

Police chiefs want expanded DNA testing

Samples would be taken from anyone suspected of a Class B misdemeanor or above.

By [Mike Ward](#)

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For the first time, hundreds of thousands of Texans arrested on suspicion of crimes could be forced to give samples of their DNA to law enforcement officers under a change in state law being pushed by Texas' top six police chiefs, including Austin Police Chief Art Acevedo.

Under the proposal, which faces an uncertain future in the current budget-cutting climate, DNA would be taken from everyone who is arrested on suspicion of committing Class B misdemeanors up to the most serious felonies.

Currently, DNA samples can be taken from anyone convicted of a felony and from those arrested for particularly violent crimes such as aggravated rape, aggravated kidnapping and murder.

One supporter of expanded DNA testing, state Sen. Dan Patrick, R-Houston, said more samples would benefit crime-solving and the wrongly convicted — as the case of Timothy Cole recently proved.

Cole was wrongly convicted of a 1985 rape in Lubbock and died in prison in 1999, before DNA tests proved his long-held claims of innocence.

"Timothy Cole would never have gone to prison if we could have had DNA from people who are arrested. ... That's a most compelling argument," Patrick said. "The bigger the database of DNA samples we have, the better we can find those who are innocent."

Acevedo agreed: "In the end, it would make the criminal justice system better — by helping bring the guilty to justice and protecting the falsely convicted or accused."

Opponents says it legally overreaches by collecting samples from thousands who may never be charged with, much less convicted of, a crime. The same controversy arose two years ago when federal officials began collecting DNA from most everyone arrested by a federal law enforcement agency.

"This is incredibly personal, private information," said Rebecca Bernhardt, policy director of the American Civil Liberties Union of Texas. "There are a lot of people who are arrested who are never charged or convicted of a crime. It may create a temptation to arrest someone."

Even so, critics and some supporters agree on this: The proposal could be doomed because of its estimated \$32 million minimum price tag.

According to figures provided by the police chiefs and the Texas Department of Public Safety, about 872,000 Texans were arrested last year on suspicion of crimes ranging from Class B misdemeanors on up — 940,500 if juvenile lawbreakers are included. Besides Acevedo, the chiefs are from Dallas, Fort Worth, San Antonio, Houston and El Paso.

Houston police Lt. Scott Siscoe and lawmakers who have been briefed on the chiefs' plan said it proposes that all felony arrestees give DNA samples beginning in 2010 and that Class B misdemeanor arrestees be added in 2012. The proposal also allows DNA samples to be destroyed once they are recorded in the database.

"The database could only be used by law enforcement, not for genetic reasons or insurance or anything else," Siscoe said.

Additionally, people who have criminal charges against them dropped could have their DNA removed from the state's database, Acevedo said.

mward@statesman.com; 445-1712

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