

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 to January 2007. The views expressed are solely those of the respondent(s) and not those of the Council.

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#### List of questions

##### 1. The interpretation of bioinformation

a. In your view, is the SGM Plus<sup>®</sup> 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 at a time when someone is found guilty above all suspicion. If not guilty, all bio-info should be destroyed. And same for physical characteristics or ethical inferences.

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

Certainly not.

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 not at all. One should be presumed 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?

No way! This is abominable.

##### 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? No it is not.

Should criminal justice and elimination samples also be kept indefinitely? No they should not.

How should the discretion of Chief Constables to remove profiles and samples from the NDNAD be exercised and overseen? By an independent Watchdog who could make sure injustices take place less often by having innocents' information deleted immediately.

b. Is the ethical oversight of the NDNAD adequate? Not at all.

What, if any, research on NDNAD profiles or samples should be permitted? By aforementioned Watchdog who will work in the interests of the public.

Who should be involved in the oversight of such databases and granting permission to use forensic DNA profiles or samples for research? As mentioned above.

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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? Only police and security services and only when necessary. Other departments would have to get a warrant to gain access and, again, only if absolutely vital.

Should forensic databases ever be made available for non-criminal investigations, such as parental searches, or the identification of missing or deceased persons? There may be exceptions which would enable this but only with a warrant.

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 see no need for any other countries to have any bioinformation on anyone other than those convicted or known for sure to be affiliated to a terrorist organisation - and I do not mean those who have recently been arrested for taking anti-war/government stances. And most definitely not anyone who has not been charged and found guilty as above.

#### **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? Only perhaps in murder/sex-crime cases. Otherwise, it is most certainly an unwarranted invasion of family 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? No it is not.

c. Is it acceptable that volunteers (such as victims, witnesses, mass screen volunteers) also have their profiles retained on the NDNAD? It is not only unacceptable, it is outrageous. Should consent be irrevocable for individuals who agree initially to the retention of samples voluntarily given to the police? No.

Are the provisions for obtaining consent appropriate? No.

Should volunteers be able to withdraw their consent at a later stage? Yes, at any time at all.

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? No it would not. It is a disgusting, invasive notion.

Would the establishment of such a population-wide forensic database be proportionate to the needs of law enforcement? No.

What are the arguments for and against an extension of the database? I see no need for the expansion of the database except as mentioned above.

#### **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? They should be taught that even bioinformation is

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not 100% foolproof and they should not rely on it as proof positive of a person's guilt. Detection and fact-finding should still be the first choice of ascertaining one's guilt or innocence.

b. How much other evidence should be required before a defendant can be convicted in a case with a declared DNA match? As mentioned above.

Should a DNA match ever be taken to be sufficient to prove guilt in the absence of other evidence? This is a hard question - but, I still think more is needed.

#### **6. Other issues**

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

What can one do to put a stop to all this? Our government seem hellbent on making suspects of us all and this is inhumane.