



Forensic Genetic Genealogical DNA Analysis and Search (FGGS)

Data Definitions and Reporting Guide

This *Forensic Genetic Genealogical DNA Analysis and Search (FGGS): Data Definitions and Reporting Guide* provides guidance on the submission of information regarding requests for forensic genetic genealogical analysis, as required by § 17–105 of the Criminal Procedure Article. Created with input from key stakeholders - police agencies, state’s attorneys, crime laboratory personnel, advocates, etc. - and sponsors of the bill, this guide serves to identify the reporting requirements, a definition for each required data element, and instruction on the submission of all requests of forensic genetic genealogical DNA analysis and search information. **To quickly access one of these areas, please select from the following list.**

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Introduction

Section 17–105 of the Criminal Procedure Article establishes requirements and procedures for forensic genetic genealogical DNA analysis and related searches of publicly accessible databases using genetic profiles; and includes provisions regarding regulation and oversight of testing connected to this analysis and direct-to-consumer genetic genealogy services. It also requires the Governor’s Office of Crime Prevention and Policy (Office) to prepare and submit an annual report regarding requests for forensic genetic genealogical analysis and engage with a panel of stakeholders tasked to review the report each year and make policy recommendations.

Specifically, and in accordance with § 17-105 of the Criminal Procedure Article, the Office must submit a publicly available report on requests for forensic genetic genealogical DNA analysis and search (FGGS), for the preceding calendar year, to the Governor and the General Assembly by June 1 of each year, as it relates to the following:

- The number of requests for FGGS made, broken down by number of requests made by prosecutors, pre-trial defendants, and post-conviction defendants;
- The number of times FGGS was granted and the basis of each grant or denial;
- The number of putative perpetrators identified through FGGS;
- The number of covert collections of reference samples from putative perpetrators, a description of the methods used during the covert collection, the time period needed to perform the covert collection, any complaints from individuals subject to surveillance during the covert collections, and any complaints or suggestions from judges supervising the covert collections;
- An evaluation of the “pursued reasonable investigative leads” requirement in accordance with § 17-102(b)(4) of this title, including scientific, public, and non forensic;
- The costs of the FGGS procedures;
- The race and age of those identified as putative perpetrators;
- The number of times a third party reference sample was requested and collected, and the race and age of the third parties;
- The number of requests made by defendants and post conviction lawyers; and
- The outcome of each authorized search, including whether the search resulted in an arrest or a conviction for the target offense.

Data Definitions

The following definitions must be used when submitting information regarding requests for forensic genetic genealogical analysis:¹

Direct-to-consumer genetic genealogy services means genetic genealogy services that are offered by private companies directly to members of the public and law enforcement agencies rather than through clinical health care providers, typically via customer access to secure online websites.

FGG profile means a genetic profile using SNPs or other sequencing methods generated from a forensic or reference sample by a laboratory for the purpose of conducting an FGGS.

Forensic genetic genealogical DNA analysis and search or **FGGS** means:

1. The forensic genetic genealogical DNA analysis of biological material using SNP or other sequencing techniques to develop an FGG profile;
2. A subsequent search using the FGG profile in a publicly available open-data personal genomics database or a direct-to-consumer genetic genealogy service to find individuals related to the source of the FGG profile; and
3. A genealogical search using public records and other lawful means to obtain information in accordance with this title.

Putative perpetrator means one or more criminal actors reasonably believed by investigators to have committed the crime under investigation and to be the source of, or a contributor to, a forensic sample deposited during or incident to the commission of a crime.

Reasonable investigative leads means credible, case-specific facts, information, or circumstances that would lead a reasonably cautious investigator to believe that the pursuit would have a fair probability of identifying a putative perpetrator.

¹ Maryland General Assembly. [*Chapter 681 of 2021 \(House Bill 240\). Criminal Procedure - Forensic Genetic Genealogical DNA Analysis. Searching, Regulation, and Oversight.*](#)

Reporting Guide

All requests for FGGS information can be entered into an electronic Qualtrics survey, which includes the data elements required by § 17–105 of the Criminal Procedure Article. A description of the data elements, to include the available selections for each, is provided below.

#1. The number of requests for FGGS made.

Requested affidavit date: Provide the date in which law enforcement requested an affidavit.

Prosecutor approved affidavit date: Provide the date in which a prosecutor approved the affidavit.

Judge approved affidavit date: Provide the date in which a judge approved the affidavit. Please note that approval must be provided by a judge in order to qualify as a FGGS case.

FGGS requests: Enter the number of requests made for FGGS during the reporting period.

Origination of evidence: Select whether the evidence originated from a sexual assault kit:²

- Yes
- No

#2. The request for FGGS, broken down by case number and requests made by prosecutors, pre-trial defendants, and post-conviction defendants.³

Unique case number: A unique case number must be provided for each request made during the reporting period.

Request type: Select the request type, based on the following options:

- Prosecutor
- Defense attorney (pre-trial)
- Defense attorney (post-conviction)

#3. If FGGS was granted and the basis of each grant or denial.

FGGS status: Select the most appropriate status, based on the following options:

² It is important to note that this question serves to show the relation to the sexual assault evidence collection kit tracking efforts under § 11-926.1 of the Criminal Procedure Article.

³ It is important to note that this question also accounts for the number of requests made by defendants and post conviction lawyers.

- Granted
- Denied
- Pending

Granted reason (if selected above): Enter a granted reason in the open text field.

Denied reason (if selected above): Enter a denied reason in the open text field. This would likely occur only if one of the pre-conditions was not accounted for.

#4. The number of putative perpetrators identified through FGGS.

Putative perpetrator: Select the number of putative perpetrators identified. If none were identified, select 0.

- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10+

#5. The number of covert collections of reference samples from putative perpetrators, a description of the methods used during the covert collection, the time period needed to perform the covert collection, any complaints from individuals subject to surveillance during the covert collections, and any complaints or suggestions from judges supervising the covert collections.

Number of covert collections: Enter the number of covert collections of reference samples from putative perpetrators.

Methods: Provide a description of the methods used during the covert collection.

Covert collection request date: Provide the date in which the covert collection was requested.

Covert collection completion date: Provide the date in which the covert collection was completed.

Individual complaints: Provide the number of complaints from individuals subject to surveillance during the covert collections.

Judge complaints or suggestions: Provide the number of complaints or suggestions from judges supervising the covert collections.

#6. An evaluation of the “pursued investigative leads” requirement in accordance with 17-102(b)(4) of this title including scientific, public, and non forensic.

Unless the crime being investigated presents an ongoing threat to public safety or national security concerns, reasonable investigative leads have been pursued and failed to identify the perpetrator.

Pursued investigative leads requirement: Select a response.

- Yes
- No

Summary of investigative leads: Provide a summary of the investigative leads that occurred prior to the FGGS.

#7. The costs of FGGS procedures.

Provide the cost of FGGS procedures, in dollars: Enter a numeric value without a dollar sign.

Provide the cost, in dollars, to outsource FGGS procedures: Enter a numeric value without a dollar sign.

Funds to cover cost to outsource FGGS procedures: Identify if general funds and/or grant funds are used to cover the cost to outsource FGGS procedures.

#8. The race and age of those identified as putative perpetrators.

Race: Use the “dropdown” menu to select the race of each putative perpetrator:

- American Indian or Alaskan Native
- Asian
- Black
- Latino/Hispanic
- Native Hawaiian/Pacific Islander
- White
- Other

Age: Provide the numeric age of each putative perpetrator.

Because some elements may not be known, mandatory fields are not applied to this section.

#9. The number of times a third party reference sample was requested and collected and the race and age of the third parties.

Race: Use the “dropdown” menu to select the race of each third party:

- American Indian or Alaskan Native
- Asian
- Black
- Latino/Hispanic
- Native Hawaiian/Pacific Islander
- White
- Other

Age: Provide the numeric age of each third party.

Please note that requests should be kept separate.

#10. The outcome of the authorized search, including whether the search resulted in an arrest or a conviction for the target offense.

Arrest: Select whether the search resulted in an arrest for the target offense:

- Yes
- No
- Pending

Please note that pending may refer to a warrant served.

Conviction: Select whether the search resulted in a conviction for the target offense:

- Yes
- No