

Broaden the collection of DNA

Making more crimes eligible would prevent tragedies at reasonable cost

BY SEAN M. BYRNE

The indictment of Francisco Acevedo last week for the murders of three women in Yonkers decades ago, is yet another striking example of how DNA technology has revolutionized criminal justice and enabled law enforcement to pursue even the coldest of cold cases.

But there is a sometimes fatal flaw in New York's DNA law. Currently, law enforcement agencies and courts in the state are permitted to collect DNA from only 46 percent of the individuals convicted of penal law offenses. There is still a multitude of crimes, ranging from all non-penal law crimes to dozens of penal crimes, such as an arson count or providing prisoners with contraband, for which the convicted individual does not have to supply a DNA sample.

That means that criminals who would otherwise be incarcerated are free to commit additional crimes and injure or kill more people. And they are

doing just that.

Take Raymon McGill in Albany. Twice, McGill was convicted of minor crimes (petty larceny in 1999 and misdemeanor drug possession in 2003) that did not require collection of DNA. When he was finally convicted of a DNA-qualifying offense — attempted robbery, in 2005 — he was linked to the rape of an 85-year-old woman in January 2000, the murder of a 50-year-old woman in March 2000, and a second murder, of a 68-year-old man, in January 2004.

Had McGill's DNA been collected and added to the state's databank as a result of the petty larceny conviction, his connection to the January 2000 rape could have been discovered before the March 2000 murder, and that crime — as well as the second murder and attempted robbery — could have been prevented.

Even the misdemeanor drug possession charge McGill was convicted of three months be-



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fore his second murder remains a DNA ineligible offense. Offenders linked to former crimes using the DNA databank had an average of five arrests and four convictions before the DNA-qualifying conviction that finally added them to the database.

So, why are we failing to use a tool that we know will solve crimes and prevent more, as well as exonerate innocent people? Politics.

Gov. David A. Paterson has a

bill that would expand the databank to include all penal law crimes and prevent many of these tragedies, and it would do so at a very reasonable cost. But it appears destined to die on the vine, as similar measures do year after year after year. I am aware of no opposition and suspect that if it came to the floor of the Legislature, it would pass in a heartbeat. That, ironically and irrationally, is precisely why it doesn't get done.

For years, the New York State Legislature has coupled the all-crimes DNA bill with other ancillary and controversial issues in the hopes that those matters would slide through on the coattails of the expansion measure. Or, lawmakers propose expanding the databank to include everyone arrested (not only those who are convicted) — a highly controversial proposal that would require such an enormous investment that it could not possibly be implemented in the near future.

In the meantime, New Yorkers are being victimized by pre-

ventable crimes.

It's time to stop using the lives of New Yorkers as a bargaining chip. The legislature should enact Paterson's proposal immediately and let unrelated or marginally related issues rise or fall on their own merit.

Admittedly, the proposal now on the table still wouldn't include non penal law crimes and wouldn't necessarily have resulted in Acevedo's earlier apprehension. There is an argument to be made that driving while intoxicated, Acevedo's crime, and other non penal law crimes should be added, and that some day, when the state's finances are in better shape, the databank should be further expanded.

But an inability to do what we might like to do isn't an excuse for failing to do what we ought to do. And right now, we can and should implement all-crimes DNA with no delay and relatively little additional cost. Doing it will save lives. Failing to is simply irresponsible and inexcusable.



Sean M. Byrne is acting commissioner of the state Division of Criminal Justice Services.

We must do more to prevent workplace deaths

Labor unions toil hard to protect worker safety; expanding OSHA would help, too

BY KRIS LaGRANGE

As this month's tragic mine disaster in West Virginia proves, workplace fatalities are not a thing of the past. And they happen much closer to home, too.

Now and then we Long Islanders learn of horrific stories of workers who died in accidents on the job. Recently, we've lost 17-year-old Amiri Zeqiri, who fell into a cesspool behind a Dunkin' Donuts; Charles Donohue, who was crushed by a dump truck in a Roslyn Heights auto repair shop; and transit worker James Knell, who was electrocuted by the third rail.

In addition to grieving the loss of a loved one, families must grapple with the thought that the death could have been avoided

and, in some cases, that employers' neglect should have been identified and corrected.

Forty years ago this week, Congress enacted the Occupational Safety and Health Act. Yesterday, on Workers Memorial Day, Long Island unions held an annual memorial service to pay homage to local workers who died on the job. A candlelight memorial service doesn't heal families' pain, but it does raise awareness about this very real and modern issue, which affects everyone who works for a living.

According to the Bureau of Labor Statistics, there were 201 worker deaths in New York and New Jersey, combined, in 2008. The Occupational Safety and Health Administration investigated six fatalities on

Long Island in 2009. Nationally, nearly 50 Americans are injured every minute of each workweek, and 17 American workers die each day. With 6 million workplace injuries and 50,000 job-site deaths annually, we have to ask ourselves if we are doing enough to prevent workplace deaths.

With a decline in union membership, since the 1950s only 13 percent of the American workforce now has legally binding safety procedures enforced at the workplace. Here in New York, only 25 percent of workers are unionized. Unions helped pass OSHA in 1970, but the underfunded federal agency leads us to ask if there is enough government oversight to protect the entire American workforce.

Recently, the New York City building trades got behind banning smoking on job sites. The electrical workers passed stronger rubber glove legislation in Albany. And the Long Island

Occupational and Environmental Health Clinic is pushing local employers to re-examine their workplaces to prevent injury or death.

This rebirth of on-the-job safety is funded by worker advocacy groups, but unions don't exist in every industry. Fortunately, stronger safety laws are being fought for to protect all workers, regardless of their union status.

With the Obama administration, organized labor is optimistic that the Protecting America's Workers Act will pass. This law would expand OSHA to more industries and increase civil penalties for violations, making some violations a felony. It would require correcting job-site safety hazards during an investigation after a death or injury, and enhance whistle-blower protections. And it would allow victims' families the right to participate in investigations on their lost loved one's behalf.

These additions to the four-decade-old OSHA law would put us in the right direction. But workers still need to be alert on the job. All workers — whether white or blue collar, union or nonunion — should take a look around their workplaces and ask if they are safe.

A quick call to your elected representatives in Washington to urge support for strengthening workplace safety legislation would put us all in the fast lane to prevent workplace deaths. Because no family's final memory should be of a father or mother, husband or wife, or son or daughter, who left for work and never returned.



Kris LaGrange is a consultant with UCOMM Communications, which specializes in communications for organized labor.