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Kevin Vogel, Chief of Police

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Santa Cruz Sex Assault Suspect Identified Through Same DNA Technology Used in Grim Sleeper Case

SANTA CRUZ – For the first time since the Grim Sleeper case, forensic investigators with the California Attorney General’s office have identified a suspect in a major violent crime by using familial DNA.

Elvis Garcia, 21, is being held in Santa Cruz County Jail on charges of sexual assault, robbery, and false imprisonment in connection with the March 19, 2008, attack on a 23-year-old barista at The Kind Grind coffee shop in Santa Cruz. Bail was set at \$1 million at a hearing this morning. Arraignment was postponed until March 29 at 8:15 a.m.

Garcia was taken into custody Friday after state forensic scientists were able to establish his identity through familial DNA, a process in which crime scene DNA is compared to the DNA of convicted offenders to see if there’s a close match that could indicate a relationship of father-son or brothers. In this case, Garcia’s father was ultimately identified, and from there, investigators narrowed their search to focus on Garcia as a possible suspect.

Earlier this year, state forensic scientists tested items recovered from Garcia’s trash and found DNA matches between a hairnet and a Gatorade bottle found there and DNA samples found at the scene of the March 2008 assault. After Garcia was arrested Friday, a DNA sample taken from the inside of his cheek confirmed the match to crime scene DNA.

“Familial DNA is a powerful and important tool but it needs to be carefully employed,” said Attorney General Kamala D. Harris. “That’s why we use it only in rare instances where a major violent crime is involved, public safety is jeopardized, and all other investigative leads have been exhausted. In addition, strong safeguards are in place every step of the way to ensure the technique is not misused.”

The Santa Cruz case marks only the 13th time that California has used familial DNA since its testing was authorized here in 2008, and only the second time the technique has succeeded in nabbing a suspect. In July, the technique was successfully employed to identify and arrest Lonnie David Franklin, the suspect in the string of “Grim Sleeper” murders in Los Angeles. Investigators

had tried and failed for years to catch the “Grim Sleeper,” who perpetrated his crimes over three decades.

“This attack tore the fabric of our community,” Santa Cruz Police Chief Kevin Vogel said. “We made a promise to our community that this would stay a top priority, and this arrest today demonstrates that we kept our word. This arrest demonstrates the power of relentless collaborative work while using every available resource and advance in science.”

Santa Cruz County District Attorney Bob Lee added, “I am very pleased that with this arrest, we are on the road toward obtaining for our victim a measure of justice for this brutal sexual assault.”

Garcia would still be at-large except for familial DNA.

After the assailant in the early-morning attack trapped the victim in the coffee shop’s kitchen, held a knife to her throat and sexually assaulted her, he forced her into an unused refrigerator and barricaded the door. After he fled, she was able to escape and called the Santa Cruz police.

Despite the use of K-9 dogs, circulation of a composite sketch, and the pursuit of many credible leads, the investigation turned up no suspect. So, Santa Cruz police asked the Attorney General’s lab to conduct a familial DNA search.

After lab work, surveillance and other investigative work to confirm the findings, Santa Cruz police and agents with the AG’s Bureau of Investigation and Intelligence arrested Garcia at work at a Santa Cruz nutritional supply company.

California was the first state to adopt a familial DNA search program in October 2008. These searches are performed under rigorous guidelines, and decisions about turning over familial DNA evidence to local authorities are reviewed by a special panel of scientists, law enforcement officers and lawyers.

“The goal of the familial search policy,” said Jill Spriggs, chief of the Attorney General’s Bureau of Forensic Services, “is to strike an effective balance between privacy concerns and the need to provide information that may solve a violent crime or series of crimes. To meet this goal, the Attorney General has established rigorous scientific protocols and review procedures.”

The Attorney General’s Jan Bashinski Laboratory in Richmond houses the fourth largest DNA database in the world with more than 1.7 million DNA profiles taken from convicted offenders and adults arrested for serious offenses. Each month, the lab processes as many as 30,000 new DNA samples.

Samples in the database are run to see if there are matches to DNA samples from crime scenes submitted by authorities in California and across the nation. The program has helped to solve many violent crimes, including murders and rapes, since the database was established in 1990. More than 400 "hits" are made each month between crime scene DNA and DNA profiles stored in the database.

Attorney General Kamala D. Harris spoke at a press conference held in Santa Cruz today along with Santa Cruz Police Chief Kevin Vogel and District Attorney Bob Lee, and two members of the Attorney General's staff: Randy Bryant, acting chief of the Bureau of Investigation and Intelligence, and Jill Spriggs.

Attorney General Harris said collaboration between state and local agencies was key to identifying and arresting Garcia.

The case agent for the Attorney General was Special Agent Charles Vela. Also working on the case were Special Agent Supervisor Alex Nocon and Criminal Intelligence Specialist Teresa Carnero.

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