

Court backs taking DNA from state's prisoners

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Colorado has the right to compile DNA databases from convicted felons who are placed on probation, the Colorado Court of Appeals ruled Thursday.

Although the U.S. and Colorado constitutions protect people against unreasonable searches, there is a "special needs exception" that permits the drawing of DNA samples, Judge Sandra Rothenberg wrote.

Denver District Attorney Mitch Morrissey said the decision was a crucial victory for prosecutors.

"The DNA databases are incredibly important," Morrissey said. "What they do is ... allow us to link serial murderers and serial rapists to crimes they committed years ago.

"Our whole cold-case project in Denver is premised on the idea we get a DNA sample from a cold case and have a place to put it and run it against known convicted felons."

The ruling came in the case of Conrad Clayton Rossman, 21, who was arrested in 2003 in Weld County and charged with second-degree burglary and forgery. He pleaded guilty and was sentenced to three years' probation and 180 days of electronic home monitoring. He violated his probation and was resentenced to three years of intensive supervision probation. As a condition of probation, District Judge Daniel Maus ordered Rossman to submit DNA. Rossman challenged that, saying it violated constitutional prohibitions against warrantless searches.

Rothenberg said such searches are usually invalid but there is a "special needs exception."

DNA databases serve special needs for law enforcement, she said, because DNA samples are analogous to fingerprints and palm prints and can be used as generic identification tools.

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