

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 26

I am one of the Guardian's science correspondents. I have covered the issue of the NDNAD both here and in my previous job at New Scientist magazine. I have no particular axe to grind in that my profile is not on the database and none of my close friends or family have been the victim of a serious crime that might have been solved with DNA evidence.

I wrote a comment piece from the Guardian which I have pasted in below which summarises my views. If you go to the blog you will find numerous posts from readers (mostly disagreeing with me).

My view is that the current way of compiling the NDNAD is arbitrary and unfair (the database has an over-representation of black people and men) and based purely on convenience. It can't be right that someone who is arrested but not convicted is put on the database but someone never picked up by the police is not.

The negative consequences of being on the database seem to me to be rather slight compared to the potential for a comprehensive database for catching serious criminals. With the right safeguards a comprehensive DNA database is less intrusive than CCTV cameras in my view.

Many thanks
James

http://commentisfree.guardian.co.uk/james_randerson/2006/11/dna_is_not_part_of_the_surveil.html

Samples of triumph

A national DNA database could bring justice to thousands of families; our only concern should be over the way it is compiled.

November 2, 2006 01:45 PM | Printable version Roy Linzee Tutts, or Tutts to his friends, was saving up for a bicycle.

So, on 23 April 1968 he decided to hitch back home from his school in Chessington, Surrey instead of taking the bus. It was his last journey.

The 14-year-old's body was found three days later. He had been sexually assaulted and strangled. His clothing was found folded neatly and lain across his body.

For 33 years Tutts' killer remained free, until the police picked up Brian Lunn Field (by then aged 66) for drink driving. His DNA matched a sample from the crime scene and in 2001 he was given a life sentence for the killing.

This is the jaw-dropping, humbling power of DNA - a tiny speck of human being that can reach back into history and place a man at a crime scene beyond almost all doubt. Last year 20,000 people were brought to justice with the help of DNA including the perpetrators of 422 murders and manslaughters, 645 rapes and 9000

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domestic burglaries. Countless others have had their innocence affirmed by the technique.

This is science at its most triumphant service of justice.

But what have we given up for this success? DNA fingerprinting is only as good as the database holding the profiles of "suspects". And Britain has by far the most police-friendly laws governing whose DNA profiles go on the national DNA database. Over 3 million of us are on it including many who have never even been charged with a crime - 51,000 of them are children.

Last week the prime minister advocated extending the database to cover everyone.

With so many of us on the database have we handed over too much power to the police? Critics of the database argue that it fundamentally changes the relationship between the state and the citizen. By being on it we are all somehow under constant surveillance. We are transformed from citizens to suspects.

It's an anxious-sounding rhetorical flourish, but what does this actually mean? What difference does being on the database make if you haven't done anything wrong?

Consider the worst-case scenario. Your DNA profile is on the database and your DNA is found at a crime scene. You are not the villain, but you cannot establish an alibi for the night in question. The police have no other evidence to link you to the crime (because you didn't do it).

If the case gets to court, what can the presence of DNA tell the jury?

Simply that you (or your identical twin) visited the crime scene at some time, along with several other people whose DNA was found there. The police would be reckless or desperate to try to get a conviction on that evidence alone.

How is this different from the current situation in which you are wrongly identified by a witness? In this case the state has made you a suspect even though you haven't done anything wrong.

We are all potential suspects in a police investigation as it is. The DNA database doesn't change that one jot. The fact that the police have your DNA profile on file doesn't mean you are being watched by an always-on CCTV camera. Most of the time the database is blind to your existence. If the proper safeguards against misuse are in place, it is only if your DNA is found at a crime scene that you have some explaining to do.

There are important questions of civil liberties here, but they concern the unfair way in which the database is put together. Currently we have a classic British fudge. The man on the street is, in the eyes of the law, exactly the same as the woman who has been arrested but released uncharged

- they are both innocent. Yet her DNA is placed on the database and his is not.

The way the database is compiled at the moment has resulted in a massive over-representation of men on the database, and an even bigger skew towards black men - 37% are on the database. The way to solve this inequity is for everyone's DNA to be placed on the database at birth.

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If we accept that "innocent" people sometimes commit crimes then there is no good reason why innocent people who happen to wind up in a police station should have their DNA taken, but the rest of us don't.

Roy Tuthill's family waited 33 years for justice. Had DNA fingerprinting and a comprehensive database been available in 1968 finding Tutt's killer would have been much easier.

I challenge anyone who would defend the right not to have their DNA profile stored on a computer for use solely in crime-fighting to explain why that nebulous freedom carries more weight than the chance of justice for thousands of families.