

October 9, 2019

**The Consortium of Forensic Science Organizations supports the U.S. Department of Justice interim policy on forensic genealogical DNA analysis and searching.** On September 24, 2019 the United States Department of Justice (DOJ) released an interim policy on forensic genetic genealogical DNA analysis and searching. The Consortium of Forensic Science Organizations commends the DOJ on this action. The CFSO supports the goal of this policy in promoting the reasoned exercise of investigative, scientific, and prosecutorial discretion in cases that involve forensic genetic genealogical DNA analysis and searching.

The use of forensic genetic genealogical DNA analysis by law enforcement continues to increase. Identification of otherwise unknown suspects has helped solve cold cases all over the United States using the application of DNA science. As pointed out by the DOJ in this document, collaboration between investigators, laboratory personnel, and prosecutors is critical to ensure the protection of privacy, proper scientific policy and procedure implementation, and the application of appropriate quality assurance measures are in place.

*“CFSO applauds the DOJ for working with federal agencies to develop an interim policy and then engaging with state, county, and local agencies to further improve the policy. This approach ensures thorough vetting of the policy by stakeholders for the best implementation possible. CFSO members look forward to working collaboratively with DOJ to make the best, most responsible use of this promising tool. We look forward to commenting individually and through established mechanisms like Forensic Laboratory Needs-Technology Working Group (FLN-TWG) to make the eventual permanent policy effective for all forensic science service providers,”* said Matthew Gamette, Chair of the CFSO.

One area for additional discussion is the provision for informed consent of third parties (potential relatives to the person of interest) prior to collection of reference samples (see page 6, 3rd paragraph under VII. Investigative Caution). While providing informed consent is a worthwhile consideration, a component of that informed consent will be advising an individual that they are potentially related to a serious offender. This revelation may be of more concern to the third party than conducting analysis on a covertly collected reference sample, which offers the opportunity to protect them from such knowledge. Alternatively, if collecting a covert reference sample from a third party without providing informed consent, the investigating agency officials may be seen to be less than forthright. Therefore, DOJ should consider this dilemma of providing third parties informed consent versus shielding them from potentially damaging knowledge in subsequent versions of policy.

While this interim policy is a great step forward for the appropriate implementation of this technique, CFSO feels it is important to remind policy makers of the need for resources for state, county, and local laboratories to implement singlenucleotide polymorphism (SNP) technology and forensic genetic genealogical searching to assist in these investigations. The success of this technology is indisputable. The appropriate application will lead to the resolution of otherwise unsolved cases, resulting in additional victims along with their families finally obtaining justice. We applaud DOJ for developing this interim policy and inviting comment for the development of a comprehensive final policy. We look forward to participating in the process.

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