Taking DNA Upon Arrest: Ineffective, Expensive, and Unconstitutional

Oppose SB 6314

SB 6314 would allow the collection of DNA samples from arrestees who have not yet been convicted of any crime. But this kind of DNA collection has not reduced crime in the states that have tried it. Analyzing the DNA of every felony arrestee is expensive, exacerbates crime lab backlogs, unfairly targets communities of color, and takes samples from large numbers of people who are unlikely to commit future crimes. DNA contains our most sensitive biological information, and this invasive policy – going far beyond just identification – is unconstitutional under the Washington Constitution.

Taking DNA on Arrest Does Not Improve Public Safety

We have not seen systematic studies showing this kind of DNA collection reduces crime in the states that have already implemented it. Proponents have instead relied on anecdotal studies that consider only a few repeat offenders, conjecturing that collecting DNA on arrest would have prevented them from committing additional crimes – an assertion not supported by statistical evidence. Proponents have failed to show how many of these "hits" actually result in the conviction of a suspect. Many arrestees are never convicted of a crime and aren't any more likely than others to ever commit one. Legislators should demand better evidence before spending our scarce public safety dollars on an intrusive, expensive new program.

We Can't Afford This Law

Collecting DNA on arrest will cost millions of dollars – money better used to restore funding to solve crimes and support victims and their families. Fiscal notes for arrestee DNA collection bills the legislature has rejected in the past reached as high as $1.6 million. As our state emerges from a severe economic crisis, an expenditure this large should be weighed against funding proven, evidence-based programs like victims' services, cold case units, and domestic violence intervention.

DNA Evidence Can Lead to Mistaken Arrests

Many crime scenes do not yield usable DNA evidence at all. Even when they do, the sample may be mishandled, contaminated, or misrepresented, leading to false arrests. To take just one example, Lukis Anderson of San Jose spent five months in jail on the basis of a DNA "hit" for a murder he could not have committed. And expanding the collection of DNA has exacerbated backlogs in other states, increasing pressure on lab analysts and making mistakes more likely. We should allow our crime labs to test samples, such as rape kits, from crime scenes and convicted criminals – not from people merely suspected of a crime. While individuals are always free to offer up their own DNA for exoneration purposes, forcibly taking their DNA is a different matter.

DNA on Arrest is Invasive, Unfair, and Unconstitutional

Our DNA doesn't just identify us – it contains sensitive information about genetic disorders, susceptibility to diseases like diabetes, obesity, schizophrenia, depression, and addiction; traits like intelligence and aggression; and even information about close family members. Even if an arrest never results in conviction, an arrestee must affirmatively expunge their DNA from the state's warehouse, which many will never do. People of color—who are arrested disproportionately to their share of crime—will bear the brunt of this invasive policy.

Finally, Article I, Section 7 of the Washington Constitution protects the right to privacy more strongly than the federal constitution, and this bill is likely unconstitutional. While proponents of the bill point to heinous and high-profile crimes, legislators must insist on proven solutions that reduce such violence. SB 6314 is the opposite—ineffective, invasive, and unconstitutional. Please reject this bill.