

San Francisco woman sues police for using DNA from rape kit to identify her as burglary suspect

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By Nigel Tufnell

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A sexual assault victim whose DNA was used to identify her as a burglary suspect has filed a lawsuit against the San Francisco Police Department on Monday, with her lawyer saying the same she had previously provided to authorities had been “weaponized against her.”

The woman, identified as Jane Doe for privacy purposes, said in the suit, which was filed in federal court in California’s Northern District, that she was “re-victimized” by what the suit dubbed an “unconstitutional” practice used by the police department’s crime lab.

“Sexual assault survivors’ consent to police to use their DNA for one purpose — to find the perpetrator of the sexual assault,” lawyer Adante Pointer told reporters. “What we have here is our constitutional rights turned on their head.”

After the woman was sexually assaulted six years ago, the lawsuit states that she gave her DNA to law enforcement officers, [according to NBC News](#).

Last December, a police lab worker ran the woman's DNA, which had been obtained from the scene of an alleged robbery, through the database and found that it was a match for Jane Doe.

The lab worker then provided a forensic report to a police sergeant, who was able to obtain an arrest warrant for the woman predominantly based on the DNA hit, according to the lawsuit.

The lawsuit confirmed that the charges were dropped at a later date. In February former San Francisco District Attorney Chesa Boudin said the actions taken were "legally and ethically wrong" and said it may violate the state's Victims' Bill of Rights.

The revelation also brought about a backlash from advocates, law enforcement, legal experts and lawmakers, many of whom warned the practice could affect victims' willingness to report future sex crimes.

"This practice treats victims like evidence, not human beings," Boudin said at the time. "This is legally and ethically wrong."

The police departments did cease the practice not long after receiving a complaint from the district attorney's office and formally changed its operating procedure to prevent the misuse of DNA collected from sexual assault victims, police chief Bill Scott confirmed.

Scott said at a police commission meeting in March that he had found 17 crime victim profiles, 11 of them from rape kits, that were matched as potential suspects using the crime data base in unrelated cases. Scott said he doesn't believe that anyone else has been arrested as a result of this practice other than the Jane Doe in question.