

SUMMARY OF REPORT

The forensic use of bioinformation: ethical issues

Published 18th September 2007

Fingerprinting and DNA profiling are increasingly valuable tools in the detection and prosecution of offenders. However, the collection and storage of bioinformation by the police, and access to the resulting forensic databases, raise a number of ethical issues. This report considers whether current police powers to take and use bioinformation – powers that can affect the liberty and privacy of innocent people – are justified by the need to fight crime. The principle of proportionality is used as the basis for a number of recommendations to policy makers, summarised below.

- **The police should only be allowed to store permanently bioinformation from people who are convicted of a crime**, with the exception of people charged with serious violent or sexual offences. This would bring the law in England and Wales in line with Scotland.
- **Police powers should not be extended to allow police to take and store bioinformation without consent from people arrested for ‘non-recordable’ offences**, which include littering and minor traffic offences, as is being currently proposed by the Home Office.
- **The police should put more resources into the collection of DNA from crime scenes**. At present, fewer than 20 percent of crime scenes are forensically examined.
- **Volunteers, including victims and witnesses, should be able to have their DNA removed from the National DNA Database at any time without having to give a reason**.
- **There should be a presumption in favour of removing DNA taken from children from the National DNA Database**, if requested, unless there is a good reason not to.
- **Legal professionals and juries need to be given more help to understand the meaning of DNA evidence**, as the accompanying statistics can be extremely difficult for non-scientists to understand.
- **The National DNA Database should not be used for familial searching unless it is necessary and proportionate**. This technique may reveal previously unknown family relationships.
- **‘Ethnic inferences’ for DNA should not be routinely sought by police**. There are ethical and practical problems associated with this technique, and the information it provides has limited usefulness.
- **An ethics and governance framework for the National DNA Database should be developed**. An independent tribunal should also be established to oversee requests by individuals to have their DNA removed from the Database.
- **There should be a statutory basis for the regulation of forensic databases**. This should include oversight of research and other access requests. The current legislative framework is patchy and piecemeal.
- **The establishment of a population-wide forensic DNA database cannot be justified at the current time**. The potential benefits would not be great enough to justify the cost and intrusion to privacy.