

San Francisco sued for using rape victim's DNA sample to arrest her years later

The incident revealed the SFPD's practice of placing crime victims' DNA into a permanent database containing the DNA of rapists and thousands of other suspects.

OAKLAND, CALIF., UNITED STATES, September 12, 2022 /EINPresswire.com/ -- San Francisco



This unethical use of DNA samples violates crime victims' federally guaranteed Fourth Amendment rights against unlawful search and seizure."

Civil Rights Attorney Adanté Pointer

police violated a rape victim's civil rights by using the DNA sample she provided sex crime investigators in 2016 to charge her with an unrelated property theft five years later, according to a federal lawsuit filed Monday.

Though the charge against the woman was dropped, the incident revealed the San Francisco Police Department's practice of placing crime victims' DNA into a permanent database containing the DNA of rapists and thousands of other suspects. Investigators would run victims' DNA through their system looking for matches every time they

searched for suspects who left genetic material at unrelated crime scenes.

The case has raised questions about how widely the practice is implemented in California and across the country.

"This unethical use of DNA samples violates crime victims' federally guaranteed Fourth Amendment rights against unlawful search and seizure. This is a clear example of government overreach," said Civil Rights Attorney Adanté Pointer, of [Oakland's Pointer & Buelna LLP. - Lawyers For The People](#). The firm represents plaintiff Jane Doe in the lawsuit, filed in U.S. District Court, Northern District of California, in San Francisco. The city and county of San Francisco are named as defendants.

Pointer will discuss details of the case during a press conference at 2:30 p.m. Monday, Sept. 12 in the [11th Floor Conference Room located at 1901 Harrison St., Oakland, Calif.](#)

"This practice creates distrust in the public and heightens the harm done to sexual assault victims, who in many instances already fear going to police," Pointer said.

The lawsuit is filed under the alias of Jane Doe to protect the woman, who is the victim of sexual

assault. Her face was obscured when she spoke with a San Francisco news station earlier this year, saying she is traumatized and now has little trust in police after discovering her DNA was being used in criminal investigations.

"I didn't know that it would be used against me," she said. "I just feel violated again."

In 2016, Doe provided a DNA sample to the San Francisco Police Department for its investigation into her sexual assault. She never consented for it to be used for any other investigative purpose. The state's official patient consent form for collecting samples from victims of sex crimes does not include any language granting permission for a victim's DNA to be used for unrelated, subsequent investigations.

Nevertheless, SFPD kept Doe's DNA in its database for more than six years. "During this time, the crime lab routinely ran crime scene evidence through this database that included Plaintiff's DNA without ever attempting to get her consent or anyone else's consent," the lawsuit states. "Her DNA was likely tested in thousands of criminal investigations, though the police had absolutely no reason to believe that she was involved in any of the incidents."

Procedures for the federal Combined DNA Index System do not allow police agencies to upload victim samples into the national database, which is used to match genetic samples collected from crime scenes to those of people convicted of or arrested for crimes.

But local police departments are not prohibited from operating their own databases, and until Jane Doe's case came to light, there was little limitation or oversight on how those databases are being used.

A bill making its way through the California legislature would prohibit local law enforcement agencies from searching the DNA of a sexual assault survivor or that of a survivor's close consensual contacts in order to incriminate them in unrelated crimes.

The Electronic Frontier Foundation has reported that "rogue" DNA databases were created with DNA collected from people in Orange County, California; in San Diego; and in New York. In New Jersey, a man was arrested after his baby's DNA was matched to blood found at a crime scene 25 years ago – after police used a subpoena to obtain a DNA sample collected under a state program to draw blood from every newborn for mandatory disease screenings, according to a lawsuit filed in July.

"This practice must be stopped. This is government overreach of the highest order, using the most unique and personal thing we have – our genetic code – without our knowledge to try and connect us to crime," Pointer said.

The lawsuit was filed at U.S. District Court, Northern District of California, in San Francisco; *Jane Doe v. The City and County of San Francisco*, 3:22-cv-05179 (Sept. 12, 2022).

Robert Frank
Newsroom Public Relations
+1 206-790-6324
[email us here](#)

This press release can be viewed online at: <https://www.einpresswire.com/article/590371707>

EIN Presswire's priority is source transparency. We do not allow opaque clients, and our editors try to be careful about weeding out false and misleading content. As a user, if you see something we have missed, please do bring it to our attention. Your help is welcome. EIN Presswire, Everyone's Internet News Presswire™, tries to define some of the boundaries that are reasonable in today's world. Please see our Editorial Guidelines for more information.

© 1995-2022 Newsmatics Inc. All Right Reserved.