4. FelonyandMe

The Golden State Killer was linked to numerous murders and rapes through the 1970s and 1980s. Though the case had been cold for decades, law enforcement recently arrested a suspect. Investigators linked the suspect to the crimes by uploading his DNA profile under a pseudonym to a genealogy website that uses DNA samples to match relatives. A distant relative of the suspect uploaded a profile, and the familial match led law enforcement to the suspect.

This process took months. Investigators worked with genealogy consultants to construct numerous family trees, tracing the suspect’s family back to the 1800s. They also used traditional police methods, looking through census and death records. They finally narrowed their focus to one man who lived in the vicinity of the crimes, fit the killer’s physical description, and was about the right age. A surveillance team was sent to observe the man and collect a discarded item for DNA testing. It was a match.  

But the relative submitted his or her DNA for the purpose of genealogy—not to help catch criminals. A lawyer for the genealogy site reiterated: “The purpose [of the site] was to make these connections and to find these relatives. . . . It was not intended to be used by law enforcement to identify suspects of crimes.” However, the lawyer admitted that it did not technically violate the site’s policy to join for the purpose of catching criminals. Indeed, most similar sites state that if presented with a warrant, the site will turn customers’ genetic information over to law enforcement.

Many find this a worrisome invasion of privacy, especially considering how popular genealogy services have become. As one ethicist who studies DNA forensics puts it: “This is really tough. . . . He was a horrible man and it is good that he was identified, but does the end justify the means?” One law professor agrees that this is problematic, especially because so much information can be learned about an entire family through a single family member’s DNA. In other words, “[i]f your sibling or parent or child engaged in this activity online, they are compromising your family for generations.” We cannot predict how this information may be used in the future.

It is also important to remember that DNA tracing is not infallible, and sometimes it can lead to mistakes. For example, one woman’s DNA showed up at numerous crime scenes throughout Europe, leading detectives to believe that they were on the trail of a serial killer. But it turned

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out that it was the DNA of a woman who worked in the factory that manufactured the cotton swabs that the police used to collect samples.29

On the other hand, considering the seriousness of the Golden State Killer’s crimes, it is hard to argue against using any available information to find the perpetrator of such heinous acts. And the investigators only used the genealogy site after checking with a FBI lawyer who gave them the go-ahead, advising them it was legal. The lead detective, who had been looking for the Golden State Killer for over twenty years, was “blown away” with what the genealogy site could offer their investigation. It is easy to see the great potential these sites have for helping law enforcement identify and catch criminals. Protecting the public from these offenders may justify using genealogy sites and outweigh the privacy concerns involved.