



OFFICIAL VOTER INFORMATION GUIDE

CALIFORNIA GENERAL ELECTION

NOVEMBER 2004

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Propositions

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ARGUMENTS AND REBUTTALS

Proposition 69

DNA Samples. Collection. Database. Funding. Initiative Statute.

ARGUMENT in Favor of Proposition 69

"In California, the remains of a boy missing for two decades are finally identified. Two cold murders are solved in Kansas. And in Texas, a serial sexual predator is captured. The cases are cracked thanks to technology police are calling the fingerprints of the 21st century." (Associated Press, March 2004)

DNA IDENTIFIES CRIMINALS AND PROTECTS THE INNOCENT

"Hunch leads to Rape Suspect's Arrest; Detective obtains DNA Sample from a convicted burglar that links him to attacks on 11 women." (LA Times, April 2004)

"DNA tests clear man of slayings; man jailed since late 2002 on charges of killing his ex-girlfriend and her sister." (Bakersfield Californian, May 2004)

PROPOSITION 69-CALIFORNIA'S ALL-FELON DNA DATABASE

The DNA Fingerprint, Unsolved Crime and Innocence Protection Act helps solve crime, free those wrongfully accused, and stop serial killers. Written by public safety experts, 69 is nonpartisan and endorsed by every major statewide law enforcement organization; crime scene investigators, victims' advocates, district attorneys, defense lawyers, sheriffs, police chiefs, Republicans and Democrats.

PROPOSITION 69 PROTECTS SOCIETY

69 requires convicted felons and those arrested for rape and murder to give DNA (collected by mouth swab, not blood) for a statewide database. Starting in 2009, felony arrestees will also be tested, but those not convicted can have their DNA removed from the database. Taking DNA during the booking process at the same time as fingerprints is more efficient and helps police conduct accurate investigations. No wasting time chasing false leads; DNA can prove innocence or guilt. Protecting peoples' privacy, 69 prohibits any use of DNA besides identification.

ARGUMENT Against Proposition 69

Everyone recognizes the importance of expanding tools to find criminals, but Proposition 69 goes too far. *Proposition 69 risks your privacy.* Your DNA reveals the most intimate and sensitive information about you and your family. *Proposition 69 may put your DNA in a common government database alongside convicted killers and rapists.*

How could this happen? Because Proposition 69 would force many Californians who have never committed a crime to be included in a criminal database.

INNOCENT PEOPLE ARE TREATED JUST LIKE CRIMINALS.

Every year in California, there are 50,000 arrests that never result in people being charged with a crime. Arrests might range from traffic stops to mistaken identity. Under Proposition 69, these people must provide a DNA sample. Everyone that is arrested for any felony whatsoever -even trespassing, shoplifting, or writing a bad check-is subject to DNA testing, sampling, and filing in criminal databases.

California already requires the collection, testing, and storage of DNA from serious and violent felons, including kidnappers, rapists, murderers, and child molesters. Proposition 69 is a dangerous departure from current law because it would put innocent citizens in the same database as convicted criminals.

Initiative Risks Your Privacy.

Proposition 69 is contrary to California's tradition of legal protection of medical, financial, and personal privacy rights. Why? DNA is FAR MORE THAN A FINGERPRINT. Your DNA tells anyone who has this information whether you and your family are predisposed to contract diseases such as heart disease, obesity, Alzheimer's, multiple sclerosis, or cancer.

The "safeguards" in the initiative are inadequate to protect your

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Haskoln, Harris, No. 10-15152 archived on March 29, 2012

34 STATES HAVE ALL-FELON DNA DATABASES

Every unsolved homicide enables criminals to kill again. Currently, California's DNA database is too small, unable to deal with thousands of unsolved rapes, murders, and child abductions. Initiative sponsor Bruce Harrington's brother and sister-in-law were murdered by one of America's most brutal serial criminals; in Northern California known as the East Area Rapist, in Southern California the Original Nightstalker. Detectives have the killer's DNA, but the database lacks a matching profile. They believe the Harrington murders could have been prevented if DNA technology and a complete database were available back then.

Virginia has a comprehensive DNA database including arrestees. Virginia's population is less than Los Angeles County, but solves more crimes with DNA than California. In 2002, California solved 148 cases; Virginia 445.

DEFENSE LAWYERS THROUGHOUT AMERICA USE DNA TO PROTECT INNOCENT PEOPLE

DNA evidence is one of the most effective ways to prove someone was not involved with a crime. 69's complete DNA database helps ensure people are not wrongfully accused.

RESPECTING TAXPAYERS

Proposition 69 is funded through a small increase in criminal penalties, not a tax increase or deficit spending. Money is distributed to state and local public safety agencies to maintain the database and solve cases.

PROPOSITION 69-PUBLIC SAFETY AND ACCOUNTABILITY

69 can prevent thousands of crimes by taking dangerous criminals off the streets. Using precise DNA technology, innocent people can be quickly exonerated. For a safer California, VOTE YES ON 69.

ARNOLD SCHWARZENEGGER,
Governor of California

BILL LOCKYER, *California State Attorney General*

STEVE COOLEY, *Los Angeles County District Attorney*

REBUTTAL to Argument in Favor of Proposition 69

As people who have worked on behalf of victims of violent crime, we support the best tools for solving crimes. BUT PROPOSITION 69 WILL NOT MAKE US SAFER. 69 risks taking money that could be spent solving actual crimes. 69 traps thousands of innocent Californians in a criminal database.

privacy. Once you are in the database, government has no obligation to remove your profile. Restrictions and enforcement necessary to protect you are not clearly spelled out in the initiative. Moreover, government databases grow and merge. There's no guarantee that these DNA databases will not be expanded in the future. The initiative allows DNA testing and sorting to be conducted by private laboratories. Do you feel confident that private, for-profit laboratories will protect your privacy rights?

PROPOSITION 69 WILL COST MILLIONS.

Proponents of Proposition 69 have hidden the real costs of this initiative. Proposition 69 has tens of millions of dollars of start-up costs and ongoing costs that may not be adequately funded by the initiative. To make up any shortfall, Proposition 69 could TAKE MONEY FROM OTHER PUBLIC SAFETY, EDUCATION, and government programs. Proposition 69 will cost millions of dollars for a DNA data bank that puts sensitive genetic information about innocent people alongside criminals.

This initiative allows for collection of Californians' most personal and revealing information, but it lacks government accountability if your DNA is mishandled or misused. Once your DNA is seized by the government, it will be filed alongside criminals. Proposition 69 violates the privacy rights of innocent Californians without necessary safeguards, privacy protection, and accountability to make sure government does its job right.

Vote NO on Proposition 69. This initiative goes too far and costs all of us too much.

BETH GIVENS, *Executive Director Privacy Rights Clearinghouse*

BOB BARR, *Chair Privacy & Freedom Center, American Conservative Union*

PAUL BILLINGS, *Chair Council for Responsible Genetics*

REBUTTAL to Argument Against Proposition 69

Don't be fooled by deceptive attacks. Opponents cannot dispute that an all-felon DNA database makes California safer.

FACT: 34 States Already Have All-Felon DNA Databases:

WASHINGTON, OREGON, MONTANA, WYOMING, UTAH, COLORADO, ARIZONA, NEW MEXICO, SOUTH DAKOTA, KANSAS, TEXAS, MINNESOTA, IOWA, ARKANSAS, LOUISIANA, WISCONSIN, ILLINOIS, TENNESSEE, MISSISSIPPI, ALABAMA, GEORGIA, FLORIDA, NORTH CAROLINA, VIRGINIA,

69 IS NOT AN "ALL FELON DATABASE." California already has a DNA database of violent criminals. 69 collects DNA samples from anyone arrested, even if your identity is mistaken, if you are mistakenly arrested or among thousands that are arrested and never charged with a crime. Taking thousands of innocent people's DNA and storing it permanently alongside felons is wrong. Mixing the innocent and guilty in one CRIMINAL DATABASE risks your privacy rights.

69 DOES NOTHING TO PROTECT THE INNOCENT. In Nevada, a 26-year-old man was jailed for over a year and faced life in prison before it was discovered that the crime lab had switched his DNA with that of the true rapist. Last year, it was discovered that a DNA test was misinterpreted in Texas, causing an innocent man to spend 4 years in jail. DNA processing errors may become all too common because 69 requires *immediate* testing of more than 500,000 Californians.

69 TRAPS YOUR DNA ALONGSIDE CONVICTED CRIMINALS. Once your DNA is in the database, government has no obligation to remove it. The League of Women Voters, responsible law officials, and California's working men and women ALL AGREE: VOTE NO ON 69!

For more information:
www.protectmyDNA.com.

RONALD E. HAMPTON, *Executive Director*
National Black Police Association

BOB BARR, *Chair*
Privacy and Freedom Center,
American Conservative Union

WEST VIRGINIA, MARYLAND, DELAWARE, NEW JERSEY, CONNECTICUT, MASSACHUSETTS, ALASKA, SOUTH CAROLINA, MISSOURI, AND MICHIGAN.

FACT: *DNA Is Required From Convicted Felons Only*

Only convicted felons are required to have DNA samples included in the database. DNA samples can be removed from the database if felony charges are exonerated.

FACT: *69 Respects Privacy*

Analyzed DNA database samples *have no genetic trait information!* Medical/privacy rights are fully protected.

"Since criminal DNA databases were first created 14 years ago, privacy advocates have not found any instance where the databases or DNA samples were misused." *USA Today Editorial*

FACT: *69 Delivers Justice*

"The chances of solving a rape or murder increase by 85% with an all-felon DNA database." *California State Sheriffs' Association President Robert Doyle*

"69 protects people from being falsely accused and destroying lives." *Defendants Rights Counsel Christopher Plourd*

FACT: *69 Saves Taxpayers*

California taxpayer advocates strongly support Proposition 69 because it doesn't raise taxes and makes investigations efficient, preventing wasted time on false leads. Taxfighters agree 69 saves lives and money.

Sheriffs, police, victims, Governor Arnold Schwarzenegger, Democratic Attorney General Bill Lockyer, and Assemblyman Lou Correa, and Republican Assemblyman Todd Spitzer and State Senator Jim Brulte endorse nonpartisan 69. Learn more: www.DNAYES.org

VOTE YES!

DAVID W. PAULSON, *President California District Attorneys Association*

SCOTT CURRIE, *President California Sexual Assault Investigators Association*

JERRY ADAMS, *President California Peace Officer's Association*

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