

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.

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Nuffield Council Consultation on Forensic use of bioinformation: ethical issues.

Q 1. In your opinion is the SGM Plus[®] system...?

Whilst SGM Plus would seem to be a very useful pointer, and at least as reliable as visual identification by a witness, it should not (at present) be accepted as proof unless corroborated in some way (this could be finger printing).

Q.2. Sampling Powers.

a. From whom should the police...?

Those arrested for a crime, at time of arrest, to establish or refute any link of the suspect with the crime. They may request derived information.

b. Should police expenditure...?

Expenditure on this should remain proportional and not take priority.

c. Do you consider the current criteria...?

Retention of material from those not convicted should be restricted to a limited period, say 10 years.

d. Is it acceptable...from minors...?

Presuming the child has been involved in some crime the principles should be the same, though the criteria for retention should be even more strictly applied than for adults.

Q.3. Management of NDNAD.

a. Is it proportionate ...indefinitely?

No. Bioinformation from those found guilty of a crime, especially where the DNA profile was part of the evidence, should be retained indefinitely. From those who were merely suspects or volunteers it should be kept no longer than, say, 10 years. In that case 'discretion' or 'withdrawal of consent' would only apply to retention for shorter periods (or where a conviction was subsequently quashed).

b. Is the ethical oversight...?

Don't know.

c. Who should have access...?

Investigating detectives in relation to a particular crime or a search for a specific missing or deceased person. Protection would be by an appropriate IT system.

d. What issues are raised by the transfer...?

It would be essential for the security of the data to be the same in all countries – such standards to be at least those specified by Europe.

Q.4. Ethical Issues.

a. Is the use of profiles...?

This depends on the seriousness of the crime and the willingness (voluntariness) of the family to be involved (ie. they cannot ordinarily be forced or coerced into giving samples).

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b. ...ethnic minorities...?

Provided the proper criteria for initial collection were observed it is hard to see how (or why) this could be avoided.

c. Is it acceptable...?

No. The period should be limited to 10 years. Consent would be limited to this period. Withdrawal of consent should therefore be unnecessary.

d. ...collection of DNA from everyone...?

Definitely not.

Q.5. The evidential value of bioinformation.

a. What should be done to ensure...?

Continuing education. The value of 'expert evidence' should always be subject to proper scrutiny in court.

b. How much other evidence...?

Some other independent corroboration should be required (this could be fingerprinting). DNA match should never be sufficient proof on its own.

Q.6. Are there any other issues...?

I have none to suggest.