

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 35

#### **QUESTIONS ANSWERED:**

##### **Question 1: The interpretation of bioinformation**

###### **ANSWER:**

It is the use of the system and the expectations created that create the difficulties so I would not comment on the system but rather I would have concerns that it is being used within its parameters and interpretations are not stretched.

##### **Question 2: Sampling powers**

###### **ANSWER:**

a) Suspects and to exclude from the enquiry but not to keep. Not sure that requesting physical characteristics or ethnic inferences is overly helpful as people from different ethnic backgrounds are not always overly distinctive. b) Prevention would be better than cure. c) I definitely do not agree with the retention of bioinformation of those not convicted with an offence. d) No

##### **Question 3: The management of the NDNAD**

###### **ANSWER:**

Information should not be kept indefinitely as this seems to suggest that police could fish for information. Volunteer, elimination samples should be destroyed after the end of the enquiry or case and that includes cold cases. Defining 'exceptional' cases is essential for directing Chief Constables as the stated level of discretion guidance does not allow for the removal of information by volunteers. Should Chief Constables be given that discretion?

##### **Question 4: Ethical Issues**

###### **ANSWER:**

a) I consider the use of familial searching an unwarranted invasion of family and individual privacy. b) any database reflects the use for which it is set up and if this is set up for the purposes of crime detection then it should represent the demographic profile of criminals. c) Volunteers should not have their profiles retained. Consent should not be irrevocable - is consent always informed and necessarily voluntary? Volunteers should be able to withdraw their consent. d) It is inappropriate to collect DNA from everyone at birth - errors occur in the best databases and how would this be addressed/assessed. It is disproportionate to law enforcement as the majority are law-abiding.

##### **Question 5: The evidential value of bioinformation**

###### **ANSWER:**

a) Independent expert witnesses who are now jointly appointed should be able to explain to juries etc the confidence intervals of the evidence presented and should not make rash assertions around probability. b) I don't think DNA match is sufficient without other evidence - surely it needs to be proven that there was means and motive too?

##### **Question 6: Other issues**

###### **ANSWER:**