

DOJ Guidelines Overview

The United States Department of Justice Interim Policy for Forensic Genetic Genealogical DNA Analysis and Searching (FGG/FGGS) was published in November 2019. Below is an abbreviated overview of the guidelines and its application.

Qualifying Cases

1. Any Homicide*
 2. Any Sex Crime*
 3. UHR by homicide
 4. As allowed by GG services/databases
 5. As allowed by prosecutor for substantial/ongoing threat
- *Forensic samples must be from a putative perpetrator

Before Pursuing FIGG

1. Must be entered into CODIS with NO match
2. Must pursue reasonable investigative leads
3. Must enter into NAMUS & ViCAP

Consult with Lab/ Designated Lab Official (DLO):

- Is the sample suitable for FIGG? Single contributor or mixture? Any alternatives to FGG? (document meeting)

Contact with Prosecutor to get sign-off for FGG

Accessible Databases

1. Profile can go only in GG services that provide explicit notice to their users that LE may use their service
2. Must identify yourself as LE to GG services
3. Settings should be set to not be seen by other users

Reference Testers

1. Obtain informed consent (unless it would compromise case)
2. Receive prosecutor approval before covert collections
3. Covert collections must be lawful
4. Search warrant must be obtained for profile collected in a covert collection before lab conducts analysis
5. Cannot use reference sample for any other reason other than current investigation (no bio/medical info)



No arrest based solely on FGG Investigative Lead

Disposition

- If charged while FGG in progress, cease testing & preserve sample.
- If charged, remove reference/derivative profiles from databases, but retain for prosecution. Remove ONLY if confirmed via STR comparison to the profile previously uploaded to CODIS.

All reference/derivative profiles & GG account can be destroyed if:
1) Subject prosecuted and AFTER judicial order
2) If no arrest is made and investigation is complete

*Forensic profile is always retained

Reporting

- Type of crime
- Type of sample including amount, condition & concentration
- Did it result in searchable profile?
- Lab used
- GG services used
- Arrest made?
- Grant funding? Federal funding?

DOJ Guidelines Applies When:

1. A DOJ Investigating Agency has exclusive or concurrent jurisdiction or lawful custody/control/authority of the sample
2. Any investigation where the DOJ provides funding to conduct FGG or genealogical research for investigative leads
3. Any investigation where DOJ employees/contractors conduct FGG or genealogical research for investigative leads
4. Any agency that receives grant award funding from the DOJ to use for FGG