

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 1

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?

I'm not a scientist, so can't say.

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?

Police should be able to take fingerprints and DNA from a suspect when DNA/Fingerprints have been left at the scene for the purposes of proving the suspect was at the scene / removing him from their enquiry. If DNA has been left at the scene of a crime, I have no problem with police being able to examine in order to confirm or determine the ethnicity of the suspect if the science is sufficiently reliable. Persons convicted of lesser crimes should have their records removed after a period of time.

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

No. Community policing should be given a much higher priority.

- 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 think that the collection of bioinformation has gone much too far. They are harvesting DNA information from the population, leading us to a point where they will say that the national DNA database is so large, it might as well encompass the entire population. I see this more about the role reversal of the state and the individual. In the words of Tony Benn MP (even though I disagree with his politics) "we are all to be managed rather than represented".

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

This is outrageous, and should never be allowed.

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?

No. I would never volunteer my own DNA even if a murder or a rape happened in my village. If I knew that I was innocent, I would not be happy about losing control over my own data. I don't want to live in a country where I am automatically assumed to be guilty until I prove my own innocence. Suspects' DNA should not be kept indefinitely. I would go so far as to say those convicted of lesser crimes should be removed from the database after a period of time.

- 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?

Is there any ethical oversight? I'll do it. Send me an email and we'll work out a reasonable fee.

- 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?

Parental searches are relatively simple to sort out, it just requires a third party and the consent of both parent and child. I doubt the deceased will mind too much that they have been identified. Generally speaking, this should be a law enforcement tool, and only trained people who have been made aware of the issues should be allowed access. Certainly not the taxman, local government, politicians etc.

- 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?

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For the solving of international crimes ONLY! Sample information should not be sold to other countries. The data protection act should apply.

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?

I am on the DNA database by inference because my younger brother forgot to renew a tax disc on time seven years ago. He ended up moving house, missing his court appearance due to not getting the letter, being arrested and swabbed. I consider this to be a gross infringement on my privacy and unacceptable. His details should have come off the database long ago, mine should never even be an issue.

- 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?

I think you will find that certain ethnic/ age groups are statistically more likely to commit more crimes. Accuracy is more important than political correctness.

- 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 entirely up to the volunteer what is done with their data.

- 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?

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?

Not sure. Training and impartial advice should take a big role.

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- 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?

This depends very much on the accuracy of the science. If that was the only evidence I would be hesitant to convict if I was on a jury.

6. Other issues

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