

NOTES AND QUERIES

A DNA Database

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First national DNA Database to carry details of 5 million people *The Times*, 11 April 1995

Should this be viewed as a breakthrough in the fight against crime or an erosion of civil liberties, made possible by the Criminal Justice and Public Order Act 1994 which came into force the previous day?

What are the implications?

In this Act the term 'intimate sample' has become more exclusive than hitherto and non-intimate samples more widely embracing. For the first time the police are empowered to take without consent a sample of saliva from anyone suspected of involvement in a recordable offence. Personal details including the DNA profile will be entered on the database and retained thereon if the person is found guilty. It can then be used for searches in relation to future criminal investigations.

Are DNA matches accurate?

There continues to be argument over the statistical significance of matches of DNA profiles and the possibility of wrongful convictions.

Historically there has been far less debate on the use of more traditional evidence types, such as fibres, where the probability of inadvertent matches can be significant. We need to remind ourselves that in many cases a particular piece of scientific evidence is only part of the total evidence in a case. The requirement for a variety of evidence types (not exclusively scientific) is still likely to be required in most instances in order to establish guilt beyond reasonable doubt.

Apart from contributing to establishing guilt, scientific evidence can also be used to establish innocence. If the application of DNA techniques enables suspects to be eliminated from suspicion, then surely it must be welcomed.

How will it be used in intelligence gathering?

There are several elements to the National DNA database covering both intelligence and statistical aspects. The database holds the profiles of convicted offenders and unattributed purposes only and the existence of matches on the database is

not intended to be used for prosecuting purposes. For the latter, samples will continue to be dealt with by caseworking units in laboratories.

Speculative searches of the intelligence database can be made prior to the trial to compare the defendant's DNA profile with that held on the database from stains obtained from other crime scenes.

In addition to samples taken from defendants, samples may be taken from volunteers during the course of a criminal investigation. Profiles obtained as part of such a mass screening will not be subject to speculative searches and the information will not normally be retained unless the donor agrees to its use in the statistical database, or is later convicted.

The database can also be searched for matching of existing profiles of offenders with material obtained from subsequent crime investigations, thus assisting in the identification of those who re-offend.

And statistical purposes?

It is intended that there will be a representative cross section of the country's population on this database, taking account of the frequency of occurrence of all ethnic groups. Contributions to this database are voluntary and it is not intended for investigative or evidential purposes. It would be unrealistic to obtain samples by seeking volunteers in the community and to date most volunteers have been within the public sector. Some people have chosen not to participate. Does the potential for abuse of the data in a less democratic society of the future deter involvement?

Who will have access to the database?

The Forensic Science Service of the Home Office is custodian of the National Database. Profiling may be carried out on behalf of the police by any competent laboratory, provided that it meets the standards set by the Service. Access to the National Database is covered by the Data Protection Act 1984 and individuals whose profiles are on the database have a right to a copy of the associated personal information.

Should we be worried?

The question which we must each ask ourselves is whether the obvious advantages to the pursuit of crime detection outweigh any reluctance on our part to be included on a database held by the government of the day.

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