

## MORE THAN IDENTIFICATION? FORENSIC DATABASE LOCI, MEDICAL INFORMATION, AND PRIVACY

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CODIS STR loci were chosen in part because they do not encode proteins and were not known to be highly correlated with disease status or other phenotypes. Government officials and forensic scientists often described them as “junk DNA” and maintained that they were useful only for identification. In recent litigation on the constitutionality of arrestee DNA databases in the USA, parties and private organizations have questioned these assurances, and some journalists hailed the ENCODE (Encyclopedia of DNA Elements) Project as overturning the entire theory of “junk DNA.” Several briefs filed with US Supreme Court in the pending case of *Maryland v. King* discussed this issue. This panel will address the extent to which CODIS loci are or will become the equivalent of private medical information and the legal and policy implications for law enforcement DNA databases.

Dr. Cecelia Crouse, Palm Beach County Sheriff's Office Crime Laboratory Director, will discuss training the case working DNA analyst on the history and selection of the CODIS core loci and testifying in court to the scientific foundation. Dr. John Butler, whose textbook reports that “STR markers used for human identity testing do not predict disease,” will offer one perspective on this issue. Dr. Gregory Wray, who has testified to “evidence that there was an association between one or more of those loci and particular medical conditions ”making“ those loci disease predictive, will describe his position. David Kaye, who has written on the constitutional and evidentiary questions posed by DNA databases and filed a *Brief for Genetics, Genomics and Forensic Science Researchers as Amici Curiae in Support of Neither Party* in *Maryland v. King* will discuss the relevance of the issue to legislation and adjudication; and the Honorable Richard L. Oftedal, of the Circuit Court for the Fifteenth Judicial Circuit of Florida, will provide a trial judge’s perspective on the factual and legal questions.