

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 8

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?

Yes it is sufficient

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?

DNA samples and fingerprints should be collected on arrest to corroborate evidence with the arrested suspect. The police should be allowed further information from DNA to help identify a suspect

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

No it should be given the same priority as other identification methods

- 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?

If a suspect is not convicted of a crime any bioinformation should be destroyed. In this country you are innocent until proved guilty.

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

Only if suspected of a crime

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?

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No, information should only be kept until the suspect has been cleared of any wrong doing then destroyed.

- 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?

I do not believe the ethical oversight is adequate. Politicians are using this tool to 'bar code' the public, they have lost the reason why they are in Parliament. They are there to serve the public and not to rule

- 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?

The database should be used by a secure central arm of the police force and not available to local police to ensure information is not compromised by unauthorised remote access

- 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?

I cannot answer this

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 this should only be used by the police to identify criminals

- 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?

If this element of society are committing more crimes the bias is based on fact and is acceptable especially as it can be demonstrated to the public the reasons for this.

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- 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?

No, once the criminal investigation has been concluded all voluntary information should be destroyed. Volunteers should always have the right to withdraw consent

- 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?

Collection at birth is ethically and morally wrong in a 'free' society. We have fought for our freedoms against oppressive regimes both internally and externally. We do not want or need a big brother society.

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?

If DNA evidence is used in a case a short presentation should be made available to give a greater understanding of terms of reference and procedures used.

- 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?

No, DNA match is never sufficient to prove guilt other evidence is required. Fingerprints, alibis and general police investigation techniques should be used to back up DNA evidence.

6. Other issues

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

Only the general view that DNA fingerprinting the populous is equivalent of 'bar coding' cattle for the use of cataloging

The Government has a proven track record of selling information on databases to the highest bidder or the information has been used to help individuals gain access to services they should not have, this is a real danger.