

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.

Mr Gordon Walkley

### **QUESTIONS ANSWERED:**

#### **Question 1: The interpretation of bioinformation**

##### **ANSWER:**

No, this evidence should only be used in conjunction with other evidence to identify possible suspects.

#### **Question 2: Sampling powers**

##### **ANSWER:**

This information should only be taken when an individual has been charged with a specific offence. A request for further information on the physical character or ethnicity should not be agreed unless that request has been agreed as necessary by a judge. The expenditure on bioinformation should not take priority over other budgetary demands—there are many areas of priority for police budgets. Absolutely not, this is a grave travesty of one's civil and human rights. At no time should bioinformation be taken from minors without the express permission of their parent or guardian. The test of "Gillick Competency" should not apply (*Gillick v West Norfolk and Wisbech Area Health Authority* 1985).

#### **Question 3: The management of the NDNAD**

##### **ANSWER:**

It is not appropriate for unconvicted persons or those who have voluntarily provided samples to have their DNA retained on databases indefinitely. Once an investigation has been completed all bioinformation gathered in that particular case should be removed. Only information on a person convicted of a crime for which the samples were taken should have the data retained. The chief Constables should not have any discretion to retain or remove profiles and samples. A common practice for the UK as a whole should be adopted, (enshrined in law), and adhered to by all police forces.

#### **Question 4: Ethical Issues**

##### **ANSWER:**

I have to say that my reaction to the practice of familial searching is rather ambiguous as this action has resulted in the solving of a number of violent crimes, however I do feel that on balance that it should be allowed in some instances providing safe guards are in place. These circumstances would be in the investigation of crimes against the person, rape and murder. No, this potential bias within the database is not acceptable in law enforcement or the world in general. The current practice of the retention of samples given on a voluntary basis would preclude me taking part in such sampling. If a sample is obtained on a voluntary basis the police should be obliged to remove the bioinformation from databases at the conclusion of their investigations. Consent obtained voluntarily should not be irrevocable for the individuals who initially agree. I do believe that the practice of obtaining samples from anyone committing a recordable offence should be the subject of legislation in its own right and properly debated in parliament. I find it objectionable and a travesty of my civil and human rights. It is totally unacceptable for DNA to be collected from everyone at birth. The establishment of such a database is not proportionate to the needs of law enforcement!

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**Question 5: The evidential value of bioinformation**

**ANSWER:**

It is essential that all people who are or may be involved in the criminal justice system have a sufficient understanding of any forensic bioinformation and if necessary should have experts on hand to help them disseminate the facts. This is especially important for jury members. A DNA sample alone should not be sufficient to prove guilt and should always be used with other evidence. Whether or not the facts presented to the jury is sufficient for a conviction remains the prerogative of those trying the case.

**Question 6: Other issues**

**ANSWER:**

I am concerned over the security aspect of any database that is used to store information-we have seen all too often in the past that hackers are able to break into databases. Information on individuals is being sold by unscrupulous call centre staff. A recent television programme showed how easy it was to write a program to read the information stored on the chip used in the new UK Passport (Suspect Nation - More4 -20/11/2006). There is a proposal that a database be set up to record details of all children although I note that the children of politicians and celebrities will be exempt because of concerns over the security of the information. A glitch in the Revenue's computer has generated shortfall in many thousands of people's pensions (BBC 16/12/2006).