



Lawfully Owed DNA: Conducting a Comprehensive Census and Collaborative Collections

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SAKs & LODNA

DNA from Sexual Assault Kits extracted and uploaded to CODIS (LOCK)

LODNA from qualifying offenders collected and uploaded to CODIS (KEYS)

Cannot open locks without keys. LODNA collection is critical to identifying putative perpetrators of Sexual Assaults.

LODNA in Action I

Cynthia Palacios (2003, left) and Linda Trevino Carbajal (2004, right) sexually assaulted and murdered in Lubbock County Texas.

Case-to-case hit, but suspect was unknown.

Five CODIS Familial Searches had been performed with negative results.



LODNA in Action II



TX becomes arrestee state for certain Felony Offenses 09/01/19. Andy Castillo arrested in 01/2020 by McClennan CO SO for solicitation to commit aggravated sexual assault of a child

DNA collected upon booking and entered into CODIS. Sample hits to two Palacios/Carbajal murders from Lubbock County TX.

Charged for murders 09/2020; died in custody 08/2021

Owed DNA since 2004 and had been and out of jails multiple times prior to 2020 with no sample collection.

Conducting a Comprehensive LODNA Census



“

Whenever you are asked if you can do a job, tell 'em, "Certainly I can!" Then get busy and find out how to do it.

-Theodore Roosevelt

Identify Stakeholders

Implement multidisciplinary team
with regular meetings

What agencies/departments/divisions have
the information we seek for the census?



WCSCO Multidisciplinary Team

- Susan Hormann – Program Manager
- Allison Brown - Washington County Deputy District Attorney
- Shawn Dunn – Investigator
- Doug Hormann – Investigator (Resigned Feb, 2022)

Note: Would have added a Data Analyst if we had known the census was going to be so large.

Washington County Census

Critical Stakeholders for Census Collection

- Washington County Legal Counsel
 - Interpretation of Oregon Law
- Oregon Criminal Justice Commission
 - Created Initial list of Offenders
- Oregon State Police Forensic Division
 - Verified which offenders were not in CODIS

WCSCO Census Step 2

Oregon Criminal Justice Commission (OCJC)

- Provides criminal justice data to government agencies and serve as a clearinghouse for information.

Search Parameters

- Washington County convictions prior to Oct 1, 2018
- Oregon Lawfully Owed DNA Statute (ORS 137.076)
- Name, DOB, SID, Case #, Conviction, Sentence, date of arrest, date of release and other two qualifying convictions even if not in Washington County

OCJC searched the following databases

- Oregon Department of Corrections
- Oregon Courts (ecourt)
- Law Enforcement Data Systems (LEDS)



WCSCO Census Step 1

Washington County Legal Counsel Interpretation of the Oregon Revised Statute 137.076

Statute Retroactive Application

If an individual was convicted of a felony or certain misdemeanor sex crimes and they were on probation or incarceration on or after Sept 29, 1991, they are required to provide a DNA sample for the CODIS Database.

- Law applies to Juvenile and adults
- Includes Guilty except of insanity
- No punishment of noncompliance in statute
 - Maybe able to request a writ of assistance from a Judge



WCSO Census Step 3

Initial Census Results

- 7500 Individuals Owed DNA

How many in the census already had DNA in CODIS?

- Oregon State Police Forensic Services Division compared the 7500 to list of offenders already in CODIS.
- ~700 individuals had DNA in CODIS but did not have a DNA flag in LEDS.

WCSO Working Census = 7022

Note: Data is managed in an Excel spreadsheet. Should have created a better database solution to manage the data.



Texas DPS Critical Stakeholders

- TXDPS Texas Ranger Division
- TXDPS CODIS/Crime Laboratory
- TXDPS Crime Records Division
- TXDPS Office of General Counsel
- TXDPS Intelligence and Counterterrorism
- Texas Department of Criminal Justice
- Texas Office of Attorney General



Define and divide population

TXDPS divided population into the following categories:

1. Convicted offenders
2. Arrestees
3. Registered Sex Offenders
4. Offenders in TDCJ custody
5. Offenders placed on community supervision

Statute Review I

Perform retrospective review for all statutes pertaining to DNA collection eligibility for each population defined

When did the statute take effect? On what subsequent dates were modifications to the statute effective? What eligible offenses, and offense categories/levels, are defined in statute?

For TX, eligibility determined by how statute appeared the date the offense occurred, not arrest date.

Does statute(s) address the following:

- Time and location for collection
- Who shall collect
- Ramifications for DNA sample refusal





Statute Review II

Examples in Texas:

1. Convicted offenders – Tx. Govt. Code §411.1471
2. Arrestees - Tx. Govt. Code §411.1471
3. Registered Sex Offenders – CCP 62.061 Tx. Govt. Code §411.1473
4. Offenders in TDCJ custody - Tx. Govt. Code §411.148
5. Offenders placed on community supervision – CCP 42A.352

Query database

TXDPS queried the Texas Computerized Criminal History (CCH) database

DNA Status flag was added to CCH in 2005 to track DNA collections from TDCJ population

Worked with TXDPS Crime Records and TXDPS CODIS Lab to list each qualifying offense under government codes for each duration of time. TX legislature convenes every two years.

Return list of all offenders in CCH with DNA status other than “Y”

Initial list was 43,245 offenders



WCSO Census Verifications

Manual review of all 7022 offenders

- Prioritization based on offense type

#1 Sex Crimes

#2 Violent Crimes

#3 Weapons Offenses

#4 Property Crimes

#5 Drug Offenses

#6 Driving Offenses

- Verify they have a qualifying conviction in Washington County
- ID outstanding warrants
- ID last known address
- Add information to excel spreadsheet (FBI #, Driver's License #, Social Security #)



WCSO Verification Sources

Secure law enforcement sources and public sources

- Law Enforcement Data System (LEDS)
- LinxNW <https://www.linxnw.us>
- Oregon Ecourt
- Transunion TLOxp: <https://tloxp.tlo.com/>
- Federal Institution Inmates:
<https://www.bop.gov/inmateloc/>
- Oregon DOC Inmate Search:
<http://docpub.state.or.us/OOS/searchcriteria.jsf>
- Versaterm- WCSO Records
- Google
- Ancestry.com



<https://th.bing.com/th/id/OIP.B4IrfzPoq-mwyg2Mv6-5PwHaGF?w=220&h=181&c=7&r=0&o=5&pid=1.7>

TXDPS Collections II

Of 43,245 SIDs from Comprehensive census:

- ~28,000 contained an eligible arrest and/or conviction
- 20,290 currently reside in TX
- 15,499 of 20,290 had a file with TDCJ for incarceration or adult probation.

Legal counsel advised future collections pertain to individuals with "current nexus" to the criminal justice system.

- 7,367 of 15,499 currently on probation
- 3,661 of 7,367 are on probation FOR their qualifying offense (most legal clarity).



TXDPS Collections I

3,300 Registered Sex Offenders in TX were identified during grant application. Collections made from this population as comprehensive census was performed.

TX CCP 62.061 states RSO shall provide a DNA sample upon request.

Failure to provide a sample upon request may lead charging RSO with CCP 62.102 Failure to Comply with Registration Requirements – State Jail Felony



WCSCO Collection Plan

#1 Prison, Jail, Probation

#2 Instate

#3 Out of state



WCSO In-state Prison, Jail or Probation

Used Census data to ID who was currently in custody or under supervision. This included all crime types.

- In-state Prisons
- WCSO and MCSO County Jails
- Washington County Parole and Probation Clinic
- Field Collection with WCSO Sex Offender Registration Unit Officers

Samples collected by WCSO Lawfully Owed DNA Investigators.



WCSCO Collection Clinics



Certified letters

- Batch of verified samples sorted by geographic area (Metro area, Oregon Coast, Eastern Oregon etc.)

Locations

- Public libraries, city hall, police stations, fire stations, etc.

Scheduling the Appointment

- <https://acuityscheduling.com>
- Private links for each collection locations
- Inexpensive

WCSO In-state Cold Calls

Certified Letter

- Return receipt indicates it was signed by offender or family

Residence or Work of Offender

- Only Lawfully Owed DNA Investigators who are sworn officers

Phone calls

- Program Manager would call based on LEA database information
- Answer questions and try to schedule a collection

WCSO Out of State Collection

20% of the individuals are residing out of state

Incarcerated or on probation

- Contact supervising agency for individuals
- Packet for Collection
 - For agency staff -Letter with instructions, collection kit and return envelope
 - Individual – Letter requesting they provide a DNA sample and thumbprint to bring them into compliance with Oregon Law.

Note: Those living within approximately 60 miles of the Oregon border are considered to be in-state and will be sent a letter to return to Oregon for their DNA collection.



<https://www.othot.com/hubfs/out-of-state-recruiting.jpg>

WCSCO Collection Results

As of 11/1/2023, 791 samples have been collected

Instate		Out of state	
WCSCO Facilities	277	Prisons	23
Home or work of Offender	192	Other (Court house, Parole and probation, home)	3
Other LEA Facilities	135		
County jails	61		
Parole and Probation office	37		
Public space (Library, Post, Office, Coffee shop, etc.)	35		
Oregon Prisons	22		
Court houses	6		

WCSCO Collection Successes

746 samples entered into the CODIS database

14 CODIS Hits

September 2023 - 1st Conviction

- Offender was conviction of Attempt to Commit a Class A Felony and Criminal Mischief in the First Degree. He was sentenced to 36 months in prison.
- Background: November 18, 2019, a group of unknown subjects entered the property of Cascade High Marijuana Farm in a U-Haul van and stole 14 mature plants, cordless drill and LED floodlight. The U-Haul was located, and a mountain dew bottle was covered from the cab. The DNA from the bottle matched the offender sample from Timothy Obermier.

7 of 14 Hit to one offender

- Serial car thief, currently on abscond status

1 hit to property crime case that was past the statute of limitations

Other 5 hits

- Information is unknown



Collection Results I

We continue to track offenders who were identified in the comprehensive DNA census (43,245). If they didn't qualify at the time, they may have committed a new eligible offense for which a sample was collected.

From this population:

- 227 Unique Individual CODIS hits
- 49 Group CODIS hits to 22 individuals (2 or more crimes)
- 14 of the hits were NDIS hits to LE in nine states
- Requested extension to review disposition of these CODIS hits and further cases where possible (provided SOL has not been reached)

Unique CODIS Hit Offenses

Hit Offense	
Sexual Assault	76
Burglary	71
Aggravated Robbery	20
Robbery	10
Criminal Mischief	10
Sexual Assault Child	8
Burglary Motor Vehicle	7
Theft	5
Murder	4
Aggravated Assault	3
Unauthorized Use Motor Vehicle	2
Capital Murder	2
Aggravated Sexual Assault	2
Agg. Sexual Assault Child	2
Trafficking of Persons	1
Other Sexual Offenses	1
Other	1
Organized Criminal Activity	1
Failure to Stop and Render Aid	1
Grand Total	227

Count of Single Hits broken down by Hit Offense.

Collection Results II

In 2022, we began collecting DNA from the 3,661 convicted offenders who are on probation. These 3,661 who are on probation FOR their qualifying offense are priority, then collect from other eligible individuals on probation for an offense other than the offense that qualified them for collection.

We have collected over 1,000 DNA samples thus far working with TDCJ Community Justice Assistance Division (CJAD).

These collections have resulted in:

- 21 Unique CODIS hits
- 11 of these hit to sexual assault cases
- Currently obtaining dispositions on these CODIS hits and will further cases where possible.



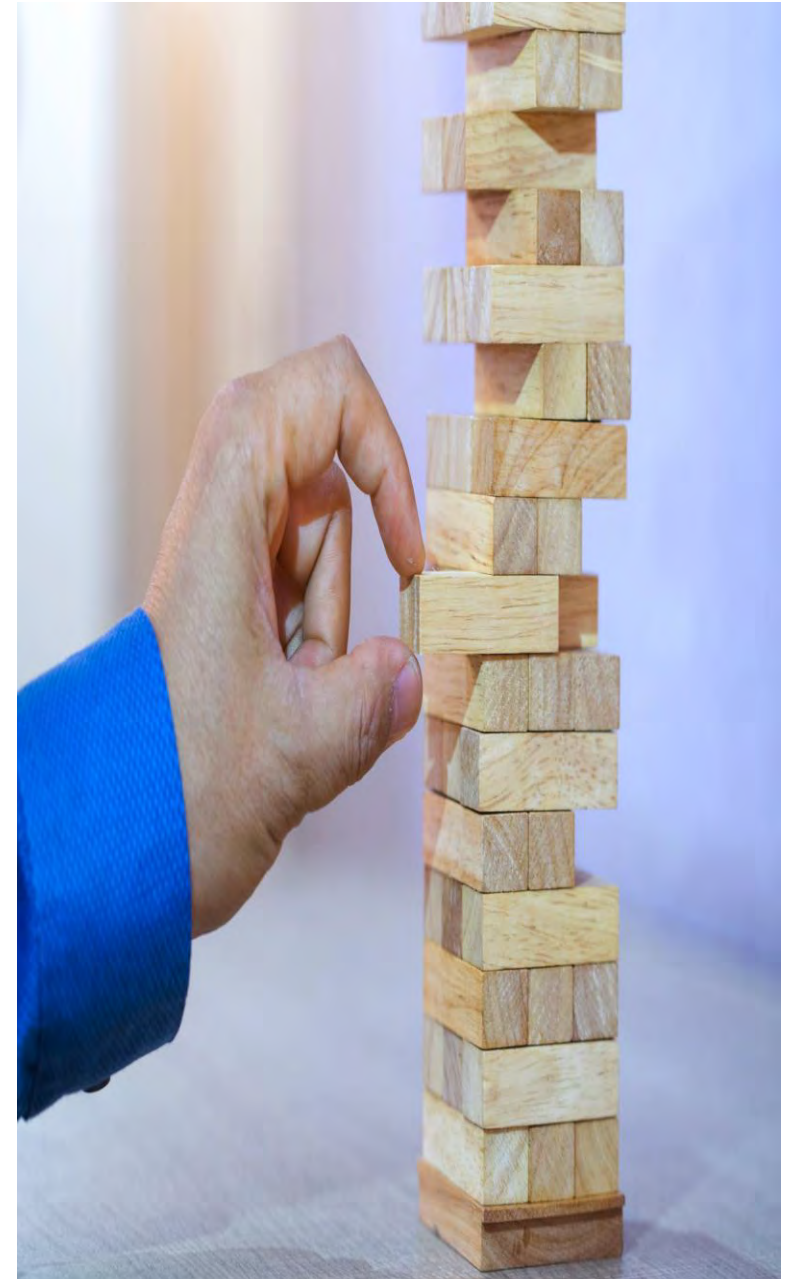
WCSCO Missed Opportunities

Deceased = 1374 Total

- Sex offenders = 120
 - 5 convicted of Rape 1
 - 12 convicted of Sodomy 1
- Violent offenders = 214
 - 8 convicted of Murder
 - 14 convicted of Robbery

Out of state = 1337 Total

- Sex offenders = 71
 - 1 convicted of Rape 1
 - 1 convicted of Sodomy 1
- Violent offenders = 226
 - 3 convicted of Attempted Murder
 - 16 convicted of Robbery



Lessons Learned

When and how is the “DNA Status” flag updated?

What factors may have contributed to missed collections?

Advice from legal counsel on collections from identified census population?

DNA Tracking and communication between locals and CODIS lab on submitted sample?



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