

District Attorney Mary Lacy's Statement on DNA Evidence and the Ramseys

On July 8, 2008, Boulder District Attorney Mary T. Lacy issued the following statement with regard to the murder investigation of JonBenet Ramsey.

On December 25-26, 1996, JonBenet Ramsey was murdered in the home where she lived with her mother, father and brother. Despite a long and intensive investigation, the death of JonBenet remains unsolved.

The murder has received unprecedented publicity and has been shrouded in controversy. That publicity has led to many theories over the years in which suspicion has focused on one family member or another. However, there has been at least one persistent stumbling block to the possibility of prosecuting any Ramsey family members for the death of JonBenet – DNA.

As part of its investigation of the JonBenet Ramsey homicide, the Boulder Police identified genetic material with apparent evidentiary value. Over time, the police continued to investigate DNA, including taking advantage of advances in the science and methodology. One of the results of their efforts was that they identified genetic material and a DNA profile from drops of JonBenet's blood located in the crotch of the underwear she was wearing at the time her body was discovered. That genetic profile belongs to a male and does not belong to anyone in the Ramsey family.

The police department diligently compared that profile to a very large number of people associated with the victim, with her family, and with the investigation, and has not identified the source, innocent or otherwise, of this DNA. The Boulder Police and prosecutors assigned to this investigation in the past also worked conscientiously with laboratory analysts to obtain better results through new approaches and additional tests as they became available. Those efforts ultimately led to the discovery of sufficient genetic markers from this male profile to enter it into the national DNA data bank.

In December of 2002, the Boulder District Attorney's Office, under Mary T. Lacy, assumed responsibility for the investigation of the JonBenet Ramsey homicide. Since then, this office has worked with the Boulder Police Department to continue the investigation of this crime.

In early August of 2007, District Attorney Lacy attended a Continuing Education Program in West Virginia sponsored by the National Institute of Justice on Forensic Biology and DNA. The presenters discussed successful outcomes from a new methodology described as "touch DNA." One method for sampling for touch DNA is the "scraping method." In this process, forensic scientists scrape a surface

where there is no observable stain or other indication of possible DNA in an effort to recover for analysis any genetic material that might nonetheless be present. This methodology was not well known in this country until recently and is still used infrequently.

In October of 2007, we decided to pursue the possibility of submitting additional items from the JonBenet Ramsey homicide to be examined using this methodology. We checked with a number of Colorado sources regarding which private laboratory to use for this work. Based upon multiple recommendations, including that of the Boulder Police Department, we contacted the Bode Technology Group located near Washington, D.C., and initiated discussions with the professionals at that laboratory. First Assistant District Attorney Peter Maguire and Investigator Andy Horita spent a full day with staff members at the Bode facility in early December of 2007.

The Bode Technology laboratory applied the "touch DNA" scraping method to both sides of the waist area of the long johns that JonBenet Ramsey was wearing over her underwear when her body was discovered. These sites were chosen because evidence supports the likelihood that the perpetrator removed and/or replaced the long johns, perhaps by handling them on the sides near the waist.

On March 24, 2008, Bode informed us that they had recovered and identified genetic material from both sides of the waist area of the long johns. The unknown male profile previously identified from the inside crotch area of the underwear matched the DNA recovered from the long johns at Bode.

We consulted with a DNA expert from a different laboratory, who recommended additional investigation into the remote possibility that the DNA might have come from sources at the autopsy when this clothing was removed. Additional samples were obtained and then analyzed by the Colorado Bureau of Investigation to assist us in this effort. We received those results on June 27th of this year and are, as a result, confident that this DNA did not come from innocent sources at the autopsy. As mentioned above, extensive DNA testing had previously excluded people connected to the family and to the investigation as possible innocent sources.

I want to acknowledge my appreciation for the efforts of the Boulder Police Department, Bode Technology Group, the Colorado Bureau of Investigation, and the Denver Police Department Forensic Laboratory for the great work and assistance they have contributed to this investigation.

The unexplained third party DNA on the clothing of the victim is very significant and powerful evidence. It is very unlikely that there would be an innocent explanation for DNA found at three different locations on two separate items of clothing worn by the victim at the time of her murder. This is particularly true in

this case because the matching DNA profiles were found on genetic material from inside the crotch of the victim's underwear and near the waist on both sides of her long johns, and because concerted efforts that might identify a source, and perhaps an innocent explanation, were unsuccessful.

It is therefore the position of the Boulder District Attorney's Office that this profile belongs to the perpetrator of the homicide.

DNA is very often the most reliable forensic evidence we can hope to find during a criminal investigation. We rely on it often to bring to justice those who have committed crimes. It can likewise be reliable evidence upon which to remove people from suspicion in appropriate cases.

The Boulder District Attorney's Office does not consider any member of the Ramsey family, including John, Patsy, or Burke Ramsey, as suspects in this case. We make this announcement now because we have recently obtained this new scientific evidence that adds significantly to the exculpatory value of the previous scientific evidence. We do so with full appreciation for the other evidence in this case.

Local, national, and even international publicity has focused on the murder of JonBenet Ramsey. Many members of the public came to believe that one or more of the Ramseys, including her mother or her father or even her brother, were responsible for this brutal homicide. Those suspicions were not based on evidence that had been tested in court; rather, they were based on evidence reported by the media.

It is the responsibility of every prosecutor to seek justice. That responsibility includes seeking justice for people whose reputations and lives can be damaged irreparably by the lingering specter of suspicion. In a highly publicized case, the detrimental impact of publicity and suspicion on people's lives can be extreme. The suspicions about the Ramseys in this case created an ongoing living hell for the Ramsey family and their friends, which added to their suffering from the unexplained and devastating loss of JonBenet.

For reasons including those discussed above, we believe that justice dictates that the Ramseys be treated only as victims of this very serious crime. We will accord them all the rights guaranteed to the victims of violent crimes under the law in Colorado and all the respect and sympathy due from one human being to another. To the extent that this office has added to the distress suffered by the Ramsey family at any time or to any degree, I offer my deepest apology.