

# Virginia State Crime Commission

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## Familial DNA Searching

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2010

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Familial DNA searching gained widespread attention in the summer of 2010 when it was successfully used in California to identify and led to the arrest of, the “Grim Sleeper” serial killer, after decades of police investigations. Due to two recent violent crimes committed in Virginia, Crime Commission members requested staff to examine issues related to familial DNA searching.<sup>1</sup>

Familial DNA searching is a process used in attempting to identify a close blood relative (typically a parent, child, or sibling) of a perpetrator of a crime when the DNA profile of the specific perpetrator is not found after a search of the jurisdiction’s DNA database. Familial DNA searches would produce DNA profile leads that would be available to law enforcement to assist them in their investigation. Currently, familial DNA searching is being used in California, Colorado, the United Kingdom, New Zealand, and now, Virginia. The Forensic Science Board discussed this issue at length and supported moving forward with familial DNA searching in Virginia. Additionally, the Virginia Commonwealth's Attorneys' Association passed a resolution in 2010 to support its use.

Former California prosecutor Rockne Harmon, and Denver, Colorado’s District Attorney Mitch Morrissey presented at the November 15, 2010, Crime Commission meeting on their success with using this new technique to identify criminal suspects who may have otherwise gone unidentified. Presentations included background information on familial DNA searching, details of success and convictions in Colorado, California and the UK, policies and procedures for using the technology, and privacy concerns. Members also heard a detailed presentation from The Virginia Department of Forensic Science (DFS) representatives. It is important to note that Virginia's DNA databank of approximately

320,000 offender profiles is much smaller in comparison to California's databank of over 1.3 million offender profiles, but more than double the size of Colorado's 127,000 offender profiles. Crime Commission members discussed issues related to concerns regarding software validation, implementation/support costs, whether legislation in Virginia is necessary, and protocols/policies for when to conduct these searches. The Crime Commission, concurrent with the opinion of the Office of the Attorney General’s Office, concluded that legislation would not be necessary to implement these searches in Virginia. Members of the Commission are supportive of the new familial DNA technology and are interested in seeing Virginia pursue its adoption in order to solve violent crimes using the Virginia DNA databank.

In December of 2010, the Denver District Attorney’s Office shared with DFS, free of charge, the use of their familial DNA searching software program. The Department of Forensic Science’s laboratory personnel reviewed and validated Denver’s software as to its suitability for searching Virginia DNA databank profiles. On March 21, 2011, Governor Bob McDonnell announced that DFS had developed the capability to perform familial DNA searches. Policies and procedures have been established by DFS and reviewed by the Forensic Science Board both to identify cases appropriate for such searches and to conduct the necessary follow up investigations. With this new technology, law enforcement may be able to close unsolved violent crimes cases in the Commonwealth.

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<sup>1</sup> The Commission has consistently been involved with the implementation of advanced DNA technology in Virginia and was instrumental in the creation of the Virginia Department of Forensic Science as an independent lab. Additionally, the Commission’s Executive Director serves as a member of the Forensic Science Board pursuant to the Code of Virginia § 9.1-1109(A)(7).