

Statement of
Dennis P. Kilcoyne
Detective
Los Angeles Police Department

Before the
The House Judiciary Subcommittee on Crime, Terrorism and Homeland Security
H.R. 3361, the “Utilizing DNA Technology to Solve Cold Cases Act of 2011”

U.S. House of Representatives
Honorable Lamar Smith, Chairman

April 25, 2012

Chairman Smith, Ranking Member Conyers, and distinguished members of the Committee, thank you for the opportunity to discuss the Los Angeles Police Department's (LAPD) view and insight as to the value of utilizing DNA technology to solve cold cases.

In May 2007, detectives at the Los Angeles Police Department Robbery-Homicide Division received information from the Forensic lab regarding "case to case hits," by DNA matches, to two LAPD murders in 2007 and 2003 as well as a 2002 Inglewood murder of a 14 year old girl. All three cases involved young women and were unsolved. Biological evidence returned to one individual, however his identity was absent from any databank.

The Department established a task force to investigate this series of crimes and within the first months of research into years of cold cases, a similar series involving nine cases between 1985 and 1988 were connected to the current series. One of the nine cases included a surviving victim who twenty five years earlier had been sexually assaulted, photographed, shot and left for dead by a lone male gunman. During the 1980's, a 200 member task force had investigated these heinous crimes and had not been able to identify a suspect. DNA as an investigative tool had yet to be developed for law enforcement at that time.

The Task Force renewed the effort to identify and apprehend the suspect. There was widespread media attention and a public outreach campaign for information that led to over 1,000 tips provided by the community. For the next two years, detectives pursued leads all over the nation. Sadly, the detectives were no closer to identifying the suspect than the original detectives were decades earlier.

During the summer of 2008, detectives developed a partnership with the California Department of Justice, Bureau of Forensic Services regarding the bureau's development of new software to search California's "Convicted Felon databank" for matches that have a "familial genetic connection" to the crime scene DNA evidence. The creation of this program was based on the series of crimes that LAPD was investigating and was the model for its usage.

A strict protocol was established by the Department of Justice setting guidelines for the usage of a "Familial Search". Case consideration must meet the following:

1. Must be a crime of violence and include critical public safety implications.
2. All reasonable and viable investigative leads have been exhausted.
3. The biological evidence is from a single source profile exhibiting a minimum of 15 genetic markers (15 Short Tandem Repeats (STR) loci (location on the genetic marker).

The requesting investigative agency, prosecutor and the DOJ then enter into a signed Memorandum of Understanding (MOU). All requests, analysis results and disclosure of findings are handled by a DOJ Familial Search Committee. If a familial match is found, the committee determines if the information warrants further inquiry. The information is then investigated by the DOJ Bureau of Investigations using public databanks to verify the findings through state identifications, birth records, property records etc. This information is then presented to the committee for additional review. All of the review takes place without the knowledge or communication with the requesting agency or prosecutor. When the Familial connection is

verified and approved, a formal meeting is called with the lead law enforcement agency investigators and prosecutors. In the case of the series I have described, the information was only shared with me and the Chief of Police, Charlie Beck.

The next step is to conduct surveillance on the suspect and obtain a publicly discarded item containing DNA. Such items are submitted to the forensic lab for analysis. When a match between the DNA sample and an individual is made, Probable Cause has been established for a detention. After the suspect is detained a Court ordered confirmation DNA swab is obtained directly from the suspect and confirmed as a direct match to the crime scene evidence prior to formal charges being filed.

In November of 2008 the first familial search run was done with the eyes of the forensic world watching. Unfortunately, no match was made at that time. The detective work continued for another year and a half and included renewal of reward offers, billboard campaigns, and continued investigation of tips that again were pursued all over the country. With the passage of so much time, investigators wondered if the perpetrator was still in the country, or if he was even still alive.

A second formal request was made with the California Department of Justice in the spring of 2010. Detectives and the DOJ Forensic chief opined the data bank pool had grown over time and offered more opportunity for a match. The tide turned on June 30, 2010. The second search of the convicted felon databank produced a match to the son of Lonnie David Franklin. The son had recently been convicted for a felony crime and his DNA sample had been obtained in accordance with a DNA collection law. Franklin, the father, was a former city employee who had resided in the heart of South Los Angeles during this most prolific series of violent crime in Los Angeles history.

Franklin was immediately put under surveillance as a sample of his DNA was needed to confirm a match. At a local restaurant, a discarded pizza crust, collected by a detective posing as a waiter yielded a DNA match to the DNA left by the suspect in the multiple murders. Franklin remains in custody and is awaiting trial in Los Angeles, charged with 10 murders and one attempted murder.

Since his arrest detectives have linked seven additional cases to Franklin. The violence that went on for so long is the best argument I can think of that modern law enforcement must have forensic advances as tools to prevent and stop this type of terror in our communities.

The Familial DNA arena is certainly worthy of discussion and uniform control. Strict guidelines, such as those in place in California must be followed to ensure careful review of the evidence, adherence to scientific protocol, consideration of collection sample regulations, privacy issues, protection of the innocent and apprehension of the guilty. The advancement of science utilized to protect the public should be viewed as a tool that makes us all safer.

Mr. Chairman and members of the subcommittee, thank you for inviting me to speak today. I am now ready to answer any questions you may have.