

The Virgin Islands Consortium

Bill Mandating DNA Test After Arrest Heads To Mapp

VIC News / **Published On February 27, 2016 10:10 AM /**

Ernice Gilbert **February 27, 2016**



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ST. THOMAS -- Receiving lauds from the full Senate, a bill mandating that DNA tests be conducted on persons charged for felony, misdemeanor sexual assault and violent crimes -- even if they have not been convicted of said crimes -- will become the territory's new standard if signed into law by Governor Kenneth Mapp.

The measure was supported by all senators present (only Marvin Blyden, who is out of the territory, was absent) at Friday's Committee of the Whole session at the Earl B. Ottley Legislative hall.

Mr. Francis has said DNA testing would lead to faster convictions while providing law enforcement officers with the tools needed to effectively do their jobs. A former police commissioner and police chief, he said the measure is consistent with national initiatives.

“By collecting DNA from arrestees, law enforcement can identify criminals early and create more efficient investigation practices,” Mr. Francis during a Committee on Homeland Security, Justice and Public Safety hearing on Wednesday. “With DNA match, the right suspects, saving untold man hours and a democrat, argued that manpower saved because of



Sen. Francis is pictured with Dave and Jayann

Sepich, advocates for DNA Arrestee Testing, at the 2015 NCSL Legislative Summit.

And he said DNA testing could also bring resolution to cases in the territory that have gone cold, which would “subsequently bring closure to victims and their families.” Mr. Francis sought to remind his colleagues that there were 54 rape and sexual assault cases in the territory in 2014; and 51 such cases in 2015.

“Rape has a lasting effect on victims and creates serious family issues,” Mr. Francis reminded, as he solicited the support of senators, all of whom, not withstanding a few concerns, supported the measure.

The bill cites recent precedent when in 2003 a New Mexico State University graduate, Katie Sepich, [was brutally raped and strangled](#). Ms. Sepich’s body was later discovered burned and abandoned at a dumpsite on the outskirts of Las Cruces, New Mexico.

Ms. Sepich’s killer was captured three years later only after a DNA match — her attacker’s skin and blood were found under her fingernails — identified Gabriel Adrian Avila, who had been arrested in November 2003 for aggravated burglary and was serving time in the New Mexico Corrections System since November 2004, as the

perpetrator of the heinous crime.

The measure contends that had there been a law in place that allowed for DNA testing “for all persons arrested on felony charges,” Ms. Sepich’s killer would have been brought to justice immediately. And it references “Katie’s Law”, which was passed in 2006 by New Mexico’s Legislature and swiftly signed into law by the state’s governor. The bill also points to Congress’ decision in 2013 to make available grants to states and territories for meeting startup funding costs associated with arrestee DNA programs through Katie’s Act — which was signed into law by President Barack Obama on January 10, 2013.

DNA testing after arrest was given the ultimate stamp of approval when the Supreme Court of the United States upheld Katie’s Law by denying a challenge that said laws to require DNA upon arrest were a violation of Fourth Amendment rights.

Mr. Francis met the Sepich family last year while attending the Legislative Summit of the National Conference of State Legislatures. “DNA evidence was critical in bringing the Sepich family closure,” he stated. “Virgin Islands victims and their families similarly deserve access to resources that can bring them closure and peace.”