

This response was submitted to the consultation held by the Nuffield Council on Bioethics on the Forensic use of bioinformation: ethical issues during 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[®] system, which uses ten STR markers, sufficiently reliable for use in ascertaining the identity of suspects in criminal investigations and/or criminal trials? ***Yes, find your suspects quickly but then go for the full test to ascertain a definite match.***

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 should be taken from the whole population as part of being a British citizen/British resident. From today, all newborns should have their DNA recorded and within 18months the entire population should be recorded on pain of fine/imprisonment. The amount of money saved in wasted police time would more than cover the cost and only those who have something to hide, need be worried about it.***
- b. Should police expenditure on bioinformation collection and analysis be given priority over other budgetary demands? ***Yes.***
- 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? ***See (a) above.***
- d. Is it acceptable for bioinformation to be taken from minors and for their DNA profiles to be put on the NDNAD? ***Yes, see (a) above.***

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? ***Yes, see (2a) above.***

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- 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? ***Science is always improving. Constant research should be going on to get the possibility of a mismatch down to 0. All such research should be done by licensed labs with the results being provided to the government of the day. The whole procedure should be overseen by a group of scientific professionals (in the field of DNA) and senior civil servants.***
- 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? ***Access should be granted to those who can show a need to use the information – police work is the most obvious but a paternity dispute could be very quickly solved (a fee should be paid).***
- 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? ***Information should not be transferred. One agency holds all the information and is therefore responsible for it. The agency requesting the information should send in a new DNA swab and it should be tested for comparison on site.***

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? ***This is a totally separate question which needs to be looked at by the HFEA. Donors of sperm/eggs and couples who put their children up for adoption are entitled to anonymity and this should not be threatened by the holding of all DNA on a database.***
- 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? ***See (2a) above***
- 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? ***See (2a) above***

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- 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? **See (2a) 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? ***At present, although DNA testing is almost 100% reliable, it needs to be made very clear that it is not absolute. As already stated, scientific research should continue to improve this reliability with the ultimate aim of all testing being 100% reliable.***
- 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? ***In the event of DNA testing being 100% reliable, no other evidence is required, but at present, if DNA puts a suspect at the scene of a crime and this is backed up by other evidence, then there is no question.***

6. Other issues

- a. Are there any other issues, within our terms of reference, which we should consider? ***Only those who have something to hide need fear a DNA database. Name the date of its inception and I will be the first in the queue. Get a move on and pressure Government for legislation.***