

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?

**Completely, you state billion to one and it cannot be the sole evidence.**

### 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?

**Samples should be taken from as wide a range as possible. For example if there was 100% male coverage the occurrence of stranger rape would be virtually eliminated as there would be an extremely high chance of detection.**

**Regarding other analytical data being made available: As much as possible, if information is available I would consider it unethical to withhold it.**

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

**This does not appear to be an ethical question but one for the Police to allocate their expenditure to the best advantage**

- 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?

**Prevention and detection of crime is the reason society created the police. Give them all the tools available.**

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

**Why not? I cannot perceive any logical argument that differentiates on age.**

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### 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?

**Keep all information that helps prevent and detect crime. What is the ethical difference between a Police officer remembering the face of a youth he arrests for an offence that is not progressed and subsequently identifying the same person on CCTV committing another offence? In my example should the officer have his memory erased?**

- 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?

**The data should be only for Police use, I would consider it inappropriate for use in medical research.**

- 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 data should only be available for Police use. In your examples parental searches would not fit my definition but missing or deceased persons would.**

- 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?

**Data should be made available to all Police agencies including foreign providing it was for the prevention or detection of crime. The extension to "other agencies" is fine providing it is still for the prevention or detection of crime – this should not include, for example, a local authority proving who put the wrong rubbish in a recycling bin.**

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#### 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?

**Why consider it disproportionate? Give the Police all the tools available to do their job.**

- 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?

**"Potential for bias" is irrelevant, young males and from the question ethnic minorities commit more offences therefore they appear disproportionately on the data base.**

- 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?

**Although I would like to see 100% coverage of the population on the database while that is not the case unless specific consent is given to retain it they should be removed as soon as the initial requirement is satisfied. If, however, the voluntary sample yields a link to an unrelated offence this information should be used in prosecution.**

- 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?

**I would love to see it, detection rates would be so high that crime would reduce significantly. Although initial costs would probably be too high it would seem to be an effective long term investment.**

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## 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?

**As far as the Police are concerned, they should consider it as one of the tools available to them. When reaching court the judge and jury should be presented with a printed report on the specific match giving the agreed statistical certainty and any anomalies of particular relevance.**

- 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?

**Although one would hope it was not the only evidence available that fact alone should not allow a serious offender to be acquitted. For example, the only evidence in a stranger rape could be DNA from semen, this should be double or triple checked by different labs but still put before a jury.**

## 6. Other issues

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