

THE USE OF DNA IN CRIMINAL CASES

The use of DNA in Society

Since the discovery of DNA it has been a concept which has revolutionised much of society, e.g. medical areas such as paternity testing and genetics have improved markedly since the notion of DNA has been introduced. In a paternity test now all that is required is a small swab of the inside of a potential father's cheek with the DNA gained able to be compared against that of the child.

The use of DNA in the Criminal Justice System

DNA has also revolutionised the field of criminology and made a huge impact in the functioning of the Criminal Justice System in a much improved manner.

What are the advantages of using DNA in the Criminal Justice System?

The main advantages of the use of DNA in the Criminal Justice System can be broken down into the following three categories:

1. The use of DNA to solve crimes
2. Identifying victims of crime
3. Linking two crimes

The use of DNA to solve crimes

Since the advent of DNA profiling, DNA has been used as evidence and has become an extremely powerful tool in the arena of the criminal law. Often the DNA of an individual may be found on the body of their victim or at the scene of the crime and can be adequately used to pinpoint that individual as the perpetrator.

Evidence that is resistant to tampering

Due to the fact that an individual's DNA is the same in all areas of their body it cannot be altered or changed in any way meaning that it is effectively a form of evidence which is resistant to any form of tampering.

DNA is different between all individuals. No DNA is the same between two individual people - unless those individuals are identical twins - this means that the evidence can be relied upon as an accurate way to direct or to conclude criminal cases. Most often the use of DNA at a crime scene will enable investigators to move the case in the right direction and to remove potential suspects from the investigation. This will then enable the police to concentrate directly on the case rather than wasting time interviewing potential suspects - for this reason alone the use of DNA has a huge advantage in criminal cases.

Identifying Victims of Crime

Another important function of DNA in criminal cases is that it enables the victims of crime to be identified. In some cases where the condition of the body when discovered has left the victim unidentifiable hair and many other parts of the body can provide viable DNA evidence which can be analysed and profiled to identify the victim of the crime.

Linking Two Crimes

If the same DNA is found at two different crime scenes then it can be used to link together the crimes enabling criminal investigators to determine if a serial criminal is at large or even to establish if the victims knew one another.

The National DNA Database

DNA samples which have been obtained for analysis from the collection of DNA at crime scenes and from samples taken from individuals in police custody can be held in a national database called the National DNA Database.

The UK National DNA Database

The UK's National DNA Database is the largest database of any country with 5.2% of the UK population being on the database. Over the last five years there has been a continued expansion of the DNA database with currently over 3.4 million DNA profiles being held on the database - this accounts for the majority of the population of known active offenders.

What will be the process when the police find a DNA match from the database?

Upon receipt of a DNA match report from the National DNA Database the police will proceed to [arrest](#) the suspect. However, charges cannot be brought upon a DNA profile match alone as there must always be appropriate supporting evidence.

What happens once the charges are brought?

What the process will be once the charges are brought depends upon the plea by the defendant:

- If there is a clear indication of a guilty plea, following consultation with the [Crown Prosecution Service](#) (CPS) it may be possible to proceed without the need for any further statements of scientific DNA work.
- If there is no indication of a guilty plea but the DNA evidence is not in issue the CPS may decide to proceed on the basis of the National DNA Database match report.

- If there is no indication of a guilty plea or in fact no plea at all and the DNA evidence is an issue in the case then an abbreviated statement will be requested from the crime stain supplier before the Plea and Case Management Hearing.
- If there is an indication of a not guilty plea and the DNA evidence is an issue then a full evaluative statement concerning the DNA findings must be supplied – the full evaluative statement must make reference to any additional [Police and Criminal Evidence](#) (PACE) and Criminal Justice (CJ) sample analysis that may have been undertaken. It must also address the issues in the case as identified by the parties.

References:

In Brief [online] [dostęp 18.04.2019] dostępne w Internecie:

<http://www.inbrief.co.uk/court-proceedings/dna-use-in-criminal-cases/>

<http://legal-dictionary.thefreedictionary.com>

Exercises:

I. Change the sentences into passive Voice:

1. The police laboratory has undertaken analysis of DNA samples.
2. The police will profile the DNA findings.
3. Investigators often use DNA to solve criminal cases.
4. We can divide benefits of the use of DNA into 3 categories.
5. The criminal law applies DNA profiling as evidence.
6. Nobody can change DNA.
7. DNA analysis is being used to establish who the offender is.
8. The police excluded potential suspects from the investigation yesterday.
9. Hair, soil particles, skin cells provide DNA evidence.
10. Investigators must immediately concentrate on the case.
11. The lab employees are analysing DNA samples.
12. The police will receive DNA match report soon.

II. Complete the sentences with the given words: conclude, justice, at large, identification, serial, plea, perpetrator, viable, tampering, profiling, identify, paternity, scene

1. The discovery of DNA developed medical areas such as _____ testing.
2. Investigators obtained many DNA samples on the crime _____.
3. Criminal, DNA also influenced the functioning of the Criminal _____ System.
4. The main benefit of using DNA is _____ of victims of the crime.
5. DNA cannot be changed so it is resistant to _____.
6. The police can rely on DNA to _____ criminal cases.
7. Investigators are able to establish the _____ of the crime.
8. Victim's parts of the body provide _____ DNA evidence.

9. The victims of the crime can be identified by DNA analysis and _____.
10. Investigators can link crimes and find out that a _____ offender has committed them.
11. The police have obtained a perpetrator's guilty _____.
12. After linking cases, the police determined that a serial criminal is _____.

III. *Match the terms with the definitions:*

1 criminology	A any location that may be associated with a committed crime
2 UK National DNA Database	B a person who actually commits a crime
3 crime scene	C a statement of a person who claims not to have committed the crime of which he/she is accused of
4 active offenders	D valid, acceptable, vital testimony or objects
5 paternity test	E it has DNA profiles and samples recovered from crime scenes and taken from police suspects
6 the defendant's plea	F the study of crime, the people who commit crimes, and penal codes used to deter crime and punish criminals
7 viable evidence	G a test originally based on red cell antigens but increasingly on restriction fragment length polymorphisms (RFLPs), also called DNA fingerprinting.
8 a perpetrator	H fugitives on the run

Słowniczek

- paternity testing - sprawdzanie ojcostwa
to introduce the notion - wprowadzenie pojęcia
a swab of the inside of a cheek - wymaz z wnętrza policzka
to gain DNA - zdobyć DNA
able to be compared against - nadające się do porównania
a field of criminology - dziedzina kryminologii
a huge impact - ogromny wpływ
to solve crimes - wyjaśnić przestępstwa
the advent of DNA profiling - nastanie analizy DNA
the scene of the crime - miejsce zbrodni
to pinpoint the individual as the perpetrator - ustalić, że osoba jest sprawcą przestępstwa
resistant to tampering - odporne na manipulowanie
to rely upon evidence - polegać na dowodach
to conclude criminal cases - wywnioskować w sprawach karnych
to enable investigators - umożliwić (oficerom) śledczym
to interview potential suspects - przesłuchiwać potencjalnych podejrzanych
unidentifiable hair - włosy nie dające się zidentyfikować
viable evidence - realne, ważne/istotne dowody
a serial criminal at large - seryjny przestępca na wolności
to obtain samples - uzyskać próbki
in police custody - w areszcie policyjnym

to hold in a database – przechowywać w bazie danych
to account for the majority of – odpowiadać większości
a DNA match report – raport o zgodności DNA
to proceed to arrest – przystąpić do aresztowania
to bring charges – wnieść oskarżenie
appropriate supporting evidence – właściwe dowody popierające
the plea by the defendant – nie/przyznanie się do winy oskarżonego
a clear indication of a guilty plea – wyraźna oznaka przyznania się do winy
evidence is not in issue – dowody nie podlegają dyskusji
an abbreviated statement – skrócone oświadczenie
the crime stain supplier – dostarczyciel barwnika/plamy zw. ze zbrodnią
the Plea and Management Hearing - przesłuchanie dot. przyznania się i prowadzenia sprawy
a full evaluative statement – pełne krytyczne oświadczenie
concerning DNA findings – dotyczące wyników analizy DNA
to make reference to – odnosić się do
to undertake sample analysis – podjąć się analizy próbki
to address the issues in the case jak- omówić kwestie w sprawie jak
identified by the parties – zidentyfikowane przez strony

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