

Friday 29 December 2006

Criminal plans to retain DNA

BOTH in their timing and their scope, Labour's proposals to extend the powers of the police in Scotland to keep the DNA of all crime suspects, whether or not they have been proven guilty, will be of considerable concern to many.

Few doubt the benefit to the police of a DNA database. The use of forensic technology in criminal investigations has increased rapidly in recent years and is a vital means by which criminals are linked to the scenes of crimes.

But while it is justifiable for the police to retain the DNA of previous offenders, it is quite another thing to build a database containing the DNA of people innocent of any crime. Indeed, once the right to retain the DNA of previous suspects has been established irrespective of whether they have been cleared, the way is effectively clear for the creation of a universal database in which everyone's DNA can be stored. It is barely six months since members of the Scottish Parliament were asked to approve an amendment to the Police, Public Order and Criminal Justice Bill enabling police to retain the DNA of anyone charged with sexual or violent offences. We warned then that this was but a temporary stepping-stone for Labour's wider ambitions in this field in Scotland. The latest proposals announced by the justice minister, Cathy Jamieson, yesterday amply confirm our fears. Under them, anyone who is arrested can have their DNA retained. Currently, DNA samples taken when people are arrested in Scotland must be destroyed if the individual is not charged or convicted.

More is at stake here than a tidying-up exercise to bring Scotland in line with England and Wales. Why stop short at people who have been arrested? Why not retain the samples of those who volunteer themselves in police investigations for elimination purposes? There is already concern over an admission from the Scottish Executive back in July that it holds profiles of more than 2,500 under-16s.

Another concern is the potential damage such a proposal might inflict on public trust in the police. While in general terms this remains high, there has been considerable unease in Scotland over fingerprint evidence in the wake of the Shirley McKie case. There are also public anxieties over the reliability and effectiveness of large government IT systems. Others will be concerned over the use to which such an enormous DNA database may be put and the opportunity for abuse.

While many will feel they have nothing to fear from a massive DNA database, the proponents are now under an even greater obligation to address the public's fears over civil liberties.