

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.

Frank Everett

## 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?

***Until proved otherwise - Yes***

### 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?

***I have no objection to the police taking any bioinformation including fingerprints during any stage of an investigation. I am strongly opposed, however, to having an individuals information held for any other reason than if he or she has a verdict of guilty in a court case recorded against them.***

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

***No – The old saying of having all of your eggs in one basket applies here.***

- 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 – Only persons found guilty in a court of law should have this information retained for the duration of that persons life. This is because most criminals appear to re-offend.***

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

***Yes but once again – Only if they are found guilty of a crime.***

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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?

***No it is not proportionate to hold the fingerprints or bioinformation of anyone who has not been convicted of a crime. To do otherwise would turn this country into the worst kind of police state.***

***Chief Constables should have no discretion in this matter as such data should only be held centrally by Scotland Yard.***

***The removal of profiles and samples should be the responsibility of an independent civilian organisation overseen by an existing civil liberties group.***

- 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?

***Currently no. This information is inadequately protected.***

***Only research that uses the base data without specific identification of the individual should be permitted unless the individual has given consent to release personal details.***

***Responsibility of an independent civilian organisation overseen by an existing civil liberties group.***

- 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?

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***Only Scotland Yard via an independent civilian organisation who would maintain the data should have access to the information. All requests for data MUST be logged and recorded and should only come from an authorised source. The flow of item(s) for comparison should only be one way – From the area requesting the information to Scotland Yard. They can confirm whether the data matches the suspect or not as the case may be.***

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***The only non criminal investigations that should be allowed access to the data should be for the identification of missing of deceased persons.***

- 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?

***It is for this reason that I strongly oppose biometric passports.***

***The flow of item(s) for comparison should only be one way – From the area requesting the information to Scotland Yard. They can confirm whether the data matches the suspect or not as the case may be.***

#### 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?

***In my opinion this is not a proper use for personal data and is 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?

***Once again – This data should only be held if the person has been found guilty of a crime.***

- 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?

***Unless a volunteer has specifically given permission for such data to be held, these profiles should be destroyed. Such consent should be able to be withdrawn at any time as long as the individual has not been found guilty of a crime or is currently under investigation for a crime.***

- 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

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database be proportionate to the needs of law enforcement? What are the arguments for and against an extension of the database?

***Absolutely not. Such an act would be seen as an unwarranted invasion of privacy.***

## 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?

***Unfortunately, all scientific evidence is seen by most people as infallible. This is patently not true as such evidence could have found its way to a crime scene in other ways including, planting of evidence by the real criminal.***

***How people, especially a jury, can be trained to have sufficient understanding of such evidence is something that, at this time, I can find no answer too.***

- 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?

***A plea of guilty would be nice but this does not often happen. A DNA match should really be the start of the trail to find the criminal. While it can be a powerful piece of evidence, it cannot be the only thing that convicts a person of a crime.***

## 6. Other issues

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

***None that I can think of at this time.***