Supreme Court Rules Police Can Collect DNA Without a Warrant

June 4, 2013 - In what can only be viewed as a landmark ruling that impacts personal privacy, the Supreme Court has ruled that police do not need a search warrant to collect DNA from people when they are arrested. The 5 to 4 ruling, which was not split along party lines, means that police can take DNA from anyone who is arrested even if they are never charged with a crime.

Twenty eight states now have laws on their books which give the police permission to collect DNA at the time of arrest. Once the information is collected, it is placed in a national database that police around the country can search. It is used to match suspects against DNA information collected at crime scenes. That information is then used to link arrested suspects to other unsolved crimes.

The ruling came in a case known as Maryland v. King. In 2009, King was arrested on assault charges in Maryland and his DNA was taken. Three months later, his information was added to a national criminal database, known as CODIS, where it was matched to an unsolved rape case.

King was then charged and tried for the rape. He was convicted and sentenced to life in prison. But the conviction was overturned by appellate courts. At that point, the Maryland Attorney General appealed.

As a result of the ruling, even if someone is never charged with a crime, their DNA information can remain in the CODIS database. The same is true for people who are charged but acquitted.

It is important to note that DNA results can be used for multiple purposes and that the technology is developing rapidly. For instance, police may be able to eliminate you as a criminal suspect by looking at your DNA, but if a very close relative of yours has committed an unsolved crime, they can already figure that out. Eventually, DNA may also be used to identify your propensity to get certain diseases or for other health-related matters; none of which are the government's business.

byJim Malmberg

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