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New York Legal Organizations Urge State Commission on Forensic Science to Reject Law Enforcement's Request to Use Novel, Invasive DNA Testing Methodology Until Significant Guardrails Are Established

Attorneys Warn SNP-Based Testing Methodology Raises Significant Privacy, Bioethical, and Fourth Amendment Concerns

(NEW YORK, NY) — Legal organizations across New York State [urged](#) the New York State Commission on Forensic Science (the Commission) and the DNA subcommittee to [reject as premature](#) the New York State Police's request to implement the use of an emerging DNA methodology called SNP DNA testing – which provides highly sensitive information about a person's biogeographic ancestry, genetic and health dispositions, and other private information – until clear, binding legal guardrails are established to govern its use, provide for oversight, and ensure transparency and accountability.

Ahead of a [public hearing](#) on the use of SNP DNA testing in New York's public laboratories, and its anticipated use in investigative genetic genealogy investigations, the organizations sent a letter to the Commission stating that the implementation of SNP-based testing raises significant privacy, bioethical, and Fourth Amendment concerns. SNP DNA testing, according to the letter, is drastically different from traditional STR DNA testing because it gives info not only about the person tested, but about that person's biological relatives, as well as their disposition to diseases and biogeographic ancestry, among other traits.

The letter states:

"This is not merely a technical validation question. SNP-based testing is the gateway to a broader investigative process that can draw entire families into criminal investigations and raises significant privacy, due process, and constitutional concerns.

"No other forensic technique carries this extraordinary capacity to draw innocent family members into law enforcement scrutiny. Once a suspect is identified, investigations can narrow, assumptions can harden, and errors can compound. In a criminal justice system where the overwhelming majority of convictions are secured through guilty pleas rather than trials, a mistaken lead can have life-altering consequences long before a court ever evaluates the evidence."

Unlike traditional STR profiles, the SNP profile is also uploaded into a publicly sourced genetic genealogical website used by law enforcement to search for perpetrators – or, if the perpetrator is not in the database, their relatives. Genealogists piece together a family tree for investigations, which may also involve surreptitiously obtained DNA profiles from innocent individuals.

Because New York State does not currently have a comprehensive statutory framework governing the use of this new technology, and because SNP testing implicates unsettled areas of law around privacy, constitutional, and

due process rights of the accused, legal organizations across the state urge the Commission to resolve the many open questions raised by the new technology before it votes to deploy this powerful, intrusive tool.

Read the full letter [here](#).

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