



**COLORADO  
DEPARTMENT  
OF PUBLIC SAFETY**

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October 1, 2010

Senator Morgan Carroll  
Chair, Senate Judiciary Committee  
Representative Claire Levy  
Chair, House Judiciary Committee  
Colorado State Capitol  
Denver, CO 80203

Re: DNA Working Group: Report to House and Senate Judiciary Committees, C.R.S. Section 24-33.5-104(2)

Dear Senator Carroll, Representative Levy, and Members of the Judiciary Committees:

Pursuant to Section 24-33.5-104.5(2), C.R.S., the Department of Public Safety, in conjunction with the DNA Working Group (authorized by this statute), is required to prepare a report for your review. This October 1, 2010 report requires the submission of information collected by State Judicial, pursuant to Section 18-1-1109, C.R.S. Due to technical difficulties with the format of the data, State Judicial has not been able to transmit the information. At this time, we are attempting to obtain the information in a format that will provide a meaningful analysis. As soon as available, the information that was collected pursuant to 18-1-1109 will be provided to all members of the Judiciary Committees.

On January 12, 2010, the DNA Working Group submitted a report to all members of the General Assembly, with updates as to the topics that were under the group's consideration. Section 24-33.5-104.5(3)(b) required the Working Group to make recommendations "regarding the appropriateness and implementation of Senate Bill 09-241. As you may recall, that report focused on the efforts that were underway to prepare for the implementation of Senate Bill 09-241, "Katie's Law", and the collection and handling of DNA samples upon arrest and charging of felony offenders. The Working Group will continue to monitor and analyze the issues that will be presented from the implementation in Colorado of this new law, beginning yesterday.

Pursuant to statute, the Working Group must meet at least one time each year. On September 13, 2010, the group met at CDPS, 700 Kipling. Additional discussion was held surrounding the procedures that CBI had developed to begin collection of evidence pursuant to SB 09-241. Also, topics of retention and storage of DNA evidence were discussed. The Working Group will continue to meet so that legislative recommendations might be forwarded to you by December 1, 2010. Currently, there are many outstanding questions and concerns regarding the communications between law enforcement, the District Attorneys and the Courts regarding the requirements surrounding evidence retention. At this point, the concerns previously expressed by law enforcement, that evidence rooms at their departments will be overwhelmed by the number of items of evidence, have come to fruition. Between now and December 1, 2010, the members of the Working Group will attempt to identify whether the problems result from a lack of process or from the structure of the law. At that time, there should be additional information that may be helpful for you to make the "next step" determinations. While there is some measure of frustration and significant concern over mounting storage volumes, the Working Group will try to identify current practices, help with the implementation of available mechanisms for the destruction of evidence permitted by the statute, and communicate across disciplines to find workable solutions. The next meeting of the Working group is November 17, 2010 (location to be determined.)

Bill Ritter, Jr.  
GOVERNOR

Kathy E. Sasak  
EXECUTIVE DIRECTOR

Colorado State  
Patrol

Colorado Bureau  
of Investigation

Division of  
Criminal Justice

Office of Preparedness,  
Security, and Fire Safety



We are hopeful that the data collection required by statute will be in a reportable form in the very near future. As information is available, we will communicate it via Report Addendum to each of you.

Thank you for your continued interest in these important issues that impact defendants, victims, our communities and our system of justice. Members of the Working Group commit their continued dedication to analysis of the issues, and to recommend ideas for solutions. If you have any questions, please do not hesitate to contact us.

Submitted on behalf of the DNA Working Group, this 1<sup>st</sup> Day of October, 2010.

A handwritten signature in black ink, appearing to read "Kathy E. Sasak". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kathy E. Sasak  
Executive Director  
Colorado Department of Public Safety