

“MAXX”: BIOETHICAL ISSUES BEHIND TYPING THE BIOLOGICAL GENDER OF A PERSON

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DNA testing is one of the most discriminative methods for human identification currently available in forensic science. The Institute of Forensic Science of Puerto Rico currently performs STR analysis with AmpFISTR® Identifiler. Family reference samples aid in the identification of Jane and John Does. In order to establish a positive identification when dental records and anthropological assessment is not possible, other resources must be considered, such as family references.

The following case deals with bioethical issues and legal rights of individuals who aid with reference samples to identify family members. The publication of the results from a DNA analysis that may uncover the true gender of a person, for example, could have a negative impact on the individual. The case of “Maxx” raises the question of whether or not Forensic Laboratories should publish the DNA profiles from individuals that are not implicated in a criminal case. In 2006 a man was killed by a gunshot. His body was found in a severe state of decomposition that prevented any possibility of a correct physical identification. A reference sample from his son “Maxx” was submitted for DNA analysis in order to identify the body. A successful identification matched half of the alleles to the father’s DNA profile. The Amelogenin locus from the reference sample submitted by the son was typed as XX. His legal documents indicated the individual was registered as male.

In this case, “Maxx” was not implicated in a criminal case, and reporting his true gender in a court of law could have a serious psychological impact.