

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

Anon 10

## List of questions

### 1. The interpretation of bioinformation

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

Yes

### 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?

From suspects in an investigation. From volunteers to eliminate from an enquiry.

Should the police be able to request further information from DNA analysts, such as physical characteristics or ethnic inferences?

Police should NOT be able to request further information from DNA analysts for DNA samples on the database. However, they should be able to request such information of DNA samples taken from a crime scene.

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

No

- 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?

I consider the current criteria to be very disproportionate to the aims of preventing, detecting and prosecuting criminal offences.

Where samples are given voluntarily they should be removed once an investigation is closed, or at the request of the volunteer.

DNA from those arrested, but NOT convicted should NOT be retained.

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

Only if the minors are convicted and even then depending on the nature of the crime e.g. burglary, violent conduct etc. However for minor cautions DNA should not be taken in the first place, and should certainly NOT be retained.

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### 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?

**NO – only if suspect is subsequently convicted.**

Should criminal justice and elimination samples also be kept indefinitely?

**Samples should only be kept indefinitely where there has been a conviction.**

How should the discretion of Chief Constables to remove profiles and samples from the NDNAD be exercised and overseen?

**This discretion should be removed from the chief constable and should be given to an independent regulator. Everyone who has had their DNA sample taken should be able to appeal to this independent body to have their sample removed**

- 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?
- 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?

**Use for instances such as missing or deceased persons should be allowed. However this information should not be made available for any other non criminal use. The DNA Database should be maintained by a totally independent body who are totally accountable to a regulator.**

- 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?

### 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 I do**

- 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?

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**Yes if it represents actual criminal convictions. If it represents suspects and cautions this is totally unacceptable.**

- c. Is it acceptable that volunteers (such as victims, witnesses, mass screen volunteers) also have their profiles retained on the NDNAD?

**No it is not acceptable**

Should consent be irrevocable for individuals who agree initially to the retention of samples voluntarily given to the police?

**No – people should still have the right to request that their DNA is removed from the database provided that they do not have a CRIMINAL conviction.**

Are the provisions for obtaining consent appropriate? Should volunteers be able to withdraw their consent at a later stage?

**Yes they should be able to withdraw their consent later. Parents should be able to request that DNA samples from minors are removed.**

- 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?

No – this will make us into a nation of suspects. This will lead to far more incentive to misuse this information as the greater the sample the more valuable for non criminal purposes (e.g assurance companies etc).

Would the establishment of such a population-wide forensic database be proportionate to the needs of law enforcement?

**No. The needs of law enforcement have to be balanced by the rights and protection of the individual. That has always been the case. With DNA, this balance is shifting too far in favour of the needs of law enforcement to the detriment of individual liberty.**

What are the arguments for and against an extension of the database?

## **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?

**No comment**

- 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?

**NO**

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## **6. Other issues**

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