

# Bill would put suspects' samples in federal DNA database

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**WASHINGTON** - Suspects arrested or detained by federal authorities could be forced to provide samples of their DNA that would be recorded in a central database under a provision of a Senate bill to expand government collection of personal data.

The measure was approved by the Senate Judiciary Committee last week and is supported by the White House, but it has not gone to the floor for a vote. It goes beyond current law, which allows federal authorities to collect and record samples of DNA only from those convicted of crimes. The data are stored in an FBI-maintained national registry that law enforcement officials use to aid investigations, by comparing DNA from criminals with evidence found at crime scenes.

Sponsors insist that adding DNA from people arrested or detained would lead to the prevention of some crimes and help solve others more quickly.

"When police retrace the history of a serial predator after he is finally caught, they often find that he never had a prior criminal conviction, but did have a prior arrest," Sen. Jon Kyl, R-Ariz., said in a statement. "That means the only way they are likely to catch such a perpetrator after his first crime -- rather than his 10th -- is if authorities can maintain a comprehensive database of all those who are arrested, just as we do with fingerprints."

Privacy advocates across the political spectrum say the proposal is another step in expanding government intrusion.

"DNA is not like fingerprinting," said Jesselyn McCurdy, a legislative counsel for the American Civil Liberties Union. "It contains genetic information and information about diseases." She added that the ACLU questions whether it is constitutional to put data from those who have not been convicted into a database of convicted criminals.

The provision, co-sponsored by Kyl and Sen. John Cornyn, R-Tex., does not require the government to automatically remove the DNA data of people who are never convicted. Instead, those arrested or detained would have to petition to have their information removed from the database after their cases were resolved.

Originally, the federal DNA database was limited to convicted sex offenders, who often repeat their crimes. Then it was expanded to include violent felons. Several states, including Virginia, also collect DNA from those arrested for violent crimes.

"It's a classic mission-creep situation," said Jim Harper, a privacy specialist with the Cato Institute, a libertarian think tank. "These guys are playing a great law-and-order game ... and in the process creating a database that could be converted into something quite dangerous."