



Lawmakers Seek To Use DNA Of Relatives In Criminal Investigations

The national law enforcement race to build a national DNA database on all citizens will ultimately determine who owns your body. The Fourth Amendment will be shattered to pieces, *"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."* □ TN Editor

A vote on whether to approve a proposal that would allow familial DNA searching in certain criminal cases [has been delayed](#) by New York state's Forensic Science Committee. The controversial proposal has been sent back to a special subcommittee to "tighten up the language." If approved, the new policy would allow police to investigate family members of New Yorkers whose DNA closely matches DNA found at

crime scenes.

Because familial searching has gotten little to no coverage in mainstream media, many people have no idea what it is — or that it's already being [used](#) in California, Colorado, Florida, Michigan, Texas, Utah, Virginia, Wisconsin, Wyoming, and Ohio.

“Familial searching is an additional search of a law enforcement DNA database conducted after a routine search has been completed and no profile matches are identified during the process. Unlike a routine database search which may spontaneously yield partial match profiles, familial searching is a deliberate search of a DNA database conducted for the intended purpose of potentially identifying close biological relatives to the unknown forensic profile obtained from crime scene evidence. Familial searching is based on the concept that first-order relatives, such as siblings or parent/child relationships, will have more genetic data in common than unrelated individuals. Practically speaking, familial searching would only be performed if the comparison of the forensic DNA profile with the known offender/arrestee DNA profiles has not identified any matches to any of the offenders/arrestees.”

Though familial searching is already [being used in ten states](#) and has led to the arrests of numerous [violent criminals](#), it is not always accurate.

“Anyone who knows the science understands that there's a high rate of false positives,” Erin Murphy, a New York University law professor and the author of *Inside the Cell: The Dark Side of Forensic DNA* [told Wired](#) magazine.

Further, civil liberties experts have expressed concern that the method violates personal privacy. According to [comments](#) from the New York Civil Liberties Union, *“criminal suspicion will attach to innocent persons merely because of their biological relation to a person whose DNA is in the state's databank.”*

David Loftist, the attorney in charge of post-conviction and forensic litigation at the Legal Aid Society, told [Gothamist](#):

“You are creating a ‘suspect class’ of citizens. If you have a family member that has been convicted of fare beating, his DNA is in the database. Now all of his family members would be subject to searching in perpetuity.”

He also pointed out that the state DNA bank is disproportionately black and Latino, adding, *“This creates a dragnet for the entire community now...all of their relatives are possible suspects. It’s a genetic stop and frisk.”*

Queens District Attorney Richard Brown, however, is a huge advocate for familial DNA searching. *“This technology has proven effective at generating important DNA investigative leads in cold cases,”* he said. *“We have an obligation to use every means at our disposal to identify the murderer.”*

The Forensic Committee decided last week that the requirements for initiating a familial search are too broad at this point. It has postponed the vote until a new draft can be completed. The next official meeting is set for June 16th.

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