



NEW YORK STATE SENATOR

Phil Boyle

Senator Boyle: Equip Law Enforcement with Crime-Solving DNA Tool

SENATOR PHIL BOYLE June 15, 2017

| ISSUE: **FAMILIAL DNA**



By: Senator Phil Boyle

If we could give law enforcement more resources to solve the most heinous and violent crimes and even prevent wrongful convictions – why wouldn't we?

The simple answer is we can. The modern crime-solving tool called familial DNA searching allows police to do a targeted search of the criminal database to find a genetic match for

related individuals of an offender. In other words, police investigating a violent crime, such as a murder or rape, can take the DNA sample from a crime scene and run it through an advanced software program to determine if the perpetrator has any male relatives in the state's DNA database. This method greatly narrows the number of potential suspects, serving as a vitally important investigative tool for police.

Ten other states currently allow familial searching, which has resulted in the capture of a number of violent criminals, including serial killers and rapists, crimes and cold cases being solved, families given answers, and individuals being exonerated for crimes they didn't commit.

The way New York can authorize the use of familial searching lies in the hands of both the New York State Commission on Forensic Science, along with its DNA Subcommittee, and the State Assembly. In April, the Commission had the opportunity to authorize a Familial Search policy, but they decided to delay the vote, and sent the policy back to the subcommittee for modifications. Many of the Commission's concerns revolve around civil liberties that some feel familial searches may violate. As a policymaker who has been involved with DNA-related legislation for over 25 years, I can attest that there have been such objections to the use of DNA to solve crimes since the inception of the technology in England during the 1980's. But, can you only imagine the number of unsolved cases we would have if we did not use forensic DNA?

While I truly commend the Commission on their work to date and their support on this important issue, I believe familial searching is in the best interest of New Yorkers, and we should work to do everything we can to ensure its swift implementation. New York's drafted Familial Search policy is based on a meticulous review of similar policies already enacted and successfully used, and is the most restrictive policy – adequately addressing civil liberty and privacy concerns.

The proposed policy would only be used as a last resort to solve the most violent and heinous of crimes, if there is a public safety threat, and after other investigative efforts have been taken. If there's familial match during a criminal investigation, law enforcement must still work to determine the validity of the lead. No one will ever be convicted of a crime in New York based solely on a familial match.

Last year, I first introduced legislation in our State Senate to authorize the use of familial DNA searches. This year, the measure passed with overwhelmingly bi-partisan support. Either the State Assembly should pass the bill, or the Commission on Forensic Science should vote to permit familial searches during their next meeting tomorrow, June 16, 2017.

Whichever comes first, our law enforcement truly deserve the right to use familial searching to help victims and families of unsolved cases, and to protect millions of people who call this great state home. Every day that this vital tool is not used is another day that a violent criminal, who would be caught using familial searching, is out roaming our streets.