

Utahns, lawmaker disagree on police use of DNA databases

By Jessica Miller

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Should police be able to tap public DNA databases to solve crimes?

A state lawmaker says no, but a recent poll shows most Utahns are in favor.

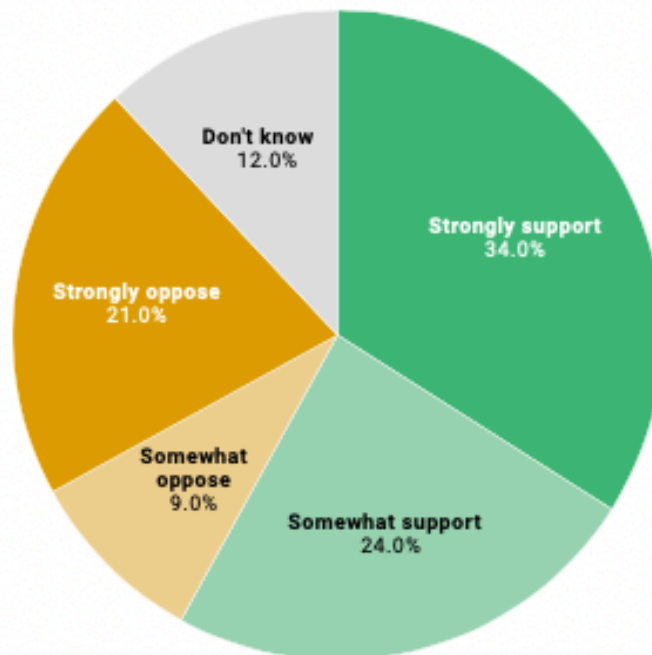
If Rep. Craig Hall's bill passes, Utah would be the first state in the country to put limits on how police can access databases made up of commonly used mail-in DNA tests from companies such as 23andMe or Ancestry.

People take these tests for genealogy purposes and maybe to learn a little about their health — but in the background, it's quickly becoming a hot new investigative method for police trying to solve cases when they have run out of leads.

Police with DNA from an unknown suspect hire experts who can try to find a distant relative and then work their way backward.

Should police use home DNA tests to help solve crimes?

Q: Do you approve or disapprove of law enforcement using public databases of home DNA tests to help solve crimes?



The Salt Lake Tribune and Suffolk University poll was conducted Jan. 18 - 22 and included 500 respondents. The margin of error is 4.4 percentage points.

Chart: Christopher Cherrington | The Salt Lake Tribune • Source: The Salt Lake Tribune and Suffolk University poll.

• [Get the data](#) • [Created with Datawrapper](#)

The Salt Lake Tribune

In Utah alone, these rather expensive tests have led [police to a man who broke into a stranger's home](#) and sexually assaulted her, [a teen who brutally assaulted an organist](#) in a church — and the arrest of a man who police believe raped at [least 11 women in Utah and Wyoming over a decade](#) and may have committed murder.

It was famously used to identify a California man police say is the Golden State Killer, accused of killing more than a dozen people and raping more than 50 in the 1970s and '80s.

These clear successes in using DNA databases to solve cold cases have also spurred critics, who raise questions about privacy and ethical concerns about how a distant family member's DNA is used.

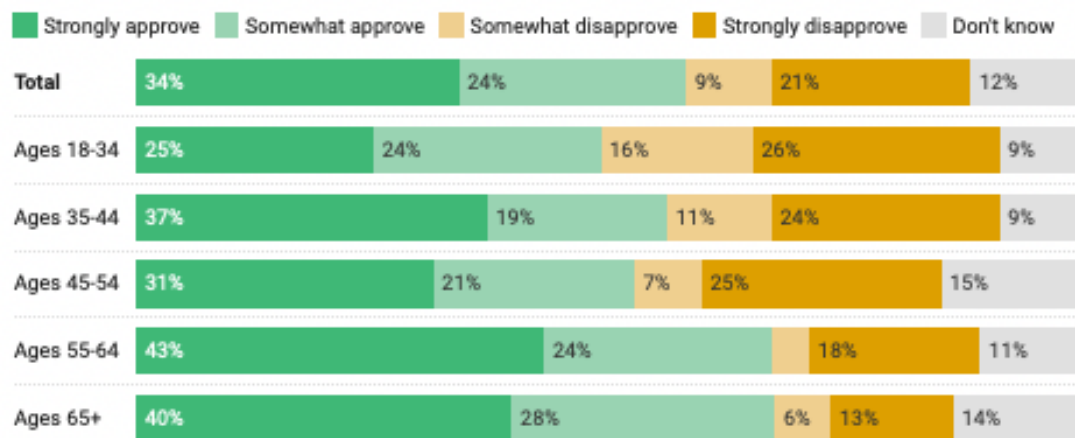
Hall, R-West Valley City, wants to stop police from mass-searching these databases without an identifiable suspect. But police have primarily used these DNA databases precisely because they don't have a suspect identified — they might have blood or saliva found at a crime scene, but they don't know to whom it belongs.

"It's really just a fishing expedition," Hall said. "[Police access] hundreds of thousands of DNA samples, even if they don't have a particular suspect in mind."

Most Utahns support this type of policing, according to a recent statewide poll by The Salt Lake Tribune and Suffolk University.

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Nearly 60% of respondents say they either strongly approve or somewhat approve of law enforcement using public DNA databases.

Men, at 62%, were slightly more likely to support the investigative method than women, at 54%. It's also more popular with older respondents — 68% of those over age 65 support the investigative method, compared to 50% of 18- to 34-year-olds. Republicans were more likely to support it than Democrats.

Suffolk University surveyed 500 Utahns from Jan. 18 to 22 over landlines and cellphones. The poll's margin of error is plus or minus 4.4 percentage points.

The support for this kind of policing wasn't a surprise to Orem Police Chief Gary Giles, who also works with the Utah Chiefs of Police Association.

"The majority of people want to help victims of crime and want to help solve those crimes," he said. "And if it comes down to the fact that they help that process, I think most people want to do that."

The Utah Chiefs of Police Association opposes Hall's bill, Giles said, because the group believes it is too restrictive and interferes with the judicial overview that's already in place. He said that the bill's current language would ban police from using family DNA in any instance. He gave an example of using a family member's DNA to confirm the identity of a found body.

He said that new technology can sometimes feel invasive, and the debate over DNA databases is fairly similar to what occurred when photography became commonplace or when body cameras became standard. But he says people who have been victimized usually encourage police to use new technology — such as gathering surveillance video from businesses or their neighbor’s doorbell camera.

“It’s funny how different somebody’s opinion is when they become a victim of crime,” he said.

When people began uploading their DNA to these public databases several years ago, they weren’t doing it to help solve crime. And when police initially started mining this data, users didn’t know their information was being used by the government.

One of the most popular websites, GEDmatch, came under fire after [allowing a Utah police agency to violate its term of service](#) to use the database to solve an aggravated assault. Now, users must explicitly “opt in” to allow their DNA profiles to be included in law enforcement searches.

That’s not good enough, says Connor Boyack, president of Libertas Institute. He argues that DNA is unique because it is shared — just because one person consents to letting police use the information, that doesn’t extend to the entire family tree.

“It’s not like a fingerprint that is uniquely yours,” he said. “We share our DNA. A person cannot consent on behalf of others.”

And while the Tribune-Suffolk poll showed Utahns supported police use of DNA databases, Boyack noted that DNA testing companies like 23andMe and [Ancestry.com have been forced to cut back their workforce](#) as consumer demand for their kits has slowed amid privacy concerns.

Hall has previously pushed legislation that has put Utah lawmakers in the forefront of limiting police use of emerging technology.

He sponsored a bill last year that [made Utah the first in the nation to adopt a “digital privacy” law](#), which requires police to get a warrant before they can access someone’s electronic data shared by third parties, such as phone apps or remote storage services.

His efforts to stop police from searching DNA databases is just the latest attempt, he said, to balance solving crime with protecting privacy.