

Example of essay on dna testing

[Law](#), [Criminal Justice](#)



DNA Testing

The idea of holding a national DNA database is not a new phenomenon since it has been debated within the last two decades in criminal justice circles.

Research affirms that the first national DNA database commonly abbreviated as NDNAD was established in 1995 in the United States (Gerstenfeld, 2006).

Since then, many countries across the globe have taken the initiative of establishing their national DNA database. In 1997, the French government decided to establish a national DNA database known as FNAEG: the second in the world. There are various reasons that compel governments to establish national DNA databases. For example, the government of Denmark introduced a policy that required storage of blood samples of all children born after 1980 for medical purposes. This moved focused on screening and controlling the spread of Phenylketonuria disease in the country. It is, however, notable that national DNA databases are created mainly for the purpose of deterring crime through easier suspect identification. In the last decade, England introduced a new policy where any person suspected for committing a serious crime is supposed to present their DNA samples. The DNA profile of the suspect is recorded in the database for future reference. In the U. S., the FBI introduced a new DNA database aimed towards identifying and convicting criminals charged for sexual felonies (Friedman, 2002). It is, however, essential to highlight that there have been several alterations to these policies to include submission of DNA samples of all citizens, irrespective of whether they hold any criminal record or not. The creation of national DNA databases has created debate as some people believe it is a

violation of privacy rights; on the other hand, some criminal justice activists believe it is a step towards faster convictions.

It prevents wrongly convictions

Over the years, the criminal justice system has been accused of wrongful convictions, which have tarnished the institution's image and reputation to the public. Many people have been convicted for crimes they never committed due to lack of efficiency and accuracy during investigations, and so leading to wrongful conviction. Statistics indicate that more than 500 people are wrongly convicted annually; figures that raise the concern on the integrity of the criminal justice system in the United States (Michael, 2003). It has also been affirmed that, in every 65 people convicted daily, 11 are wrongly convicted. Cases of wrongful convictions are not new in the justice department.

On 29th January, 1997, David Milgraad; a drug addict was convicted for first degree murder after it was alleged that he had killed Gail Miller. According to the testimony given by the accused, David got struck in the snow because he was unconscious after being drugged. It was, however, presumed that David had committed murder because Gail's body was found lying next to him in the morning. The jury returned a guilty verdict and sentenced David to 25 years imprisonment. David's family, however, appealed for a second trial where thorough and flesh investigations were conducted. Through a DNA testing process, it was established that David had not committed the offense. This is an example of how the establishment of a national DNA database will prevent wrongful convictions; it will enhance accuracy and efficiency of the criminal justice system. Studies affirm that many cases of

wrongly conviction have been resolved through the use of forensic DNA analysis. Availability of a large and permissive NDNA database will play a pivotal role in increasing accuracy and efficiency in the justice docket. The current national DNA database contains DNA profiles of criminals convicted for committing crimes and people suspected of being involved in criminal cases. This provision extends to include persons suspected for committing trivial felonies (Robert, 2006). Based on this fact, anyone whose DNA profile exists in the national DNA database is considered a criminal and is subject to stigmatization and discrimination in the society. It is, however, notable that the implementation of this new policy will help to eliminate arbitration and stigmatization, hence promoting national development. Currently, the minority ethnic groups suffer from disproportionate representation in the justice department. Statistics indicate that more than forty-five percent of the DNA samples stored in the national DNA database belong to black people; this is arguably considered as implying that African-American people are more inclined towards criminal activities than other races (Williams, Johnson & Martin, 2004). As a result, police do not carry thorough investigation to ascertain whether the accused committed the felony, especially when black suspects are involved.

In 2000, for example, Sandy Seale of an African-American origin was convicted for killing Donald Marshall aged 18 years and of Scotia origin (Lerner, 2006). Later, it was, however, established through forensic investigation that Sandy was innocent. The investigating officers had failed to conduct a thorough investigation based on the victim's race. Such stereotypes have escalated the issue of wrongful convictions, mainly among

the minority groups'. Therefore, the establishment of a national DNA database will strive to promote equality and restore integrity of the criminal justice system.

Every citizen is entitled to the right of privacy irrespective of their racial or religious affiliation and social or economic status in the society. This is a fundamental right addressed in the constitution; which is the supreme law in the country (Staley, 2005). Under the provisions of the constitution, the government is supposed to ensure the privacy of information by not disseminating it to third parties. Through the establishment of a national DNA database; the government will not be respecting the constitution because it will create a loop hole where such information can be accessed by third parties.

Additionally, any person is entitled to withhold personal information unless under a court order or any other government directive. In order to address this issue, the government should only document the DNA samples of criminals who have been convicted by the courts. Civilians should be provided the provision to retain their personal information in pursuit of respecting their constitutional right of privacy.

The right to privacy can only be realized when confidential information cannot be accessed by third parties. It is evident that the federal government has formulated and implemented privacy policies geared towards safeguarding information of the citizens. It is, however, evident that these laws and policies are ineffective; a loophole that enables third parties to access personal information. Creation of national DNA database will continue to expose personal information to third parties; hence, leading to

manipulation (Lynch, 2008). Politicians can conspire with law enforcement officers to manipulate personal information for personal interests. For instance, these two groups can manipulate information of a given candidate so that to tarnish their image in the public or discredit such a candidate from holding government office. Criminals can hack the national DNA database, obtain the information of a person and use it for their own financial gain. Such cases have been reported previously in the law enforcing agencies. The establishment of a national DNA database will increase the manipulation of personal information for unlawful purposes.

The establishment of a national DNA database is not a new concept in the world. Many countries globally have established their own national DNA database with the aim of curbing crime and addressing health matters. The U. S. federal government established the first national DNA database in 1995; which mainly stored DNA samples of criminals convicted for sexual felonies. Other countries such as France, Denmark, Netherlands and Poland have followed also established national DNA databases. Recently, the U. S. government has proposed a policy that aims at collecting DNA samples of all citizens to create a national DNA database. Although certain drawbacks are associated with this policy, it is effective in deterring crime. This is because the establishment of a national DNA database prevents wrongful convictions, eliminates arbitration and promotes equality and justice in the country.

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