



## **Judge: DNA Data Can Be Mined By Police, Government**

Massive private DNA databases are being rapidly pried open by law enforcement and government. Technocrat handlers are incapable of keeping their hands off such a treasure trove of family trees. □ TN Editor

For police officers around the country, the genetic profiles that 20 million people have uploaded to consumer DNA sites represent a tantalizing resource that could be used to solve cases both new and cold. But for years, the vast majority of the data have been off limits to investigators. The two largest sites, Ancestry.com and 23andMe, have long pledged to keep their users' genetic information private, and a smaller one, GEDmatch, [severely restricted](#) police access to its records this year

Last week, however, a Florida detective announced at a police convention that he had obtained a warrant to penetrate GEDmatch and search its full database of nearly one million users. Legal experts said

that this appeared to be the first time a judge had approved such a warrant, and that the development could have profound implications for genetic privacy.

“That’s a huge game-changer,” said Erin Murphy, a law professor at New York University. “The company made a decision to keep law enforcement out, and that’s been overridden by a court. It’s a signal that no genetic information can be safe.”

DNA policy experts said the development was likely to encourage other agencies to request similar search warrants from 23andMe, which has 10 million users, and Ancestry.com, which has 15 million. If that comes to pass, the Florida judge’s decision will affect not only the users of these sites but [huge swaths of the population](#), including those who have never taken a DNA test. That’s because this emerging forensic technique makes it possible to identify a DNA profile even through distant family relationships.

Using public genealogy sites to crack cold cases had its breakthrough moment in April 2018 when the California police [used GEDmatch to identify a man](#) they believe is the Golden State Killer, Joseph James DeAngelo.

After his arrest, dozens of law enforcement agencies around the country rushed to [apply the method](#) to their own cases. Investigators have since used [genetic genealogy](#) to identify suspects and victims in more than 70 cases of murder, sexual assault and burglary, ranging from five decades to just a few months old.

Most users of genealogy services have uploaded their genetic information in order to find relatives, learn about ancestors and get insights into their health — not anticipating that the police might one day search for killers and rapists in their family trees. After a [revolt](#) by a group of prominent genealogists, GEDmatch changed its policies in May. It required law enforcement agents to identify themselves when searching its database, and it gave them access only to the profiles of users who had explicitly opted in to such queries. (As of last week, according to the GEDmatch co-founder Curtis Rogers, just 185,000 of

the site's 1.3 million users had opted in.)

Like [many others in law enforcement](#), Detective Michael Fields of the Orlando Police Department was disappointed by GEDmatch's policy shift. He had used the site last year to [identify a suspect](#) in the 2001 murder of a 25-year-old woman that he had spent six years trying to solve. Today, working with a forensic consulting firm, Parabon, Detective Fields is trying to solve the case of a serial rapist who assaulted a number of women decades ago.

In July, he asked a judge in the Ninth Judicial Circuit Court of Florida to approve a warrant that would let him override the privacy settings of GEDmatch's users and search the site's full database of 1.2 million users. After Judge Patricia Strowbridge agreed, Detective Fields said in an interview, the site complied within 24 hours. He said that some leads had emerged, but that he had yet to make an arrest. He declined to share the warrant or say how it was worded.

Detective Fields described his methods at the International Association of Chiefs of Police conference in Chicago last week. Logan Koepke, a policy analyst at Upturn, a nonprofit in Washington that studies how technology affects social issues, was in the audience. After the talk, "multiple other detectives and officers approached him asking for a copy of the warrant," Mr. Koepke said.

DNA policy experts said they would closely watch public response to news of the warrant, to see if law enforcement agencies will be emboldened to go after the much larger genetic databases.

"I have no question in my mind that if the public isn't outraged by this, they will go to the mother lode: the 15-million-person Ancestry database," Professor Murphy said. "Why play in the peanuts when you can go to the big show?"

Yaniv Erlich, the chief science officer at MyHeritage, a genealogy database of around 2.5 million people, agreed. "They won't stop here," he said.

Because of the nature of DNA, every criminal is likely to have multiple

relatives in every major genealogy database. Without an outcry, Professor Murphy and others said, warrants like the one obtained by Detective Fields could become the new norm, turning all genetic databases into law enforcement databases.

Not all consumer genetics sites are alike. GEDmatch and FamilyTreeDNA make it possible for anyone to upload his or her DNA information and start looking for relatives. Law enforcement agents began conducting genetic genealogy investigations there not because these sites were the biggest but because they were the most open.

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