Judiciary Committee leadership and members. My name is LaResse Harvey and I am the Policy Director at A Better Way Foundation. We use research, public education, advocacy and organizing in order to create progressive drug policy and criminal justice reform in Connecticut. A Better Way Foundation is a statewide advocacy organization with more than 3,000 members throughout the state of Connecticut. A Better Way Foundation organizes a coalition of more than 50 groups and 4,000 supporters across the state of Connecticut.

Thank you for the opportunity to address the Judiciary Committee and its distinguished members. Today I am here to speak in opposition of raised SB 692 and HB 5034.

Our forefathers did not agree with Britain's term of guilty until proven innocent. They believed it was the state's responsibility to prove someone's guilt of a crime. The basic presumption of "innocent until proven guilty" is an American citizen's right. DNA taken from people who are arrested—but not yet convicted or proven guilty is in clear violation of our 4<sup>th</sup> Amendment right. The 4<sup>th</sup> Amendment states: The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, **shall not be violated**, and no warrants shall issue, but upon probable cause. The Amendment guards against unreasonable searches and seizures, it specifies that judicially sanctioned search and arrest warrants must be supported by probable cause. This bill will allow the search of and collection of a person's most intimate part of their being – their DNA. Are we losing sight of our patriotism in the quake of fear?

DNA is rarely found at crime scenes and testing is not fool proof. Mistakes have been made in the collection, breakdown and reporting process. Though DNA has been used to rectify thousands of wrongful convictions the collection of DNA does nothing to protect a person charged of a crime but not yet convicted of that crime. As law enforcement investigate cases they may arrest many people that ultimately are not convicted of a crime and these laws will force people only suspected of doing something that in the end may be found to be not connected to the crime they are accused of..

Recent Connecticut history shows that this committee has not only led the State of Connecticut but served as an example to other states for criminal justice reform. The distinguished leaders and members of this committee have worked to ensure that the unintended consequences suffered by Connecticut residents are stemmed and eliminated. The efforts to reform Connecticut's criminal justice system are not all hype. We know we have a flawed criminal justice system and to give that system more power over a person who has yet been convicted of a crime is not the correct direction voters, this committee, and this state should go in.

DNA is not like a fingerprint. DNA contains the most private information about a person. DNA determines our genetic code, what diseases we are susceptible to and our family history. Police, forensic science services, and researchers using the database will have access to people's DNA without their consent. Fingerprints is the premier method for identifying persons, outperforms DNA and all other human identification systems to identify more murderers, rapists and other serious offenders (fingerprints solve ten times more unknown suspect cases than DNA in most jurisdictions). Fingerprints remain the most commonly used forensic evidence worldwide. <http://onin.com/fp/fphistory.html>

A Better Way Foundation does not agree with Public Act 04-188: An Act Concerning DNA Testing passed and signed in 2004, but it does state any person who has been convicted of a criminal offense against a victim who is a minor, a nonviolent sexual offense or a sexually violent offense, or a felony, and has been sentenced on that conviction shall, prior to release from custody submit to the taking of a blood or other biological sample for DNA analysis to determine identification characteristics specific to the person including those on probation and parole. Public Act 04-188 appears to accomplish what advocates of this legislation here today are trying to accomplish without violating a person's fourth Amendments rights. There is no reason for a new law that ultimately will damage and abuse innocent citizens of this state.

Thank you.

LaResse Harvey

Policy Director- A Better Way Foundation