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## Ohio ACLU against Strickland-endorsed reform bill

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A justice reform bill endorsed by Gov. Ted Strickland and passed by the Senate designed to prevent wrongful convictions also includes a controversial measure to expand the collection of DNA samples to those arrested on felony charges.

Currently, Ohio takes DNA only from people convicted of felonies and violent misdemeanors.

Law enforcement groups support the expansion, saying it gets violent offenders off the street quicker and prevents future crimes.

But others say DNA collection before conviction crosses the line, especially because the bill does not address what happens if a person isn't convicted.

The American Civil Liberties Union of Ohio opposes the measure, saying it poses a "myriad of civil liberty risks" including violating a person's constitutional protections against illegal search and seizure, is ripe for abuse and is an invasion of privacy.

"This is certainly troubling," said ACLU staff lawyer Carrie Davis. "There is no useful purpose of collecting DNA after arrest to avoid wrongful convictions and it poses all kinds of civil risks.

"Collecting DNA from all arrestees is a search and there should be some process, a court order or warrant, for a search," Davis said.

The Hamilton County Police Association discussed the pending bill at its Wednesday meeting, agreeing that the DNA measure will help law enforcement.

"This is just another means of identification, it's no more intrusive than fingerprints," said Thomas Doyle, the association's president and chief of police in Greenhills.

The bill also:

- Requires the preservation of DNA in all violent crimes
- Requires all interrogations be recorded from beginning to end
- Requires double-blind eyewitness lineups, in which the police officer showing the witness suspect photos does not know who the suspect is.
- Expands Ohio's post-conviction DNA testing law to allow a person to seek a DNA test while on parole. Currently, only people in prison can seek exoneration through DNA.

The bill passed the Senate, 31-to-1 in June. Rep. Tyrone Yates, D-Evanston, is sponsoring the bill in

the House, where hearings are expected to begin this month. He hopes the bill will be passed before the end of the legislative session next year, but doesn't want to rush it into law without discussion.

Strickland, a Democrat, has publicly said he supports the bill.

"The governor believes we need to make changes to how biological evidence is dealt with in Ohio," said Allison Kolodziej, a spokeswoman for the governor.

The bill was sparked by the University of Cincinnati-based Ohio Innocence Project, where students found Ohio fell short of what are considered best practices in safeguarding against wrongful conviction.

The bill's sponsor in the Senate, David Goodman, R-New Albany, added the provision to expand DNA testing to arrestees.

Mark Godsey, executive director of the Ohio Innocence Project, wouldn't comment on expanded DNA testing, but praised the bill as modernizing Ohio's justice system.

If enacted, Ohio will follow 21 other states that have laws to take DNA from arrestees, according to Gordon Thomas Honeywell Governmental Affairs, a lobbying group that tracks DNA legislation.

Three other states -- Illinois, Massachusetts and Pennsylvania -- have laws pending.

Kentucky and Indiana take the DNA after felony convictions. Indiana introduced a similar bill, but it died before coming to a vote.

The federal system last year began taking DNA from anyone arrested on a federal crime.

"This bill is updating the entire criminal justice system," said Lisa Hurst, a governmental affairs consultant with the lobbying group.

Collection would work much the way it does now, with samples taken and entered into national databases where they are matched against DNA samples taken from rapes and crime scenes. But instead of taking DNA after a person is convicted, the sample will be taken when a person is booked into jail.

Hurst said what happens to the sample if a person isn't convicted will have to be addressed because federal law requires the sample be destroyed if there is no conviction.

States began entering the DNA of sex offenders and convicted killers into databases in the early 1990s. By 2004, it had expanded for most states to all convicted felons, according to Hurst. Only Idaho, Nebraska and New Hampshire don't require all convicted felons to turn over their DNA.

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