

# FORENSIC INVESTIGATIVE GENETIC GENEALOGY: USE AND REGULATIONS



Forensic Investigative Genetic Genealogy (FIGG) is an investigative technique which uses DNA testing and investigative skill to identify suspects through their family tree (Glynn, 2022). The technique has grown increasingly popular over the last six years but remains largely unregulated (Glynn, 2022).

## STEPS OF CONDUCTING FIGG

An unknown DNA sample is uploaded to a DTC DNA database.



If a match is found, a genealogist uses investigative techniques to create a family tree to identify leads.



Once a suspect is identified, a reference sample is collected and tested against the original sample.



If the two samples are a match, the individual may be arrested. If not, the investigation continues.

(Glynn, 2022; Guerrini et al., 2024; Katsanis, 2020; Kling et al., 2021)

## RULES AND REGULATIONS

- No accreditation requirements to become a FIGG practitioner (Gurney et al., 2022)
- Only Maryland, Montana, Utah and the federal system have statutes regulating FIGG.
- Statutes commonly address:
  - Criteria for FIGG use
  - Restrictions for DTC DNA platform use
  - Procedures for sample collection from 3rd party individuals
  - Procedures for handling samples and other information gathered
- The Investigative Genetic Genealogy Accreditation Board was founded in 2022 to provide standards and accreditation for FIGG practitioners (Gurney et al., 2022).
- The FIGG Technical Validation Working group was established in 2022 to help implement FIGG programs in public labs (Gamette & Wickenheiser, 2023).

## FIGG IN COURTS

- Current debates on whether FIGG processes and genealogists should be presented during trial since FIGG is an investigative technique, not evidence of guilt (Gurney et al., 2022; Katsanis, 2020)
- In State v. Bortree (2021), Amanda Reno became the first genealogist to testify as a FIGG expert witness, explaining the FIGG techniques used in the case.

## CONCERNS

### Due Process

- 4th Amendment violations related to lack of informed consent from consumers and agency failure to acquire search warrants (Sherkow et al., 2023)

### Privacy

- Whether consumers are aware their DNA is used for investigative purposes (Guerrini et al., 2024).
- Potential to reveal family secrets and non-biological relationships (Samuel & Kennet, 2020)