



Jurisprudence Section – 2006

E29 Racial Profiling: Forensic DNA on Trial?

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Attendees will learn about the challenges to the admissibility of race identifying SNPs use in forensic casework and court. Attendees will learn the potential problems this novel forensic technology presents to the criminal justice system.

The emerging field of population genetics to trace the migration of man has grasped the public's fascination. As more books are published illuminating that humans share a common ancestor by tracing the Y chromosome SNPs in modern man across many continents, scientists are forcing humanity to reexamine racial perceptions. The forensic community has been quick to develop applications utilizing single nuclear polymorphisms (SNPs) to narrow the pool of suspects based on physical characteristics arising from the biological samples left at the crime scene. Forensic scientists have used SNP technology that can identify with an alleged degree of scientific certainty the racial make up of unidentified remains from mass disasters.

However, this new technology presents potential bioethical and legal questions of first impression that the courts, the legislature and the executive branches will have to address in the coming years. The presentation will discuss the potential hurdles this technology faces in the courtroom. Issues such as DNA dragnets, privacy and mandatory DNA testing will be discussed. The use of SNPs for racial identification in mass disaster recovery work will be discussed as to the potential legal issues that may arise from later criminal and civil actions. These thought provoking situations and the constitutional implications of this novel technology will be discussed.

SNPs, Search and Seizure, *Daubert*