

CREATIONS

YOUR VENTURES IN THE ARTS AND MEDIA BY KARA PETERS



AUTHOR'S VOICE

Sheldon Krinsky

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GENETIC JUSTICE: DNA DATA BANKS, CRIMINAL INVESTIGATIONS, AND CIVIL LIBERTIES (COLUMBIA UNIVERSITY PRESS) *DNA data banks were first created to track sex offenders and violent criminals. But since the 1990s, they've ballooned to include the genetic information of nearly 3 percent of the U.S. population. In some cases, arrest alone is considered sufficient cause for collecting people's DNA; they don't even have to be charged with a crime. The ramifications of this intrusion into the most intimate regions of our being are chilling. With co-author Tania Simoncelli, a former science adviser to the American Civil Liberties Union, Tufts' Sheldon Krinsky challenges the presumption that DNA profiling is infallible and explores the precarious balance between serving justice and protecting privacy.*

“The media and shows like *CSI* perpetuate myths about DNA as a supreme source of evidence. DNA testing is a powerful tool for identification, but you have to understand its limitations and misuses. Among other problems, it's possible to pick up the DNA from the person doing the test. The fact that a lot of the DNA that's tested comes in

mixtures also creates potential for error. Does the DNA belong to the perpetrator or a passerby?”

Civil liberties and justice issues with regard to exoneration are very different. In that case, a DNA mismatch is more powerful than a match. When there is one perpetrator, if there's a mismatch with what's been found at the crime scene, it's pretty certain that the accused is innocent. This method has been used to exonerate some three hundred people. But the possibilities for mistakes are much greater when you're trying to assert a match.

Only courts with a warrant should be able to obtain your DNA. Right now, you can get that information by picking up someone's discarded Starbucks cup.

People shouldn't be in a national DNA data bank if they're not convicted of a crime. Imagine that you're running for high office. The police, when you were much younger, took your DNA for some minor infraction but didn't convict you, and now it's on a national database. Say someone in the police department doesn't like your candidacy. They decide to use your biological sample and release your genetic information to the public, and you have a specific locus that makes you vulnerable to Alzheimer's. This is very intimate information, and it would end your career.

In 2008, Congress passed the Genetic Information Nondiscrimination Act, which made it illegal for health insurers to deny coverage based on genetic predisposition to a disease and for companies to use genetic information in employment decisions. So we're moving toward greater privacy protection in medical genetics, and in the opposite direction in forensic genetics. Everything should be brought into one coherent system of analysis.”