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Governor's DNA Proposal Will Enhance Public Safety

The sentencing this week of a former Mount Vernon man convicted after trial of three, decades-old murders - crimes to which he was linked by DNA evidence - demonstrates the need for the New York State Legislature to pass Governor Andrew M. Cuomo's proposed expansion of the state's DNA Databank.

The New York State Chiefs' Association fully supports the Governor's decision to include legislation to expand the Databank in his 2012-13 state budget proposal, which was unveiled yesterday. The Association has long advocated for the expansion of the Databank as a scientific, common sense and cost-effective tool in crime prevention.

"By expanding the collections in the databank, we are ensuring that more crimes can be stopped from even taking place, and that the guilty will be found and brought to justice," said Association President Joseph D. Waldron, who is chief of the Mechanicville Police Department. "This law will help our members carry out their duties, and we thank the Governor for his commitment to a safer New York."

Francisco Acevedo was sentenced in Westchester County Court on Tuesday to 75 years to life in prison; he was convicted by a jury in December of three counts of murder in connection with the deaths of three women between 1989 and 1996.

Authorities knew the three murders were linked, based on DNA evidence found at the crime scene, the similar manner in which the victims were killed and their way their bodies were posed at each scene. When Acevedo voluntarily gave his DNA as a condition of parole after a DWI conviction, he was linked to the three crimes.

In a press release announcing Acevedo's sentencing, Westchester County District Attorney Janet DiFiore said:

"This case clearly exemplifies the need for the expansion of New York State's DNA data base to collect DNA from all convicted criminal defendants who are found guilty of any felony and of penal law misdemeanors. This defendant, a serial killer, was incarcerated on another charge and would never have been identified as the killer of these three women had he not voluntarily given a DNA sample so that he could be paroled. The evidence based on that DNA testing allowed these three murder victims to directly point the finger of guilt at this defendant. "

State law currently only permits DNA samples to be taken from anyone convicted of a Penal Law felony or one of 36 Penal Law misdemeanors; that results in less than half of individuals convicted of Penal Law crime providing their DNA. The Governor's proposal would add about 400 additional crimes - all remaining misdemeanors under the Penal Law and any felony under other state law. That would include felony drunk driving – the charge for which Acevedo was convicted – and other state laws, such as Agriculture and Markets, Alcoholic Beverage Control or Taxation and Finance.

As of December 18, 2011, there have been 10,350 matches to the DNA Databank. DNA evidence has allowed prosecutors to obtain convictions in 189 homicides, 591 sexual assaults, 320 robberies and 1,344 burglaries around the state (through Dec. 12, 2011). DNA also has been instrumental in the exoneration of 27 individuals in the state.

The New York State Division of Criminal Justice Services' website features DNA case highlights from across the state and a video that illustrates the power of DNA to solve crimes, exonerate the innocent and keep New Yorkers safer. Visit this link – www.criminaljustice.ny.gov/forensic - to learn more.

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