

Deoxyribonucleic acid used as evidence in solving criminal cold cases perry hawn

[Law](#), [Evidence](#)



**ASSIGN
BUSTER**

Deoxyribonucleic Acid Used as Evidence in Solving Criminal Cold Cases

Imagine it is a beautiful spring morning and you are walking along when suddenly a man wearing a ski mask and gloves jumps out from behind the bushes and your life is forever changed after this man drags you by your hair, behind the bushes, and proceeds to violently assault you. By some miracle you survive the attack and call the police. However, because this man was wearing a mask and gloves the police have no way of immediately identifying the perpetrator.

You are taken to the nearest hospital where they take swabs from your vaginal area in hopes to collect enough Deoxyribonucleic Acid (DNA) to create a sample that can be added to the “ Combined DNA Index System (CODIS)” (May & McIntyre, 2002, p. v). A few years have passed and you hear a knock on your front door. It is a police detective who has come to your home to tell you that an arrest has been made in your case based on a DNA match made from a mouth swab taken from a man who was arrested a few days earlier for robbery.

The purpose of this paper is to provide an argument in favor of the June ninth United States Supreme Court decision where five of the nine justices sitting agreed that taking DNA samples collected from those who are suspected of having committed a crime does not violate the fourth amendment of the constitution protecting Americans against unreasonable searches and seizures (Kirkland, 2013). The decision opened the door for police and other authorized law enforcement agencies to collect D. N. A. samples from suspects at the time of arrest so that the suspects D. N. A. can be used to

possibly solve cold cases (St. Martin, 2013). Additionally, this paper will argue that using D. N. A. as evidence has multiple benefits like it is infallible because each person's D. N. A. is unique with the exception of identical births (May & McIntyre, 2002). Further, DNA evidence has been used to solve crimes such as rape, robbery, and homicides. Additionally, D. N. A. offers law enforcement agencies new ways of looking at old crimes through the use of advanced technology, international and national databases (Hampikian, 2013).

Deoxyribonucleic Acid Deoxyribonucleic Acid more commonly known as DNA is the building block of all living beings. In humans DNA is inherited from your ancestors and determines your hair color, eye color, height, bone structure, blood type and other personal attributes (Van der Sijde, 2013). DNA can be collected from any biological sample like bodily fluids and tissues (What, n. d.). With the exception of identical births like twins each person's DNA is as unique as his or her fingerprint (May & McIntyre, 2002). Infallible Evidence D. N. A. provides foolproof evidence for several reasons including the one made by May and McIntyre cited above referencing the fact that each DNA sample is unique to its owner (except for identical births). Other arguments in favor of D. N. A. being sound evidence include the fact that new ways of collecting, storing, and analyzing D. N. A. have increased the life of the collected samples making those samples viable "...years, even decades, after it is collected" (May & McIntyre, 2002, p. 3). Furthermore reliable DNA samples can be taken from any type of biological sample including deceased victims (What, n. .).

Uses of D. N. A. Evidence D. N. A. evidence can be used to solve a multitude of crimes, incarcerate the guilty, and free the innocent. In one such case the perpetrator of an aged woman's rape and attempted murder in North Carolina was arrested because of the criminals D. N. A. having been collected from multiple victims at differing crime scenes. Ten years later a D. N. A. match was found after the criminal had been arrested for an unrelated crime, as a result of D. N. A. evidence. This criminal nicknamed " the Night Stalker" (May & McIntyre, 2002, p.) is currently on death row after being "... indicted for three counts of first degree murder, three counts of first degree rape, three counts of first degree burglary, attempted murder, assault with a deadly weapon with intent to kill inflicting serious injury, first degree arson and burning of personal property" (State, 2003, pp. 2-3). New Way to Solve Old Crimes Use of advanced technologies that allow smaller samples of DNA to be collected for analyzing has made use of DNA to solve crimes more palatable.

You can read also King v Cogdon

What once to take a sample "...the size of a nickel..." (Temple-Raston, 2008, p. 1) now only needs to be "...the size of a pinprick..." (Temple-Raston, 2008, p. 1) offers a new way of looking at long-standing criminal investigations.

Use of robotics to handle DNA samples allows for more rapid processing of samples creates a more favorable environment for solving cold cases (Temple-Raston, 2008). Further, the Federal Bureau of Investigations (FBI) is responsible for the creation of CODIS which is "...a roster of prior criminals into a national data database..." (Temple-Raston, 2008, p.) CODIS links the

<https://assignbuster.com/deoxyribonucleic-acid-used-as-evidence-in-solving-criminal-cold-cases-perry-hawn/>

DNA of prior offenders on a local, state, national and in some cases international level available to law enforcement to help unravel unsolved cases (Combined, n. d.). Right to Privacy Opponents argue that the taking of DNA from alleged suspects at the time of arrest violates his or her intrinsic right to privacy or that the police will use the ruling to arrest anyone for minor infractions of the law just to get a DNA sample for a possible match (Flock, 2013).

In the dissenting opinion Supreme Court Justice Antonin Scalia wrote "...Make no mistake about it: because of today's decision, your DNA can be taken and entered into a national database if you are ever arrested, rightly or wrongly, and for whatever reason..." (Flock, 2013, p. 1). However, Maryland District Attorney, Douglas F. Gansler, disagrees pointing out that law enforcement cannot arrest someone without probable cause and further states " if police are genuinely interested in someone's DNA, they could just go pick up their Diet Coke can at the McDonald's" (Flock, 2013, p. 1).

Moreover, the majority of justices on the Supreme Court ruled that D. N. A. sample collection via mouth swab does not violate the fourth amendment rights against unreasonable searches and seizures (St. Martin, 2013).

Innocent Until Proven Guilty Let's face it folks who are going through the court system are there because the evidence pointed to him or her as a probable suspect. In actuality, because you can't argue with D. N. A. , D. N. A. swabbing has done more to convict those who are actually guilty of committing crimes. Additionally, according to numbers gathered by the innocence project D. N. A. wabbing conducted after conviction has freed over

300 inmates who have been wrongly convicted by the court system under due process (DNA, 2013).

Storage and Collection Methods Opponents of D. N. A. collection would argue that the storage and collection methods of D. N. A. are outdated and unreliable. However, proper training and new technology allow for D. N. A. to be collected and stored without danger of contamination. Training forensics experts to wear and change his or her gloves after touching each item prevents contamination. Additionally, storage of DNA samples in a cool, dry environment is another technique used to preserve D. N. A. samples. Other methods used to prevent the samples from becoming contaminated include use of separate storage envelopes for each sampling (What, 2013). Also, with the use of cutting edge technology like barcoding DNA samples (Hampikian, 2013) the storage and collection methods used for crime scene DNA are constantly improving and becoming more secure. Conclusion “ Technology is neutral: It convicts and finds innocents. We must make it a regularized part of the system, giving defendant’s access to DNA testing and evidence whenever it might be relevant” (Spitzer, 2013, n.). Law enforcement needs a way to protect society from the criminal element who are becoming smarter and advancing their aptitudes for breaking the law through the use of technology. The Supreme Court’s ruling which allows for the swabbing of those arrested will help in solving crimes and exonerating the innocent. New and innovative technologies are making the collection and storage of DNA nearly fail proof. The modernization of the ways in which DNA

is used in the criminal justice system is an ever evolving process that seems to be leading us to a more fair and just society.