

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 17

Let me address my concern with two crime scene scenarios - In Buena Park California a man was arrested, booked and fingerprinted based on his similarity to a man who'd robbed a bank. Then this man's fingerprints were found at the bank. His co-workers insisted he'd not been away from work that day long enough to have travelled to the bank, rob, and return. His wife believed his innocence and became convinced through a scientific fluke someone else had identical fingerprints. She challenged a USC criminology professor to prove her wrong. The prof obtained the booking card and the bank evidence card. He relaid the prints from the bank were rolled (as if the robber had carefully rolled his fingertips on the glass countertop) and the shading of the ink on the booking card was matched by the intensity of the dust of the prints at the bank. Eventually he figured out that a sheriff deputy had run the booking card through a photocopy machine stopping the process before the heat bar set the embossing. Cellophane tape was then used to lift that dust and transfer it to an evidence card that the deputy pretended had been collected at the bank. Sadly this fraud was not proven until the man was several years into serving his sentence in prison. (Unfortunately this also taught any crooked cop that in the future don't lift the full print from the booking card if you want it to look real.)

Second scenario, and you will remember this - during the investigation of OJ Simpson for murder, a detective obtained a vial of O J's blood and oddly slipped it into his sock (my belief is that allowed him to bend over as if tying his shoelaces while he actually opened the vial) the detective went back to the crime scene with the vial in his possession. I believe OJ knew his actions on the night in question and he had not gone out the back gate, had not driven his Bronco, and had not re-entered his house through the front foyer; all locations where traces of OJ's blood were found. The only explanation as to how his blood got there was it was planted. This allowed the defense team to create the doubt in the juror's minds.

My conclusion is that with a national data base of dna, crooked cops will have at their disposal, plantable evidence. What safeguards are in place to prevent this? This is not a new concern, as far back as Bradbury's novel *Fahrenheit 451* the government failed to catch the protagonist in a drag-net, and simply substituted another man's 'chemical signature' into the robotic 'hound' execution machine which promptly tracked down and killed an innocent- so the government could demonstrate that no malcontent could stand against them. The danger of your database could be that now fiction has become reality.