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NEW LAW EXPANDS DNA DATABASE, MORE CRIMES TO BE SOLVED

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The CODIS database is one of the most powerful crime fighting tools available to law enforcement agencies today. The more offender DNA profiles that are entered into the Combined DNA Index System (CODIS), the more effective this tool becomes in solving crime. Currently in Oklahoma, nearly 1 out of every 200 offender DNA profiles entered into the CODIS DNA database leads to a CODIS hit. That's because in the past decade, Oklahoma has expanded its collection of samples from certain violent felonies, to include burglary 1 and 2, then to all felony convictions. Following the addition of burglary as a qualifying offense, OSBI generated about 1/3 of the hits from individuals convicted of burglaries. Also, approximately 1/2 of those hits solved more violent crimes, i.e. homicides, rapes, and robberies. When felony drug offenses were added with the "all felony convictions", OSBI got more hits from individuals convicted for drug offenses than any other qualifying offense.

OSBI Criminalist Lesley Katzilierakis prepares samples for genetic analysis, the final step of the DNA analysis process.

With that information in mind, state legislators this session passed a bill that allows law enforcement to collect DNA samples from people convicted of 18 misdemeanor crimes including assault and battery, domestic violence, stalking, peeping tom, pointing a firearm, unlawful carry of a firearm, and illegal transport of a firearm. The law also calls for DNA collection from any illegal alien arrested for any crime. OSBI has no way of predicting the outcome of this part of the new law.

Nationwide, the constitutionality of the CODIS database has been challenged over 180 times. In each event, the courts have ruled that maintaining a criminal DNA database does not violate the rights of those individuals required to provide a DNA sample.

Oklahoma law allows a fingerprint to be collected from individuals arrested for misdemeanor and felony crimes as a record of the arrest. These fingerprints are entered into a database (AFIS) that is similar in function to the CODIS DNA database. The AFIS database has proven to

OSBI Absorbs Much of CJRC At Direction of State Legislature

During the first session on the 52nd Oklahoma Legislature, members of the House and Senate passed House Bill 1676; Governor Henry then signed the bill into law on May 12, 2009. This action is important to the state's criminal justice community because it transfers personnel and certain statutory duties from the Oklahoma Criminal Justice Resource Center (OCJRC) to the OSBI.

OCJRC's administrative and research functions, including responsibility for the State Statistical Analysis Center, will become a part of the OSBI's Information Services Division in August. The data processing and information technology functions will be integrated with the Bureau's Information Technology Division. Functions related to the Domestic Violence Fatality Review Board are moving to the Attorney General's Office.

Support will continue for the Offender Data Information System (ODIS), which is utilized by many sheriffs' offices and police departments throughout the state for record keeping and data reporting. The crime and offender data collected by ODIS is a valuable resource for participating agencies. The OSBI views this consolidation of agency functions as an opportunity to upgrade and enhance ODIS' capabilities and to build a bridge between ODIS and the State Incident-Reporting System (SIBRS). Achieving those objectives will increase the level of information sharing among Oklahoma law enforcement agencies and, ultimately, facilitate information sharing nationwide through the FBI's National Data Exchange (N-DEx).

The addition of OCJRC's research specialists will increase the bureau's ability to provide Oklahoma's criminal justice agencies with statistical data that can be used for grant requests, identify specific enforcement targets such as youth and gang violence, and evaluate the success of crime prevention efforts like the Weed and Seed Martial Arts Mentoring Program.

The consolidation of these two agencies will afford opportunities for growth in a number of areas. The bureau looks forward to those challenges, as well as getting to know and work with the OCJRC staff.

OSBI Requested Bills Pass Session

OSBI requested several bills be heard during the First Session of the 52nd Legislature. Most involved cleanup language from previous bills passed by members.

HB 1411 by Rep. Jason Nelson involved the concealed carry law. Several years ago, the legislature expanded the license from a five year to either a five or 10 year license. However, the option of a 10 year license was not placed in all sections of law. HB 1411 corrected that problem.

HB 1760 by Rep. John Enns did much the same with language that gave OSBI toxicologist flexibility in testing drugs in blood. Past law required a test of both the presence and concentration of drugs. However, the law only considers the presence of drugs, unlike alcohol where the concentration determines the level of charge. A few years ago, OSBI requested concentration testing not be mandatory. The law was changed — except in a few places. HB 1760 completed the intent by changing "and" to "or" in all parts of the law pertaining to the testing of drugs in blood. A companion bill, SB 402, was introduced by Sen. Brian Crain.

OSBI requested fewer bills than normal this year because the bureau's focus was on funding an overhaul of our computerized records management system. The current computer system is more than 14 years old. If the system were to break down, it could take up to 18 months to rebuild it if OSBI had the money at that time. The system provides record checks to law enforcement and the public. Since the state had less money to spend this year due to the economy, OSBI is depending on federal grant money — nearly $1.9 million — to pay for the new system.

CODIS Expansion continued from p. 1

be a power tool to law enforcement agencies by providing investigative leads to numerous cold cases, many of which may be unsolved today if not for the information provided by the AFIS hit. However, Oklahoma law does not allow DNA samples to be collected for the same offenses requiring a fingerprint. This means that many offenders in the AFIS database do not end up in the CODIS database. Yet the facts show that most rapists do not leave their fingerprints on their victims, they leave their DNA. Many of these crimes could be solved if Oklahoma law allowed a DNA sample to be collected in the same manner as fingerprints — at arrest.

The CODIS database has the power to not only help solve cold cases, but also prevent future crimes from occurring. This allows law enforcement agencies to not only be a reactionary force to crime, but a preventative force to future crime as well. The faster an individual is linked to a cold case, the sooner that criminal can be removed from society, thus preventing them from preying on the innocent. Collecting a DNA sample for misdemeanor crimes can and will save lives.

The new law could generate more than 35-thousand new samples which comes at a hefty price tag. Unfortunately, no new money was allocated with this new law. OSBI estimates it may cost more than $800,000 a year to support the new rules. Federal grant money is available, and OSBI will apply to seek grant funding.

March of Dimes Nat'l Ambassador Visits FSC

The new Forensic Science Center in Edmond attracts people from varying backgrounds interested in learning more about the art of solving crimes through forensics. More than a thousand people have toured the new lab since it opened a year ago. Perhaps the most welcomed guest for OSBI was a visit by this year's March of Dimes National Ambassador Katelyn Marie Hall.

Katelyn and her parents viewed first hand several units in the science center. The most interesting for the 5 year old was the latent print unit where she learned to take her own fingerprint and place them on a fingerprint card.

Latent Print Unit Supervisor Jim Stokes teaches Katelyn how to roll a fingerprint

Katelyn and her mother, Ashley, give OSBI Director Dr. DeWade Langley a gift from the March of Dimes during their visit in April..

Even though Katelyn enjoyed the tour, her father got the most from it. Michael Hall works as a detective with the Virginia Sheriff's Department.

Michael and Ashley Hall gave birth to Katelyn at just 25 weeks into the pregnancy. At birth, she weighed less than a pound and measured the length of a ballpoint pen. Katelyn stayed in the hospital for 5 months. She suffers from developmental delays and mild cerebral palsy.

The March of Dimes has contributed greatly to her progress.

OSBI is grateful for Katelyn's visit and will remember this little girl with a big smile as an inspiration to all of us.