

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 4

#### 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? **No**

##### 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? **Only if convicted. Innocent people should automatically have their fingerprints & DNA removed from the database**
- b. Should police expenditure on bioinformation collection and analysis be given priority over other budgetary demands? **Definitely not. A return to thief detection, catching and punishment would be welcomed**
- 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? **No and No**
- d. Is it acceptable for bioinformation to be taken from minors and for their DNA profiles to be put on the NDNAD? **Absolutely not**

##### 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? **Not indefinitely. Chief Constables discretion should not enter into it as they can no longer be trusted to make decisions in the public interest**
- 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? **Independent scrutiny should be applied at every stage**

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- 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? **Only detectives should have access. The database should not be used for any other reason than the detection of crime**
- 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? **Information should be traded between police forces to aid active investigations.**

#### 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 believe that it would be an unwarranted invasion of privacy**
- 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? **It is unacceptable**
- 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? **Not under any circumstances**
- 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? **No to the collection at birth. It would not be proportional. Arguments against extension of the database mainly centre around the protection of civil liberties and the individual's right to retain their personal data**

#### 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? **A lot more than is done now! There is an assumption that DNA offers proof positive of identity. Although the accuracy is quite stunning it is not 100% foolproof**

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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? **There should always be other *prima faciae* evidence, although not necessarily to the extent that is currently required for proof. DNA should normally be used as a "tie break"** Should a DNA match ever be taken to be sufficient to prove guilt in the absence of other evidence? **Never**

## 6. Other issues

- a. Are there any other issues, within our terms of reference, which we should consider? **Yes, there is an inexorable movement towards a police state in which our various governments at both national and local level pry gratuitously into the affairs of their citizens. This wrong and needs to be reined in immediately**