



## The Killer Left a Trace

By Elizabeth Gleick

*To solve a fatal rape, a judge issues a controversial order for DNA testing of the men in a French town.*

Justice may be blind, but there are ways of improving her eyesight. At least, that is the view of advocates of DNA databases and broad DNA sweeps, an increasingly common crime-busting tool throughout Europe. For though criminal investigations and trials are about justice, they are also about satisfying society's need for certainty, and for closure.

DNA matching at least holds the promise of that certainty, and large-scale sweeps, in which the members of a particular community are asked to give up blood or saliva samples in an effort to locate a killer, have already resolved several high-profile crimes in Europe. But the increasing use of this powerful technological tool has civil libertarians worried: they argue that the delicate balance between police powers and individual rights can break down as easily as the samples themselves. And the decision by a French judge this month to carry out DNA testing of men in the village of Pleine-Forgeres to try to find the killer of an English teenager has re-ignited this debate.

To the parents of Caroline Dickinson, a 13-year-old who was raped and strangled at a Pleine-Forgeres hostel while on a school trip in July 1996, there is little to discuss. As John Dickinson, a local official in Cornwall puts it, "Any parent would do his utmost to find the culprit who murdered his daughter." Two days after Caroline was killed, French police arrested Patrice Pade, a vagrant with a history of sexual offenses, who quickly confessed. But Pade then recanted, and a DNA test exonerated him.

Since then, police have made virtually no progress, and the Dickinsons have become infuriated by what has seemed to them a lack of concern by French officials. They want a response

similar to that in Britain after the 1996 rape and murder of Celine Figard, a French student visiting Britain, in which authorities were on the verge of collecting blood or saliva samples from 7,500 truck drivers when the killer was found. On Aug. 14, after lobbying by the British Foreign Office, Judge Renaud Van Ruymbeke, a well-known anti-corruption crusader, ruled in favor of the Dickinsons' suit demanding DNA testing, and took over the investigation, promising to look for links to an attempted rape in a nearby hostel the same July night.

To some legal observers, Van Ruymbeke's decision is too much about politics, and not enough about civil liberties. "I think the pressure from the British had a hand in this decision," says Jean-Pierre Boucher, president of France's Union of Magistrates. Though French law and the judge's ruling permit only "voluntary" testing (in this instance of Pleine-Forgeres men between the ages of 15 and 35) Danielle Lochak, a member of France's Human Rights League, wonders, "What happens to people who refuse to take the test? There will necessarily be extreme suspicion placed upon these people." That is just the idea, notes the Dickinsons' lawyer, Herve Rouzaud-Le Boeuf: "The murderer left behind a perfect, complete genetic fingerprint (with his semen). And once the case allows investigators to get close enough to test him, he's cooked."

The Dickinson case points up cross-cultural gaps in the civil liberties arena. In the U.K., police may take DNA samples (blood or a bit of flesh from the inside of each cheek) from any criminal suspect, and a mass screening led to the conviction of Neil Owen for the 1995 rape and murder of a 15-year-old in South Wales. In a similar case in Germany, mass screening of soldiers on a U.S. Army base in 1994 led to a conviction in a rape/murder case. Britain also maintains the only national DNA

databank in the world, which claims to have found more than 7,000 criminal matches since 1995. According to Anton Teasdale, a spokesman for the Forensic Science Service, which keeps 16,000 DNA profiles from convicts and 160,000 from suspects, the innocent have nothing to fear. Supplying a sample for a sweep (which will then be destroyed) is "just to discount you," he says.

But that, according to Don Haines, legislative counsel on privacy issues at the American Civil Liberties Union, is not good enough. In the U.S., police may not conduct searches of this sort without sufficient probable cause, meaning some reason for suspicion other than being, say, a male in a certain age group. "This is the worst kind of collective assignment of guilt, because the test itself is an intrusion and can be seen as a form of punishment," says Haines. And Boucher points out, "The problem with infringing on people's privacy and liberty is that once you have started, who is to say where too far is?"

Not everyone agrees. According to British law, for crimes as serious as rape or murder, a blood or saliva test is a minimal invasion of privacy. "Prima facie, there is no right to force somebody to take a DNA test," Gareth Crossman of The British National Council for Civil Liberties acknowledges. "But we do accept that there are limitations on that right." So, it seems, do many of the men in Pleine-Forgeres, who tell reporters they are eager to get on with the test (which will probably begin in September) and away from the Dickinson case. ■

*(This article was found on the internet and originally appeared in Time magazine on September 1, 1997 Vol. 150 No.9.)*