

NJ Police Used Baby DNA to Investigate Crimes, Lawsuit Claims

Blood is drawn from all newborns in the state for mandatory disease screenings

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New Jersey police may have used blood samples taken from babies to investigate crimes, according to public defenders in the state.

According to a [lawsuit](#) filed by the New Jersey Office of the Public Defender (OPD), the practice came to light after a case in which New Jersey State Police successfully subpoenaed a testing lab for a blood sample drawn from a child. Police then performed DNA analysis on the blood sample that reportedly linked the child’s father to a crime committed more than 25 years ago.

The suspect then became a client of the OPD, which alerted the office to the techniques used to identify the man. The lawsuit, filed jointly by the OPD and the *New Jersey Monitor*, now seeks to compel the state of New Jersey to disclose information on the full extent of the practice.

All babies born in the state of New Jersey are required to have a blood sample drawn within 48 hours as part of a [mandatory testing program](#) that screens them for 60 different disorders. These samples are processed in a state-run lab, which shares data with the state health authority and communicates results to parents.

The blood samples are not directly shared with law enforcement agencies. But if police are able to reliably obtain the samples through subpoena, then effectively, the disease screening process is entering all babies born in the state into a DNA database with no ability to opt out.

According to the lawsuit, parents and the public at large are unaware that blood samples taken from their children could be used in this way.

“The New Jersey Monitor believe the public would be shocked by what has occurred in OPD’s client’s case and that law enforcement agencies are skirting warrant requirements in this way,” a section of the lawsuit reads. “It also believes that parents in particular would be shocked to learn that their children’s blood samples are being stored by the Department of Health for more than twenty years and are being accessed by law enforcement agencies without their knowledge or consent so that their DNA could be analyzed.”

Per [reporting in the New Jersey Monitor](#), prior to the lawsuit, public records requests filed by the *Monitor* and the Public Defender’s Office seeking information on subpoenas served to the lab that conducts the disease screenings were denied by the state.

A spokesperson for the New Jersey State Police said the department could not comment on pending litigation.

Across the US, DNA collection laws [differ widely from state to state](#). While states require that a person be charged with a crime before their DNA can be collected or that a determination be made by a judge to take a sample from a suspect, others allow it to happen any time an arrest is made. Laws around the length of time that samples can be held for also vary: some states require that they be expunged if criminal charges are not pressed within a certain length of time, but others — [including New York](#) — have been criticized for retaining the DNA of people who were never charged.

Read the case file [here](#).

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