

WASHINGTON STATE PREVENTABLE CRIME

In January 2005, two Washington State Legislators introduced bills to allow law enforcement to collect a DNA sample upon arrest for felony crimes at the same time as fingerprints. Such legislation has been proposed throughout the country – and enacted by a growing number of states, and the federal government – for the purpose of assisting law enforcement in correctly identifying criminals who come into custody for a legal arrest in a serious crime. Unfortunately, after hearing testimony against this legislation from the criminal defense bar and the ACLU, the Washington State Legislature chose not to pass the public safety measure.

Oddly enough, while refusing to expand the requirement of DNA samples from felony arrestees, the 2005 Legislature did pass a bill (HB 1014) to provide all convicted felons with a right to DNA testing of old evidence to ensure the original guilty verdict was correct. Only a small handful of convictions have been overturned in Washington State due to post conviction DNA testing. And while it is important to ensure that justice has been properly administered and innocents are not wrongly convicted, such assurances cannot be any more important than protecting the welfare and public safety the general population.

The following case study is an example of additional crimes committed as a result of the failure of Washington politicians to pass 2005 legislation to allow law enforcement to collect DNA samples upon arrest for felony crimes. The Washington Legislature has had additional opportunities to pass similar laws in each subsequent year, and has neglected to do so.

TIMELINE OF EVENTS:

2005

January 17 HB 1135 (Rep. Mark Miloscia) and SB 5165 (Sen. Adam Kline) introduced in the Washington State Legislature.
February HB 1135 and SB 5165 considered in committee hearings.

July 24 Effective date for HB 1135 / SB 5165, if passed.

July 31 Anthony Casper Dias arrested for reckless driving and **felony hit-and-run**, after hitting a state patrol cruiser and fleeing the scene.

DNA sample collected from Dias if 2005 Legislature passed HB 1135 or SB 5165

August 16 Dias posted bond and released from custody, pending trial.

August 31 IDENTIFIABLE CRIME
Woman (age 19) raped in her bedroom (Fircrest)

I thought I was going to die," she testified. "I thought of my family and friends and all the things I wouldn't be able to do and worked so hard for."

DNA collected for the July 31 felony arrest would have identified Dias as the suspected rapist in this August 31 crime. He would have been arrested and removed from the streets.

Because the 2005 Legislature passed neither HB 1135 nor SB 5165, law enforcement was unaware of the rapist's identity. Instead, he remained in the community and the following 19 Washington residents were left unprotected .

- October 9** **FIRST PREVENTABLE INCIDENT: Three victims**
Woman (age 24) raped while two roommates in the residence were tied up (North Tacoma)
- October 28** **SECOND PREVENTABLE INCIDENT: Five victims**
Two women raped while three men in the residence were tied up (Federal Way)
- October 31** **THRID PREVENTABLE INCIDENT: Three victims**
Woman forced to undress and call her sister to come over while two men were tied up. The male victims escaped and the suspect fled the scene. (Tacoma)
- October 31** **FOURTH PREVENTABLE INCIDENT: Eight victims**
Two sisters raped (age 20 and 24) while six people in the residence were tied up with duct tape (including a 2 year old and 11 year old) (Des Moines)
- "I want to ask him, when he's alone, to close his eyes and imagine a man hurting his child while his hands were tied up, as mine were," she said. "Imagine the pain, the fury, the impotence."*
- "They are never going to be the same," said a family friend. "People think that because he didn't kill them, they can go on with their lives."*
- November 7** **FIFTH PREVENTABLE INCIDENT: Three victims**
Two sisters raped (age 13 and 15) while mother in the residence was tied up with a dog leash and duct tape (Federal Way).
- "I have fought all my life to protect my children," said the mother of the last victims. "Unfortunately, I could not [protect them] from a man who came one night into my house and pointed to each of my children's heads with a gun ...During those four or five hours, he killed something in each of us," she sobbed.*
- Dias falls asleep and victims run for help.
- November 8** Dias shot twice while fleeing police. Arrested and provided with medical care.

2006

January Dias attempted to hang himself in prison after reading news reports that DNA connects him to the crimes.

2008

May Convicted on 20 felony counts – including 7 counts of first degree rape. Sentenced to 227 years in Pierce County.

September Enters a plea on 15 felony counts – including 3 counts of first degree rape and two counts of indecent liberties. Sentenced 36 years to life in Seattle .