

Chris Asplen:

Good afternoon, everyone. Thank you for joining us. My name is Chris Asplen and I am the executive director at the National Criminal Justice Association. On behalf of NCJA and Thermo Fisher Scientific, it is my pleasure to welcome you to our webinar today on Rapid DNA Technology. As you probably know, Rapid DNA has been identified as a priority area in the new Byrne Justice Assistance Grant solicitation. Before I get started and turn over to our expert panel, a couple of logistical items, first of all, we will be recording today's session. The recording and the slides from the session will be emailed to everyone who registered for the session and as well as posted on the NCJA website.

All of the attendees on the webinar are muted to reduce background noise. If you have questions and we hope that you do, we encourage you to submit them using the question and answer box at the bottom of your screen. We've included time for question and answer period at the end of the presentation. So, if your question doesn't get answered as part of the main presentation, we'll try to answer it during the Q&A. However, you may submit your question at any time. If you'd like to communicate with NCJA staff during the webinar, please submit your comment using the chat feature.

Finally, at the end of the session, we will be launching a short poll, please fill this out, as it will help us continue to approve our webinar offerings. But before I introduce our first speaker, by way of full transparency, I would like to say that many of the folks on the webinar today and particularly behind the scenes at Thermo Fisher, are former colleagues of mine, in that prior to my life at NCJA. My mission in my criminal justice career was the integration of DNA technology into the criminal justice system, both here and abroad. The reason that that was such an important mission was because not only did DNA technology really empower law enforcement to identify perpetrators more quickly, but in doing so in a very equitable manner, DNA also allowed us to exonerate the innocent much more quickly.

Individuals who might otherwise get caught up in an investigation, inappropriately so were incorrectly so, would no longer be caught up in that investigation, if we could use DNA quickly enough to solve crimes. And that's really what Rapid DNA does. Rapid DNA, and I will tell you that I started one of the original trade associations for the Rapid DNA industry before I joined NCJA. The effectiveness of DNA technology is really proportional to the speed at which it gets involved in the criminal justice investigation.

And so, what we're going to hear about today is the technology that will allow us to do DNA testing of suspects and offenders at police booking stations. And again, get DNA involved in the investigative process much more quickly than it was previously. Again, as I said, by way of transparency, this is an issue, a subject that is near and dear to my heart. I've worked with a lot of these folks before. I used to call them colleagues. It is now my pleasure to call them friends, as we continue to seek to maximize the value of DNA technology in the criminal justice system from our various fields at this point in time.

So, with that being said, let me go ahead and introduce our first speaker. Joanie Brocato was the DNA manager for both forensic casework and CODIS at the Louisiana State Police Crime Laboratory. She is currently the department head of the clinical laboratory science program at Louisiana State University Health Science Center, and served as a Rapid DNA user group facilitator and implementation advisor for agencies seeking to implement Rapid DNA responsibly and efficiently. So with that, let me turn it over to Joanie. Thank you for being here.

Joanie Brocato:

Thank you. Thank you, Chris. I'm glad to be here today. When I think about just my career in forensic DNA and I see this technology, it's huge for what we do. It's probably one of the biggest milestones

really that I've seen in my career. So, let's get started today. Let me share my screen here with you. All right. So, let's get started. So, the title of today it's really, it's called 90 Minutes Can Change Everything and It's Time to Start Expediting Crime-Solving with Rapid DNA. And so, we've gone from a process that historically takes hours to now really being able to generate good quality viable DNA profiles in just 90 minutes. So, let's go through some of that.

Well, there we go. All right. So, what are we going to walk today? We're going to look at just briefly, What is Rapid DNA, the impact of this Rapid DNA technology. And then we're going to look at the timeline associated with now being able to implement this Rapid DNA technology in a booking station, and then we're going to go through some funding and resources, and then we'll end all of this with the great panel discussion on this. All right. So, when we talk about Rabbit DNA, like I said, when I started my career, this process took days to complete. Now we're talking about this rapid systems that literally can process at the point of collection and do this in 90 minutes. So, we're talking about collecting an individual, even evidence.

Here we have the brand new in this approved RapidHIT ID, Rapid DNA system, just so you know, hot off the press. We were just notified today, really just minutes ago, that the RapidHIT ID starting July one is now approved as a system for use in the booking station. So, we collect the sample, we can then insert the sample into the instrument and it's processed within 90 minutes, sorry. That allows us really very quickly to identify an individual and then even search CODIS and lead them to a potential crime or exclude someone from a crime sample. All right. So, when we look at unlocking this world of Rapid DNA, today, we're going to spend most of our time here talking about arrestee testing. Generating these CODIS hits, these leads at the booking station.

But I also wanted to touch briefly on other uses that are available for this Rapid DNA technology. One of those would be investigated lead testing, the ability to actually test evidence. Real time on these instruments. Generate on site potentially investigative leads to two cases. Also, the ability to deploy these small instruments to disasters, to help identify victims. All of us has heard in recent days, the awful tragedy that has unfolded down in Miami. And so, you have victims that have been killed and this disaster and the ability to take these small instruments and deploy them into the field and set up this mobile laboratory that then you can collect victims samples, you can collect family members samples, and right at the site of a disaster assist in identifying people.

And then also taking these instruments and looking at combatting human trafficking. The ability to put these potentially at our border sites to very quickly identify people. And so, that's some of the uses that are rapidly coming in... And you'll hear about those in coming time. So, today, we're really going to focus on this whole idea of arrestee testing. And that's because it's now a source that you're Byrne JAG funding can be used to implement this arrestee testing in the arresting looking station. So, when we talk about booking station and testing DNA in the booking station, let's look at what the FBI, their vision for this process. And so, when we're talking about this, what we're talking about is at the booking station, being able to actually swab an individual that is being arrested for a qualified offense.

So, we'll take that cotton swab. And then we can actually at the booking station, insert that swab into our Rapid DNA instrument. In 90 minutes, we can get that DNA profile and then upload that profile into the CODIS the DNA database, the database that has all of these unsolved homicides, rapes, all different types of crimes. And so, very quickly be able to search that profile against that database and generate an investigative lead. This is really, really important because this allows us to not release that individual from custody. We're going to keep that individual from custody. The system is going to have the ability to then generate notifications. So it's going to notify back to that booking station that this hit to this individual that you just swap has occurred.

It's also going to notify the investigating agency that this hit has occurred so that they can contact that booking station and begin to investigate that case. All right. So, what is the impact of having this Rapid DNA technology in the booking station? So, this is a case that I was very involved with during my tenure at Louisiana State Police Crime Lab. In December of 2016, there was a very violent rape of a female. She was jogging along the Mississippi river and the man grabbed her from behind, dragged down the levee and beat her and raped her. At that time, we very quickly expedited the evidence, developed a male profile, put it into CODIS and no hit occur.

Then, again, some two years later, another female victim is attacked around the same area. Once again, another profile is developed, it matches the original profile, but still no CODIS, no identification of who this profile belongs to. And then finally, in a domestic violence case, an individual punches his pregnant girlfriend and he is arrested. So, Henderson is arrested in October of 2019 of a domestic violence case. During his arrest, his DNA is collected and then he is subsequently released from jail. Now, you'll notice that there is approximately two months delay. This sample has to be sent to the state crime lab, processed at the state crime lab.

In the meantime, Henderson leaves Louisiana. So, when December of 2019, there is a CODIS hit, a CODIS match between Henderson's DNA and this jogger. This really illustrates the importance of doing this testing on site. He could've not been released. We should have known in October when he was swabbed that he matched these two individuals. Here's another story. Another case, really. And it's really a case out of Ohio, where there's an agency that looked at overdue DNA samples. And once they started diving into it, they came across case after case. So, here we have a 1997 rape of a female and it's an unknown profile. But when we look back on the case, what we see is the perpetrator was actually arrested in 2012, but no sample was collected.

He was arrested again in 2015, no sample was collected. And it wasn't until 2017 that this individual was identified as should have had DNA in the system and did not. His DNA was collected and these cases were solved. So, we know as we begin to look at agencies and this whole idea of lawfully owed samples, that we are missing samples that should be in the database. The SAKI grant, originated as the sexual assault hit initiative. In 2016, a section was added to that to really explore this collection of lawfully owed samples, to go in, do a census of who's been arrested and should be in the database versus who is in the database and where are these gaps? And then go after the samples that should be in the database.

Cuyahoga county prosecutor's office was one of the first agencies that received this funding to really look at the census. And they've done a lot of great publications on some of this data. Then subsequently listed here are some other agencies that have done these really deep dives into these missing DNA samples. And just from looking at the data of just some of these agencies that have done this, already, we can see that there's over a hundred thousand samples that we know have been identified that should be in the database, but they're not. And when you look at such a small sampling, it really tells you that we missing samples.

And why are we potentially missing those samples? Some of these publications have looked into that. Some of it may be not very streamlined processes, maybe some of the processes were very manual, whether the offense was qualified or not. It was looking at when the sample should be collected, maybe it's at arrest. Maybe it is after arraignment, maybe for convicted offenders. Is it upon intake? Is it upon release? So, all these opportunities that really resulted in these missed samples. So, when we look specifically at that study done in Ohio. So, it's one single county looked at their [inaudible 00:18:51]. And they found that from 2008 to 2016, they were missing over 15,000 samples from this one county.

And so, they went out and tried to locate these individuals, collect as many of these individuals as they could. And so, they collected about 15% of these samples. So, they collected over 2000 samples and pretty quickly they had 80 by CODIS hits. And so, when we look at those CODIS hits, a lot of those are linked to sexual thoughts, homicide, some of your most violent crimes. They even estimated that if they had off 15,000 samples, it would result in over 569 CODIS hits. Those are investigations solved. That could've been solved, investigative leads generated from these samples.

So, when we looked at... Here's another case out of Ohio, that why is it important to get this sample into the database as early as possible? This was a horrific case that came out of Ohio. It was Anthony Soil, was his name. But when he was finally arrested late in 2011, what was found was that he actually had 10 victims, 10 dead bodies were found in his home. But when we look at the history really of this case, each one of these markers here in brown, really represents either a homicide or a sexual assault. And then, these X marks represents times that he was in police custody and he ends up being released with no DNA collected and put into that database. So if, at least here in the late 90s, his DNA been have collected.

All of these cases would potentially have been avoid it and prevented. Deter those crimes. During this time period, he was actually serving, I believe it was a 15 year sentence. And upon release, his DNA was not collected. So, it's just an example of why it is so important to collect these samples. Also, when we look at the homicide rates, homicide the rise in homicides. We're looking at this rise in violent crime is exponential rises in homicide. We saw that in 2020, it was an average increase of almost 40% increase in homicide. And 2021 is right on the heels of another increase. We're seeing yet again, another 20% increase. And so, it's important that we make sure that these first time violent offenders, that we're collecting their DNA and getting their DNA in the database.

And it shown just the mere collection and processing of that DNA really results in a dramatically lower recidivism, higher employment, and increase in their education. So, when we look specifically here, at homicide, Houston, they have too struggled with their violent crime, with their homicide rate, and they have come out and said, Rapid DNA is really a tool that they're going to utilize to help fight this crisis. They've come out and said that Peter Stout, gave this quote here, but really what he said was he realizes that every minute counts in these investigations. Two things, providing a scientifically sound result quickly is important. It's important that we catch the right suspect. We want to exonerate people that we're looking at as quickly as possible and include the right suspect as quickly as possible.

So, when we look at this arrestee testing in the booking station, what are some of the benefits we've talked about? The ability to get these results in 90 minutes versus weeks, months. This tool is really cost-effective and scalable and is really efficient crime fighting tool. It is objective in the identification and the elimination of individuals. As we look at these processes, it's really a great opportunity for us to improve the tracking and the collection and the compliance in submission of these DNA samples, so that we can make sure they're entering the database. And then, also the ability to test it so quickly, wireless suspect is in custody.

So what impact does that have? There was a study that showed that every profile that was added to the database really resulted in a cost savings of around a thousand dollars up to \$19,000 per profile entered. And this is looking at the holistic impact of these samples and the crimes that would occur after that. But we know that these DNA collections are a deterrent and therefore, they can prevent future crimes It also plays into law enforcement safety, and manpower. If we could identify an individual while they're still in our custody, then we don't have to sue law enforcement out to retract down, re-find this individual. It also has the ability to reduce sample caseload on our crime labs.

Our crime labs are very taxed with huge loads. I also added here that it guards against some of the racial bias. And so, we want to make sure once again, that we get the correct identification, the

correct exoneration. And then finally, you don't want to forget, closure for our victims and family. The sooner we can do that, the better for those victims and their families. All right. So, why Rapid DNA now? And so, when we back at Rapid DNA, what we'll see is that initially there were some changes in federal law that had to occur to allow for this Rapid DNA technology. That then was followed by software modifications that needed to occur in this DNA database software.

And 2019, the FBI performed pilot testing in booking stations with five key states. They were Arizona, Florida, California, Texas, and Louisiana. Meaning it would happen in 2020. But in 2020, there was the development and release of really the standards and procedures. The policies and procedures. What do we have to follow in order to implement that? Which then brings us to 2021. We now have approved systems. We now have the rule books that we need to follow to do this, which then brings us to how do we begin to implement these into booking stations?

And so, when we look at our booking stations, what we need to look at is what is our process currently? When an individual is booked, they are often times fingerprinted at these live scan booking process. So, what we want to do is look at that booking process and we need to upgrade it and integrate the DNA collections straight into these systems. These systems will then allow us to verify fingerprints very quickly. Verify biographical data really quickly. Generates a state identification number on these individuals, and then, incorporate that DNA process into this software and into this process. Louisiana has done this process. They have integrated into this APHIS booking station and modified their software to allow for these DNA collections straight into these booking stations.

So, always tell people, it is very rare for an individual to get arrested, to get booked, to be convicted, to be brought into a jail and their fingerprints not be collected. We've got embed the DNA collection process into our workflows the same way. We don't miss fingerprints. We shouldn't be missing these old DNA samples. All right. And then, I'm just going to touch on real quickly on funding and some of those resources. So, as Chris talked about BJA, the solicitation is out, Rapid DNA is named in that as a use for those fundings. There's NIJ grants that can be used. Some of the Homeland Security grants can be used. There's now federal earmarks are back and open to Rapid DNA projects.

And then, the final thing is that as a criminal justice entity, we need to be openly talking about our state and local government about this technology. Educating people on this technology and beginning to fund these kinds of projects. On our panel discussion, I have listed here Lisa Hurst at the bottom. She is a great source. And she'll be talking to you about some of these funding opportunities. But she's a great resource to reach out to in assistance with these kinds of funding. All right. And now that really brings us to our panelist discussion.

Chris Asplen:

So, that brings me back up to introduce our next panelist. Thank you for that, Joanie. There's so much to talk about just based on what Joanie has said, but I want to introduce our panelists and hear their perspectives first. First of all, we're going to hear from Jayann Sepich. And I can tell you that I have been fortunate to travel the country and parts of the world with Jayann. I've known Jayann for a number of years now. And few people on this planet have turned tragedy into something positive for other people. Few people have been able to dedicate their lives to the safety of others, the way that Jayann and quite frankly her husband have done.

I can tell you that that Rapid DNA is a relevant crime-fighting tool, and now in booking stations, largely because of Jayann Sepich and her husband. Largely because they were out there on the front lines, arguing for arrestee testing, and it is arresting testing our ability to take DNA and process that sample at arrest and booking stations that makes Rapid DNA, the powerful crime fighting tool that it is. They were both in the individual states, but then also at the United States Supreme Court, we were

involved in a case together out of Maryland, which established the constitutionality of arrestee testing. And again, Jayann and her husband were the driving force behind that effort.

She's an advocate with DNA Saves. After the brutal rape and murder of her daughter, she and her family have dedicated their lives to passing legislation in all 50 states that mandate taking DNA samples upon felony arrests. So, with that, let me turn it over to Jayann for a few minutes.

Jayann Sepich:

Thank you so much, Chris, for that introduction. I am so incredibly excited about Rapid DNA. It will change the face of criminal justice. And from a victim's point of view, why is that so important? Well, every victim and every victim's family member reacts differently, I think to a violent crime, but I know for our family, my husband felt like it was his job to help the detectives find out who killed our daughter. The man that killed our daughter was arrested for an unrelated crime. It was a burglary less than 90 days after he killed Katie, but we didn't have an arrestee DNA law in my home state of New Mexico at that time. So, he couldn't be swabbed.

Consequently, it was three years and three months before he was identified as Katie's murderer. And during that time, I watched the horrific damage that it did to our family. My son had been at college for one week when his sister and frankly his best friend was murdered. He had graduated from high school with the highest honors. He was attending college on a full ride presidential scholarship. I watched him just spiral downward [inaudible 00:34:52]. It was a horrible thing to watch as a mother. He began drinking, he had two DUIs in matter of 12 months. He tried to commit suicide. It was absolutely horrible. And then, my daughter who was nine years old when her sister was murdered...

And she only told me this about two years ago, that from the time Katie was murdered, until the time we identified Katie's killer, she thought every minute of every day, that that man was going to come after her and kill her. And she just lived in terror. I know a lot of rape victims that live in fear and terror until their rapist is identified. And to have this Rapid DNA technology that can identify someone right while they are in custody, after being arrested for a felony, they're there. We know we have that information. They're not going to be released on bond or bail. It's just an incredible tool that we'll be able to use.

I've never been so excited about anything. So, just from a victim standpoint, this will make such a difference in the world. And most importantly, prevent those other crimes from happening. Most importantly, when we identify those horrific perpetrators and get them off the street, they can't continue to harm others. And that is so incredibly important. So, that's [inaudible 00:36:18] I have to say. Thank you.

Chris Asplen:

Thank you, Jayann. Her organization, DNA Saves, was the primary funder behind one of the significant briefs that was submitted in the case out of Maryland, which went before the Supreme court. One of the more special moments of my career was going to the United States Supreme court with Jayann and watching the argument in that case that ultimately we won. And again, establish the constitutionality of being able to take DNA from arrestees, arguing that because we could take fingerprints from everybody at arrest and that we did that, and that DNA really is no different than a fingerprint based on what we looked at that that was inappropriate and constitutional utilization of technology.

And again, thank you to Jayann and her organization and her family for their work. So, let me turn it over to Lisa Hurst at this point in time. Again, just to get completely personal here, Lisa and I were colleagues for many years at the same firm Gordon Thomas Honeywell. I mentioned that when we talk

[inaudible 00:37:33] and we always do so in the context of both its ability to convict the guilty, but also its ability to exonerate the innocent and technology is absolutely colorblind. And few people have had the impact on creating legislation that was protective of people's rights, protective of people's constitutional rights yet maximizing its impact on crime solving, than Lisa Hurst.

She has been all over the country, and works with legislatures all over the country, but also a significant amount with the federal government, the Rapid DNA act, had a lot of her input from it. It was an understatement to say, when Joanie said that she was a good resource, that's the understatement of the day. Lisa is the best resource in the country for how to maximize the potential of DNA technology legislatively, while at the same time protecting people's rights as we seek to integrate the technology. So, with that, let me turn it over to Lisa.

Lisa Hurst:

Thanks, Chris. Yeah. So, I've been working with a forensic DNA policy, and funding issues for a very rewarding 20 years or so now. It's largely been so rewarding because of the incredible advocates that like Jayann Sepich that you just heard from, who I've gotten to work with. For policy [inaudible 00:39:11] like me, the last few years has been extremely exciting with the emergence of forensic genealogy and now in Rapid DNA, there's just so much enormous potential for public safety improvements and for really changing the game. When we talk about things like victim identification, or just getting answers for victims and their families, often we hear concerns from legislators around the country.

And this just goes for everything, that we need to be mindful of technology not getting too far ahead of thoughtful policies and associated laws and regulations on that technology. I would argue that with rapid, it's really a little bit different because with the rapid, we're largely going to be governed by laws that already exist. As you just heard, Chris say, Jayann has been an advocate around the country for arrestee databases. We've always tried to make sure as those laws are going through that they are mindful of privacy, and mindful of how that information gets shared. So, a lot of those types of laws, the way we use rapid is already governed by laws that already exist.

We know how to work responsibly in this space. And where we do name new laws or tweaks to existing laws, that's easy. We know what that should look like. Instead, largely what we have is a problem with the technology having outpaced available funding. That's really the biggest hurdle right now is the funding issue of this. And probably nothing new to a lot of you folks on the webinar, but we're beginning to see signs that even at the state level this year, there was several million dollars worth of appropriations out of state budgets, probably from about six or seven states, specifically for rapid implementation. Some of that's booking stations, some of that's investigative leads. We're seeing creative on uses of federal grants, including the Homeland Security grants.

Even some of the COVID funding was used in one state for rapid. And as you heard Jayann say, rapid is really a game changer for public safety and for getting answers to victims, but from a funding, especially a little bit also policy, we're really at the beginning stages of getting that all moving forward.

Chris Asplen:

Thank you, Lisa. So, I got a whole bunch of questions to ask. But let's start here at the beginning. I want to emphasize the importance of something that Joanie said. And that is the announcement that literally happened right before we started this webinar. It is really monumental that there is now CODIS approval for this technology, for this product. The FBI has approved it, that makes it all extremely relevant in a way that is very different than before that approval. It means that we really can draw this

connectivity between law enforcement going out and getting a suspect, bringing them into the police station, taking that sample and then running it through the CODIS database.

The value of DNA is as much in the database and the volume in the database as it is in the actual DNA technology itself. That's how we solve the crime. It's the comparison to the database. But here's my question. And Joanie probably most directly to you. It took us a long time to get here. The FBI has appropriately moved slowly and surely to get us to the point that the DNA technology is reliable. At the same time, police have a lot of things to do. They're busy. They have more things to do than they ever have before, we're putting new responsibilities on them. Why can we trust police with this technology in their particular booking stations? Is it that simple to use? And is it that reliable that we can invest this kind of funding in it?

Joanie Brocato:

And really the answer to that is yes. I mean, so there's two fold. They're already collecting the DNA in the booking station anyway. They're just right now putting it in an envelope. And then we've got to depend on it to get mailed across states to a laboratory, to be [inaudible 00:44:09]. That process is still going to stay the same. More than likely a lot of the labs will continue to get those samples, but now this technology has been improved so much that it is very, very, very reliable. Part of the FBI approval was really in showing, the trials validations to show that this technology in the hands of a non-scientist is very, very reproducible.

The sample is still the same kind of sample. We swab the inside of the mouth. The sample is inserted into a simple cartridge. The instrument itself software is locked down. They can't do anything with that software. They can't change anything in that software. And they insert that sample into the instrument. It's got RFID tags in it and it begins to run. Then the DNA never get seen. There's nothing they can do. They don't modify that DNA profile. Everything else from there, will happen electronically. So, it is a very, very robust, and the system is very locked down [inaudible 00:45:40] arrestee stations.

Chris Asplen:

What would happen generally? Let's say that for some reason, we got a sample that was contaminated for some reason, let's say there was more than one DNA profile on a particular swab that officer put in the cartridge, what happens?

Joanie Brocato:

So, the system is designed to detect a single DNA profile. It knows when there's multiple DNA profiles on there and you get the big in a stop sign on the system. And so, it is designed for that kind of setting.

Chris Asplen:

Is there a component built into the system that ensures that we know exactly who the officer is and who's actually running the machine for one, and then for two, are there the kind of inspections recalibrations of the machine, for example, that we see and Intoxilyzer machines and things like that on the alcohol side of scientific testing.

Joanie Brocato:

Yeah. Part of the reason to incorporate these collections into the fingerprint booking station is because a lot of the checks and balances, who's collecting the sample, collecting all that data, is built into that system. That's part of the policies and procedures. And there's a lot of procedures that these booking

stations will have to follow. There will be oversight from those CODIS laboratories that they're following these procedures. These procedures will tell them how often they have to run controls, how often maintenance has to be done. There will be audits done. So, those CODIS laboratories will come in and audit those booking stations. So, that's really what those FBI standards that I spoke about were designed to do, really lay out the roadmap for that process.

Chris Asplen:

Thank you, Joanie. So, we'll take one of the questions that's been asked in the Q&A section. And this obviously goes to Lisa and to Jayann. Just curious, are there state or local laws that might prevent law enforcement agencies from using this type of technology? Go.

Lisa Hurst:

Well, not to be coy, but the answer is yes and no, maybe. If you're talking about booking stations, which has really been the focus of today, you have to have the appropriate arrestee legislation in your state. So, every state controls who it puts into its database, and whether that is upon a conviction, which all 50 states do conviction, only about 30 states have what we call arrests, but really some of those collection points aren't really at arrest, it's after an arraignment or a probable cause hearing. So, you may or may not be eligible from that standpoint in terms of use. But if you're talking about...

There are some agencies around the country, you may have seen presentations from Bensalem, Pennsylvania, where they've started their own local databases. There's nothing stopping in most states and depending on your state, we would want to take it and I'd be happy to do it, take a closer read of your statutes. But for the most part, when you're talking about how law enforcement uses forensic DNA for its criminal investigations, that's what this is. And most statutes don't get in the way of that. What they get in the way of is forced collections from certain arrestees, for inclusion in a statewide database that isn't shared at the national level. Does that answer the question, I hope?

Chris Asplen:

I think it does. There's a second part of the question though, which goes to the issue of, so how did the state labs feel about all of this? Given the fact that the state labs are staffed with scientists who went to college and got advanced degrees in forensic testing, et cetera, how did they feel about police officers doing this testing in their laboratories and do state labs, do they also use rapid technology? Joanie, probably a question for you.

Joanie Brocato:

All right. Yeah. So, my thoughts on as the scientists, I look at as just a compliment to what the scientists are doing. I mean, low level right now, these systems are designed for more single source samples, a known arrestee sample. Even when we look at investigative leads, we're really looking at a blood stain, a semen stain, those kinds of things. You're never going to... Well, maybe never, but I mean, right now, you're still for those very complex cases, we'll need the scientists interpreting those tough mixtures. I really just look at it as another tool in scientists tube out, a way to assist the scientists in the processes.

There are labs that are beginning to purchase Rapid DNA instruments and put them into their own laboratories as well. You work, let's say a homicide and they develop a suspect. There are labs that are running those suspect references in their own labs using Rapid DNA, because you can get those results in 90 minutes versus hours. So, for me, I just look at it as a compliment to what we're doing as scientists.

Chris Asplen:

So, I think, this all leads to a broader issue. And I'll call this not just an issue, but a genuine problem. And Joanie, you spent a fair amount of time on it in your presentation, but like to dive into it a little bit more. And that's the issue of the ode sample? What is unique to the dynamic of solving crime through DNA and particularly to the DNA database, is that when we do so, we then have the opportunity to look backward. Once we have a person's DNA and we know what that profile looks like, we have the opportunity to look backwards and then to realize all the other cases in which that DNA profile was found and all those other opportunities that we had to solve that case. And we just didn't.

There are a lot of reasons as to why we didn't, the law didn't allow us to, the technology wasn't available to us, the funding wasn't available to us. But now those things are all changing. So, maybe you can talk a little bit to the issue more broadly of where do we find those ode samples? What kind of examples are there where samples pile up. Probation, parole, got convicted, arrested, all that stuff. What's that broader dynamic look like?

Joanie Brocato:

I'm not exactly sure what exactly... I mean, what I have seen specifically in Louisiana was more than... I mean, you'd see some piling up, but for us, our processes weren't airtight. There were ways for those samples to... the system would flag them to take the sample, but they could move on with the booking and not collect the sample. So, it was just pushed aside. And then there weren't good reporting systems in place to make sure that those samples were collected or they weren't collected. So, for me personally, in Louisiana, that was the thing that I saw. I saw, like you talked about, so many times where we were working on a case with law enforcement and we got an unknown profile.

We put it into CODIS, we searched it, no hit. Then law enforcement would develop a suspect potentially. And they would call and say, "Is he in CODIS?" And you look back and say, "Ooh, he's not in CODIS." Then you look at his criminal history and you realize, wow, he passed through the hands of law enforcement once, twice, three times. That's the real experience that I saw.

Chris Asplen:

So, we have a question here from Jeannie Smith. Jeanie, good to hear from you. And she says, the statutory language in many states requires that the quote unquote sample be submitted to the state crime lab for analysis, would it be better for arrestee collection, if the statutes were changed to say the result could be submitted, if Rapid DNA is used to analyze the sample on site? What do we think about that?

Lisa Hurst:

I would say, ideally, it depends on your legislature. I've spoken to some bigger states that have that type of impediment if you will or language in their statutes. But they believe that their legislature would not be friendly to a change, just given the current political climate and their state would not be a friendly to any kind of change to the database. So, they have decided to simply just call rapid a piece of the lab in a box and that box goes out to the booking station. So, in that way, they get... I don't want to say get around, but they have creatively found a solution to not having to go ask for that change.

However, I do think that the change that you suggested, that you mentioned, in an ideal word world, like let's just make it really clear. And I think actually Louisiana had... It was a one-line bill. It just made a quick change that just gave them the last little clear piece of authority that they needed, but there are creative ways to work around it if you need.

Chris Asplen:

Thank you. We're getting to the end of time before our last question, you're going to get a poll popped up, a little evaluation poll pop up on your screen. I'd asked you to go ahead and please fill that out. It's important to us so that we can continue to improve the programs that we provide. It's nice and short. So, please just take a minute for that. And then we'll ask the final question, which quite frankly, I may be able to answer at least partially, if not, offer to get the answer. So, while you folks are doing that. The last question we have here is that earlier someone mentioned that states have used COVID funds to purchase Rapid DNA machines. I'd like to know if it was CESF funding specifically, or another type of COVID relief funds.

And so, does anybody know the answer to that on the call as to whether or not they were CESF funds specifically? And my guess is that the folks on this call do not know the answer to that. However, I will say Brian, that we will look into that and it makes a point that I really wanted to finish up on. We'll look into that CESF funding issue, and we'll get back to you and we'll send it out to everybody. But here's I think a really important way to look at Rapid DNA in the context of what's going on in the criminal justice system today, and the priorities of BJA and DOJ. I would look at an investment in Rapid DNA and an investment in solving even volume crime, any kind of crime, volume crime.

We know the burglaries, the robberies, the retail thefts, they all increase, they all get bigger. They all grow into violent crime. If you invest in solving volume crime now, that is an investment in preventing violent crime in the future. And we are right now looking at the nexus between what DOJ, BJA would like to do in terms of, in how they view CESF funds and the connectivity to violent crime, because there is a connectivity to it. And we will ask that question. We will inquire whether or not CESF funding is allowable as applied to Rapid DNA on top of the current solicitation that just went out.

So, I hope that's helpful again, we'll push that answer more specifically after everybody later. Okay. With that, we are at the end of time, and I want to be respectful of everybody's day. I hope that wherever you are, your air conditioning is really, really good, particularly if you're on the west coast. Again, we thank you for being here. I want to thank all my friends and former colleagues on the call today. I want to thank Thermo Fisher for supporting NCJA through their sponsorship of our forum previously.

This really is a very tangible, perhaps one of the most tangible ways to save people's lives, to prevent further victimization and to improve the equity, in our criminal justice system, as we seek to maximize the potential of DNA technology. So, thank you to everybody involved in this webinar. Everybody have a good rest of the day.

(silence)