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Va. ready to conduct familial DNA testing

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The Virginia Department of Forensic Science is now capable of running familial DNA searches authorized by <u>Gov.</u> Bob McDonnell in March, but the agency will not say whether it has.

"We've gone live already," Brad Jenkins, biology program manager for the department, told the Forensic Science Board on Wednesday. Officials, however, would not tell the oversight board whether the department has conducted such searches or been asked to do so.



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Steven D. Benjamin (left), a criminal defense attorney on the Forensic Science Board, talks to Thomas Haynesworth, who addressed the board Wednesday.

In response to questions at Wednesday's board meeting, Gail Jaspen, chief deputy director, said the department neither confirms nor denies whether testing has been done in particular cases.

She said she could not comment on whether any familial searches have been performed. Hypothetically, she said, if the department indicated it had received requests for familial searches, it might be easy for the public to venture a guess as to what cases those might be.

Familial searching has been sought in two high-profile Virginia cases — the so-called East Coast rapist and the 2009 slaying of Virginia Tech student Morgan Harrington.

In traditional DNA searches, databases holding offender DNA profiles are searched for a match with DNA evidence left at a crime scene. If there is no match, familial searching looks for near-matches — a possible parent, child or sibling of whoever left DNA at the crime scene.

Those identified serve as investigative leads — not suspects — that might lead to an exact DNA match.

Prince William County Commonwealth's Attorney Paul Ebert had urged the state lab to start familial DNA searches to aid in the search for the East Coast rapist — a suspect was arrested this year in Connecticut — but not by using familial searching.

The other high-profile case is the slaying of Harrington, whose parents have been pushing for familial DNA searching in that case. Her father, Dan Harrington, said last month that authorities have not told him whether a familial search had been performed.

Peter Marone, director of the department, said Wednesday that familial searches will be conducted on a limited basis, "almost as a last-ditch effort." Jenkins estimated there would be roughly 12 such searches a year at \$6,000 to \$7,000 each.

Under a new department policy, familial searches will be performed only in violent crimes where public safety remains at risk, other investigative leads have been exhausted and a chief law enforcement officer makes the request.

Also Wednesday, the board gave a round of applause to Thomas E. Haynesworth, a Richmond man who spent 27 years in prison for a rape he did not commit and was cleared by the department's groundbreaking post-conviction DNA testing project.

"I just want to say, 'Thank you,'" Haynesworth told the board. "Without you all, I would not be with my family today."

Sen. Henry L. Marsh III, D-Richmond, a board member, said, "I want to thank Mr. Haynesworth for his graciousness and his lack of bitterness."

Haynesworth, who was locked up when he was 18, was freed on parole in March. He has asked the Virginia Court of Appeals to clear him in two other cases that authorities also believe were committed by another person.

Haynesworth was sentenced to 74 years in prison for various crimes in a series of rapes and other attacks on five women in early 1984 in Richmond's East End and eastern Henrico County.

He was convicted in three attacks, but Richmond and Henrico prosecutors and Virginia Attorney General Ken Cuccinelli now believe the assaults were all committed by a rapist serving life in prison for other assaults.

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