

The author(s) shown below used Federal funds provided by the U.S. Department of Justice and prepared the following final report:

Document Title: New York Statewide Integrated DNA Program, National Institute of Justice DNA Laboratory Improvement Program, Final Report

Author(s): New York State Division of Criminal Justice Services

Document No.: 202732

Date Received: 11/21/2003

Award Number: 97-IJ-CX-0021

This report has not been published by the U.S. Department of Justice. To provide better customer service, NCJRS has made this Federally-funded grant final report available electronically in addition to traditional paper copies.

Opinions or points of view expressed are those of the author(s) and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

A New York Statewide Integrated DNA Program
National Institute of Justice DNA Laboratory Improvement Program
Final Report
Project Number 97-IJ-CX-0021

Introduction

This Final Report is submitted on behalf of the public forensic crime laboratories in New York State to document the use of CODIS funds and the benefits participating New York State crime laboratories received from this funding. The CODIS goal was:

To implement a comprehensive statewide DNA testing program using the Combined DNA Index System (CODIS) consistent with the requirements of New York's 1994 DNA Identification Index -- Convicted Offender Databank law, to provide or enhance the capabilities and capacity of New York's public forensic crime laboratories to perform DNA testing, and to realize the full potential of CODIS.

Background

A 1994 New York State Executive Law Article 49-B authorized the creation of a DNA Identification Index (DNA Databank) at the Division of Criminal Justice Services (DCJS), and mandated an accreditation program for public forensic laboratories. The law also provides a requirement and mechanism for blood samples to be collected from individuals convicted of homicides, felony sex offenses, felony assaults, incest and certain escapes for analysis and storage in the DNA Databank.

The law established the Commission on Forensic Science and the DNA Subcommittee. The DNA Subcommittee is required to make recommendations for adoption by the Commission concerning the New York State accreditation program for public forensic DNA laboratories. Based on the activities of the DNA Subcommittee and the Commission, New York State adopted ASCLD/LAB accreditation standards as interim standards until December 31, 1998, (later extended to December 31, 2000) for any public laboratory performing DNA analysis in the State. The law provided an ambitious schedule of implementation for accreditation, in which DNA laboratories performing forensic DNA analysis on casework had to be accredited by New York State by January 1, 1996. Five of the state laboratories met this challenge.

By establishing a solid system of accredited laboratories, local and state law enforcement would be able to reliably identify recidivist criminals. Further, by enhancing technology, more crimes can be solved because smaller amounts of DNA may be reliably analyzed with higher discriminating power.

New York State began collecting DNA samples from qualifying offenders convicted and sentenced on or after January 1, 1996. These samples are maintained and analyzed, using all 13 CODIS STR core loci, at the New York State Police Forensic Investigation

Center in Albany, which is also the State DNA Index System (SDIS) site for New York State. Through SDIS, all New York State CODIS laboratories are able to compare DNA profiles obtained from crime scene evidence to convicted offender profiles, and to other cases at local, state and national levels.

Project Implementation and Results

The primary goal of New York's CODIS program is to implement a compatible statewide DNA testing program so that the public forensic crime laboratories can use DNA testing, in conjunction with CODIS, to establish investigative leads and identify recidivistic criminal activity. Five New York State public forensic laboratories received and installed the necessary software and hardware to meet CODIS standards. The type of hardware and software purchased to ensure full CODIS compatibility varied among the laboratories and depended on their stage of development at the time of implementation.

Since the implementation of CODIS Phase I funding, and throughout the continuation of the NYS program with CODIS Phase 3/4, the State has worked to equip and staff DNA Databank laboratories in core regions across the state. This has provided law enforcement investigators from state, county and municipal levels with access to up-to-date forensic services. Forensic scientists have created core profiles of convicted offenders that have passed extensive peer review and other quality control measures. These profiles were uploaded to the SDIS offender database and the NDIS national database.

In terms of tangible results of the CODIS program, statistics and case highlights are provided below from the combined New York State DNA Databank participants.

DNA Databank Statistics (last updated 09/10/2003)

Number of Convicted Offender Samples Collected and Approved for Analysis	115,101
Number of Convicted Offender Samples Analyzed	113,853
Number of Forensic Samples (crime scene) in State DNA Index System (SDIS)	10,580
Number of Convicted Offender Hits	1,171
Number of Forensic Case to Case Hits (State)	33
Number of National Hits: (Offender and Forensic)	173
Number of International Hits	1

Case Highlights

Westchester County

The first match against the State DNA Databank solved a 21-year-old murder in Westchester County. In August of 1979, a 22-year-old woman was brutally stabbed to death in her Mt. Vernon apartment. The perpetrator apparently cut himself in the commission of this offense. Bloodstains found at the scene of the crime were preserved and DNA analysis was performed in 2000 by the Westchester County Forensic Science Laboratory. The resulting DNA profile was uploaded to the State's DNA Databank and found to match the DNA profile of Walter Gill. Mr. Gill was serving time in State prison for robbery, an offense that did not require DNA sampling until the 1999 amendment to the DNA database law. Gill was convicted of First Degree Manslaughter.

Erie County

A DNA Databank hit linked Lamont Coleman, a man with a history of sex offenses, with the sexual assault of a female professor that took place on March 31, 2000. The attack occurred in the same building on a college campus where, in 1987, another female professor had been assaulted. Coleman was convicted of the 1987 attack and his DNA profile was entered in the State's DNA Databank. It matched with the physical evidence recovered at the scene of the 2000 assault. Coleman was a national fugitive for two years and listed on the FBI's Most-Wanted list prior to his capture in July, 2002.

Following a DNA Databank hit in April 2000, Ishmael Saladeen was indicted for the 1982 murders of a 54 year-old male and an 84 year-old female who were killed during the robbery of a photography studio in Buffalo. During the commission of this crime, the owner of the studio and five other victims who had entered the store were tied up and robbed. The elderly female was strangled to death and the male victim fatally shot. One of the surviving victims was also raped and sodomized. The surviving victims all had a caustic solution splashed in their eyes in an apparent effort to blind them and prevent identification of the perpetrator. With the advent of the state DNA Databank, the Erie County Department of Central Police Services Forensic Science Laboratory developed the perpetrator's DNA profile from evidence recovered from the victim who was sexually assaulted during the 1982 attacks. Within a year of these crimes, Saladeen was convicted for a separate incident of two counts of Attempted Murder in the Second Degree and sentenced to a lengthy prison term. Pursuant to the 1999 amendments to the DNA database law, a DNA specimen was collected from Saladeen and his DNA profile was found to match the DNA profile of the perpetrator of the sexual assault. The Statute of Limitations prevented the indictment of the defendant on the rape and sodomy charges. However, as a result of him being linked to the photography studio scene through the sexual assault evidence, Saladeen was convicted in a jury trial on December 11, 2001 for Murder in the Second Degree.

New York City

One early morning in October 2000, a young financial analyst on her way to work in midtown Manhattan was pulled into a freight elevator and viciously choked, raped and beaten. The victim bit her assailant, causing him to bleed onto her jacket. A DNA profile was developed from the blood stain by the New York City Office of Chief Medical Examiner Forensic Biology Laboratory and entered into CODIS. The profile from the crime scene "hit" against the DNA profile of Richard Navas. He was subsequently arrested and convicted for Rape 1st and Assault.

In the early morning hours of December 21, 1999, as an NBC producer walked home from her job in midtown Manhattan, she was confronted by a man who threatened to kill her. He pulled her into an open stairwell and raped her. She lured him to an ATM machine by offering him money, hoping to capture his picture with the ATM security camera. Unfortunately, the perpetrator could not be identified in the ATM photo. Two months after the attack, a DNA specimen was collected from Lashange Legrand who was on probation for Attempted Robbery 1st. His DNA specimen had been collected under the 1999 amendments to the DNA database law. When his DNA profile was entered into the state DNA Databank, it matched with the DNA profile recovered from forensic evidence collected from the scene of the 1999 attack. Legrand subsequently pled guilty to the rape.

In 1998, a female employee of a major department store had gone into the stock room of the store to pick out a robe. An assailant choked her and proceeded to rape her. Using the pin of her employee badge, the victim stabbed him, causing him to bleed onto the robe and cardboard that covered the floor. Subsequent to the rape, the rapist fled the stock room covering his face so that he could not be identified on a security camera. In April 2002, the DNA profile developed from the blood stain hit against the DNA profile of Joe Felder. Felder provided a DNA sample for inclusion in the Databank in February 2002 when he was committed to the Department of Correctional Services for Burglary 3rd. On April 15, 2003, Felder was convicted at a jury trial for Rape 1st.

In November 1995, a woman was abducted, raped and terrorized in an apparent attempt to get information about drug dealers that the perpetrators viewed as competition. She was unable to identify her attackers. A DNA profile was developed from forensic evidence recovered from the scene and, when entered into CODIS, found to match the DNA profile of Kyle Hardison. Hardison's DNA specimen had been collected after the 1999 amendments to the state DNA database law as a result of a robbery conviction. He was subsequently convicted of First Degree Rape and First Degree Sodomy.

In 1991, a 17-year-old girl Harlem girl was sodomized, raped and robbed in New York City. Due to the limitations of DNA science at the time of trial, DNA could not be extracted from the rape kit evidence. Following his arrest and subsequent prosecution for these crimes, a Manhattan man was convicted after a bench trial and sentenced to 20 to 40 years incarceration. Recently, advances in DNA science enabled law enforcement authorities to conduct a new test on the evidence in the case, and a DNA profile from that evidence was added to the databank in April of this year. A subsequent comparison of the crime DNA to the DNA of the incarcerated Manhattan man proved that, in fact, he had not committed the crime for which he was incarcerated. The crime DNA was then searched against the DNA databank, and matched to another incarcerated felon whose DNA sample was added to the databank as a result of the 1999 expansion. Sadly, the existing statute of limitations has expired for these crimes, thereby hindering the prosecution of the true perpetrator. However, the power of the databank to exonerate the innocent, as well as implicate the guilty, is made abundantly clear in this case.