

This response was submitted to the consultation held by the Nuffield Council on Bioethics on the Forensic use of bioinformation: ethical issues during November 2006 to January 2007. The views expressed are solely those of the respondent(s) and not those of the Council.

Alain Williams, Parliament Hill Computers

List of questions

1. The interpretation of bioinformation

- a. In your view, is the SGM Plus[®] system, which uses ten STR markers, sufficiently reliable for use in ascertaining the identity of suspects in criminal investigations and/or criminal trials?

No. It can be certain for ELIMINATION, but not IDENTIFICATION, it cannot (for instance) distinguish between me & my twin brother (if I had one), it may have problems distinguishing between close family members.

The process of meiosis (part of sperm/egg generation) involves *random* recombination, quite what *random* means here is not properly understood. It will, occasionally, give the same results; not often, but we are dealing with large numbers (the population of this country), so it is likely that *not often* will happen many times.

2. Sampling powers

- a. From whom should the police be able to take fingerprints and DNA samples? At what stages in criminal investigations and for what purposes? Should the police be able to request further information from DNA analysts, such as physical characteristics or ethnic inferences?

The police should be able to take from those being investigated; samples from those who are found innocent should be destroyed; samples should be destroyed after 10 years (unless the person as subsequently been convicted of something else).

Other Physical characteristics: OK if all record of those innocent is later destroyed.

I do have a BIG concern with the 'subsequently destroyed' condition: how can we be certain that this has been done; information is so easy to keep; who guards the guardians.

NONE of this information should go out of this country. The USA in particular has shown itself to have a cavalier attitude to data protection.

A person should be able to find out *every* use of his DNA information, there should be no charge for this.

- b. Should police expenditure on bioinformation collection and analysis be given priority over other budgetary demands?

No

This response was submitted to the consultation held by the Nuffield Council on Bioethics on the Forensic use of bioinformation: ethical issues during November 2006 to January 2007. The views expressed are solely those of the respondent(s) and not those of the Council.

- c. Do you consider the current criteria for the collection of bioinformation to be proportionate to the aims of preventing, investigating, detecting and prosecuting criminal offences? In particular: is the retention of bioinformation from those who are not convicted of an offence proportionate to the needs of law enforcement?

No: if you are innocent, this should not be recorded.

- d. Is it acceptable for bioinformation to be taken from minors and for their DNA profiles to be put on the NDNAD?

Possibly, but it should be destroyed when they are 18.

3. The management of the NDNAD

- a. Is it proportionate for bioinformation from i) suspects and ii) volunteers to be kept on forensic databases indefinitely? Should criminal justice and elimination samples also be kept indefinitely? How should the discretion of Chief Constables to remove profiles and samples from the NDNAD be exercised and overseen?

Kept for 10 years maximum or until the person reaches 18 (whichever comes first). The discretion should be overseen and public.

- b. Is the ethical oversight of the NDNAD adequate? What, if any, research on NDNAD profiles or samples should be permitted? Who should be involved in the oversight of such databases and granting permission to use forensic DNA profiles or samples for research?

There should be no research. Data collected for one purpose should not be used for another. There should be a publicly visible register for use of the database.

- c. Who should have access to information on the NDNAD and IDENT1 databases and how should bioinformation be protected from unauthorised uses and users? Should forensic databases ever be made available for non-criminal investigations, such as parental searches, or the identification of missing or deceased persons?

Access to the must be carefully controlled; all accesses by 2 (non related) people. Access ONLY for the purpose of elimination of suspects to a crime.

- d. What issues are raised by the transfer of bioinformation between agencies and countries? How should such transfers be facilitated and what safeguards should be in place for the storage and use of transferred data?

None between countries. If another country wants to eliminate UK suspects, they send us their scene-of-crime sample for elimination.

What other agencies are you talking about ? Things like the CSA, tax office ?

This response was submitted to the consultation held by the Nuffield Council on Bioethics on the Forensic use of bioinformation: ethical issues during November 2006 to January 2007. The views expressed are solely those of the respondent(s) and not those of the Council.

4. Ethical issues

- a. Is the use of DNA profiles in 'familial searching' inquiries proportionate to the needs of criminal investigations? Do you consider the use of familial searching may be an unwarranted invasion of family privacy?

Yes.

- b. Certain groups, such as ethnic minorities and young males, are disproportionately represented on forensic databases. Is this potential for bias within these databases acceptable?

It is a problem with who is "picked up" rather than the database.

- c. Is it acceptable that volunteers (such as victims, witnesses, mass screen volunteers) also have their profiles retained on the NDNAD? Should consent be irrevocable for individuals who agree initially to the retention of samples voluntarily given to the police? Are the provisions for obtaining consent appropriate? Should volunteers be able to withdraw their consent at a later stage?

It should be possible for someone to give a sample for elimination in mass screening; that sample would later be destroyed. *Later* probably means *immediately* it has been compared with the scene of crime sample and been found to not match.

If voluntarily someone gives a sample for indefinite retention, they should be able to later withdraw consent.

- d. Would the collection of DNA from everyone at birth be more equitable than collecting samples from only those who come into contact with the criminal justice system? Would the establishment of such a population-wide forensic database be proportionate to the needs of law enforcement? What are the arguments for and against an extension of the database?

At present collection at birth is not acceptable.

5. The evidential value of bioinformation

- a. What should be done to ensure that police, legal professionals, witnesses and jury members have sufficient understanding of any forensic bioinformation relevant to their participation in the criminal justice system?

This is a much bigger issue than bioinformation. Education, but it isn't that simple. You should start with ensuring that our MPs understand the issues.

- b. How much other evidence should be required before a defendant can be convicted in a case with a declared DNA match? Should a DNA match ever be taken to be sufficient to prove guilt in the absence of other evidence?

DNA match is for elimination, NOT identification, other evidence is mandatory.

This response was submitted to the consultation held by the Nuffield Council on Bioethics on the Forensic use of bioinformation: ethical issues during November 2006 to January 2007. The views expressed are solely those of the respondent(s) and not those of the Council.

6. Other issues

- a. Are there any other issues, within our terms of reference, which we should consider?

In principle it is a good idea, my overriding concern is that of abuse of the system/information. No matter how good procedures are there will be abuse; supposedly secure police information is not easy to access; those with a motive and a bit of money will find a way.

Many of us have ex-wives/business-competitors/... who have a negative interest in us; they have friends/relations/... who work for the police. We should not make this too easy for them.

This response was submitted to the consultation held by the Nuffield Council on Bioethics on the Forensic use of bioinformation: ethical issues during November 2006 to January 2007. The views expressed are solely those of the respondent(s) and not those of the Council.

There are statutory limits as to what can be done with the data, but no guarantee that a future government won't change that [[think: anonymous sperm donors who now find that they aren't]]. How much notice do you think that MI5/police really take of these statutory limits - they just make sure that they aren't caught.

22 years after 1984 – we still need to take note.