

STATE OF ILLINOIS)
)
 COUNTY OF COOK) SS

IN THE CIRCUIT COURT OF COOK COUNTY
 COUNTY DEPARTMENT - CRIMINAL DIVISION

PEOPLE OF THE STATE OF ILLINOIS)
)
 V.)
)
 JUAN LUNA)

No. 02 CR 15430

AFFIDAVIT OF DONALD PARKER

I, Donald Parker, swear and affirm that the following is true and accurate:

1. That I, Donald Parker, am currently employed by the Illinois State Police (ISP) Forensic Sciences Command, assigned to the DNA Indexing Laboratory in Springfield, Illinois.
2. That I am currently the State Administrator for the Combined DNA Index System (CODIS).
3. That a copy of my statement of qualifications is attached.
4. That the ISP Forensic Sciences Command (FSC) was in receipt of the Circuit Court's Order entered in this matter on July 11, 2006, ordering the Forensic Science Center to prepare an analysis on or before July 18, 2006, of all DNA profiles in the Illinois offender database to determine the number of pair-wise comparisons that may or may not exist at the 9 loci. After deciding to seek a stay and/or to appeal this Order, the FSC was advised by the ISP Legal Office to run the analysis ordered by the Court to be produced only in the event the Department's request for a stay and/or legal challenge to the Circuit Court's Order was not successful, so that the Department of State Police did not attribute to a delay of the impending criminal trial in this matter.
5. That the first portion of the search of the Illinois Offender database to determine "the number of pair-wise comparisons that may or may not exist at 9 loci" was completed in 43 hours and 50 minutes. This only includes the time to identify the associations. The second portion, insisted by ISP, which necessitates excluding associations between duplicate samples, has not been started.
6. That the Combined DNA Indexing System (CODIS) software used to conduct the search is owned by the FBI and governed by a Memorandum of Understanding (MOU) between ISP and the FBI. Releasing this search would violate the MOU, National

DNA Index System (NDIS) procedures, and possibly Illinois law, by using the database for other than its intended purpose.

7. That the search compared all offender profiles (220,456) against every other offender profile (220,455) in the database and listed all associations that have up to four additional exclusionary loci. These additional loci would exclude all associations from being true matches except for duplicate samples and genetically identical siblings (ie twins).
8. That the search includes duplicate offender samples. The time required to determine which associations are between duplicate samples would be a minimum of 2-5 days.
9. That the search results would include associations between possible relatives. In order to determine that an association is between two relatives, familial connection must be researched and proven. The investigative resources required to determine the relatedness between individuals are beyond the scope of this laboratory.
10. That once the search began, this investigative tool was unavailable to all law enforcement agencies throughout the State of Illinois because the database was tied up and unavailable until this search was complete. To prevent problems during the search the server was disconnected from the National DNA Index System (NDIS) and the Illinois local laboratories until the search was complete. The lack of a connection to NDIS may have delayed the receipt of any interstate CODIS hits. All local Illinois laboratories (7 ISP laboratories as well as DuPage County Crime Laboratory and Northeastern Illinois Regional Crime Laboratory) were unable to utilize the State DNA Index System (SDIS). ISP labs are required to do "remote searches" of SDIS for forensic unknowns when entering them into the Local DNA Index System (LDIS). In addition, forensic unknowns were not able to be uploaded to SDIS. The Indexing laboratory was unable to upload additional offender profiles during the search. On average, the ISP casework laboratories work a total of 10 cases per day and the Indexing laboratory works 200 offender samples per day resulting in as many as 6 CODIS hits per day through the use of the SDIS.
11. That the unavailability of the server for almost 44 hours, delayed 10 remote searches and 3 uploads from Crime Labs within Illinois. This delay may have critically impacted the investigative ability of agencies throughout the state of Illinois in the apprehension of citizen threatening offenders or release of innocent suspects.
12. That if the release of this data is granted, the likelihood of this search being requested on a routine basis, would have a significant impact on the Indexing Laboratory, Crime Laboratories within Illinois and police investigations across the state of Illinois. The impact would include delays in solving cases and an increase in the DNA backlog. As the number of offender profiles in the database increases the time required to complete the search will also increase.
13. That running this search required the weekly offender to offender search to have to be started from the beginning. This is possibly due to the resetting of "electronic flags" in the database that the software uses to determine if a profile has been run against another

profile. The offender to offender search looks for offender samples that match at 13 loci and is used to identify potential duplicates or possible sample swaps. The CODIS help desk is trying to determine a way to return the database to the pre-search settings. If the search has to be started from the beginning, I estimate that the server will have to be made unavailable for approximately 2 days while a complete offender to offender search is processed; therefore doubling the impact of running the 9 loci search.

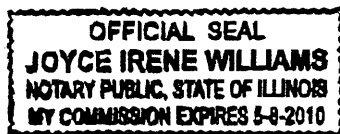
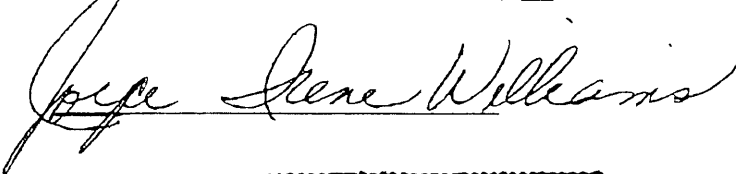
- 14. That I have reviewed the declaration of Bruce Budowle, Ph.D., indicating that coincidental matches such as those produced by a 9 loci search are predictable and do not contradict the random match probabilities based on population statistics. The rarity of a casework profile is calculated using the PopStats software from the FBI, which utilizes population statistics. For the reasons explained in Dr. Budowle's declaration, as well as the requirements of the MOU, the ISP Forensic Sciences Command has never previously authorized an analysis such as ordered by the Circuit Court, because the Illinois offender database is not reflective of the population at large since race, ethnicity and relatedness have not been determined.
- 15. That the names of the offenders would be necessary to eliminate genetically related individuals. The release of the profiles and/or names violates the MOU and may violate the Federal Privacy Act.

Affiant states nothing further,



Donald Parker
Statewide CODIS Administrator
Illinois State Police

Subscribed and sworn to me on July 21, 2006.



SR228