



Opening Argument



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Biotrack/Using DNA to Solve Burglaries -- The Queens Experience

For some years now, DNA has been proving its enormous value in solving homicides, sex crimes and serious assault cases. As the number of DNA profiles taken from convicted offenders and placed in our state's DNA database has increased, we have been connecting the dots, solving violent crimes and stopping serial murderers and rapists in their tracks.

The next natural step was to apply this amazing crime-solving tool to other crimes. And so, in 2003, the National Institute of Justice made grant funding available to the New York City Police Department to enable them to use DNA technology to solve burglaries. A pilot program was initiated in Queens County.

Prior to the commencement of this pilot program, fewer than 20 percent of property crimes were ever solved. Among the reasons for this low rate were the fact that there was rarely physical evidence obtainable from such crimes. Burglars are careful, career criminals who have learned to cover their tracks. And there are usually no eyewitnesses to property crimes. In addition, the limited resources available for criminal investigation were largely devoted to violent crimes.

The failure to solve property crimes had a significant impact on our ability to reduce overall crime. Experience told us that burglars are very active – often committing many, many burglaries before they are caught. And some burglars progress from non-violent to violent offenses. Stopping burglars early in their careers, then, could prevent many serious crimes from being committed, thereby increasing public safety. And it could have a significant impact on public confidence as well – encouraging burglary victims to report and deterring new crimes as the word gets out that the odds of being caught are rising rapidly.

Fortunately, while burglars may be careful, they are still human. And being imperfect humans, they leave trace biological evidence at crime scenes from which DNA can be obtained.

To launch this initiative a few things had to fall into place. And they did. New technology now allows for the analysis of DNA samples previously considered too small to test. New legislation has greatly expanded the number of samples in the State's convicted offender database. New laboratory resources permit the testing of a much greater volume of collected samples. And new funding facilitates the staffing, training, collection and coordination by law enforcement agencies necessary to handle the increased volume of cases.

The Queens County pilot program began in September 2003 and focused on burglaries where there were no suspects. The results of the program so far have been extremely encouraging. In my view, the pilot program has demonstrated that DNA evidence can solve cases, identify recidivists and produce compelling evidence of guilt in property crimes with great effectiveness. Between September 2003 and August 31, 2006, there were 114 CODIS hits linking specific convicted felons in the DNA data bank to crime scene evidence recovered at Queens burglaries.

DNA evidence is virtually irrefutable. When faced with this damning evidence, many burglars plead guilty rather than go to trial, saving scarce prosecutorial and court resources. We can use these savings to enhance the prosecution of other violent criminals. And those who go to trial face a strong likelihood of conviction. Skeptical juries who now demand forensic evidence receive compelling proof of guilt.

And that is exactly what has happened in Queens County. Of the 114 Biotracks DNA hits so far, 51 have already resulted in guilty pleas to felonies. Six hits resulted in trial convictions. Twenty-seven cases are still pending and 20 cases are still under investigation prior to arrest.

DNA can also confirm a prior decision to arrest. Ten of the 114 hits confirmed existing convictions or pending prosecutions based on other evidence. And of course DNA can exonerate the innocent.

As these burglars learned, and their colleagues will soon find out, wearing gloves will no longer protect a burglar from leaving incriminating evidence behind. The sources of the DNA evidence collected under this program were varied and in some cases exotic. A case in point is Robert Medina -- a literal one-man crime wave who committed five burglaries in seven days and who pleaded guilty when his DNA was recovered at each of the crime scenes. Among other things, Medina left behind blood, hair on a scarf, a flake of skin on a pocket knife and skin cells from the insoles of his shoes. Other burglars left saliva on a ski mask, skin cells on a screwdriver and blood on a toilet seat. DNA was recovered from the nose piece of sunglasses, tissues used to wipe fingerprints off a windowsill, paper towels or cigarettes. Eating or drinking at the crime scene, blowing one's nose, cutting one's hand, dropping a tool, spitting or vomiting can all leave telltale DNA.

Clearly, DNA is a remarkable and powerful tool of detection in criminal cases. Our successful experience with burglary cases in Queens is now being expanded to other counties and it is anticipated that DNA will be used to help solve other crimes as well in the near future.