

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.

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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

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?

Police should be able to take fingerprints and DNA at any time they felt it is appropriate to their investigations.

Yes if the information is necessary to apprehend or convict a suspected miscreant.

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

No

- 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?

The current criteria are appropriate, all DNA records should be retained in perpetuity whenever collected, for whatever reason, a programme for collection and recording of every citizens bioinformation should be initiated.

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

Yes

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

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Chief Constables to remove profiles and samples from the NDNAD be exercised and overseen?

Yes it is proportionate, there should be no discretion to remove profiles and/or samples.

- 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?

I do not know the answer to this question, there should be no use of the samples or profiles for any other purpose than for identification purposes.

The data should be part of the registry of births and deaths at Somerset house and accessible by data owners and specified police/government agencies only.

- c. Who should have access to information on the NDNAD and IDENT1 databases and how should bioinformation be protected from unauthorized 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?

A specified department should be allowed to access the information at the request of law enforcement officers for investigation and identification purposes. Also government coroners, passport and identity card agencies should be allowed access to information via the department to allow creation of personal identification documents.

- 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?

There should be no such transfers, if matching of bioinformation is required across agencies/countries, the requesting agency should send their specific request and data to the 'specified department' who would then carry out any matching/data searching and report back any correlating data.

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?

Use of a bioinformation database for 'familial searching' is not proportionate and could easily be an invasion of privacy. Any such enquiries should involve specific samples and permissions

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- 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?

No, hence a comprehensive database of all citizens is more appropriate.

- 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?

Yes it is acceptable, consent should not be optional, once collected, such profiles should be irrevocably retained on the database.

- 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?

Yes, such data should be part of a personal profile for all UK citizens and is proportionate to the needs of law enforcement and human rights.

In our complex and ultra mobile modern society the arguments for ready and accurate identification of individuals far outweigh any cost or privacy arguments

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?

I find this question rather strange, do we not educate these individuals in the understanding of all the other elements of their roles?

- 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?

DNA merely establishes identity, it is not proof of motivation and or guilt on it's own.

6. Other issues

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

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You should give much more weight to the rights of the victims of crime and the other threats posed by our complex and fast moving modern society and less to the 'privacy' rights of the perpetrators and predators.

Bioinformation is technology which can allow us to more efficiently locate and deal with those who threaten our human right to live our lives on our terms in safety and security.

It is also a very important safeguard to those innocently caught up in events which may otherwise lead to miscarriages of justice.