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## Racism by other means

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*In the U.S.' racially biased system, the DNA of people of colour would be over-represented in the expanding forensic databanks. This would intensify existing racial inequality.*

WITH THE recent high-profile release in the United States of a number of prison inmates who were found innocent using DNA testing, the fascination for increased use of DNA databases in the criminal justice system has caught the imagination of the public and policy makers alike. Today, almost every industrialised nation collects DNA information from convicted offenders, presumably to compare DNA from a crime scene with data in forensic databases.

The U.K. was the first country to introduce a National DNA Database in 1995. It currently houses the largest such information bank in the world containing the DNA records of 2.5 million people including arrestees accused of committing violent crimes and minor offences, as well as those who have not been convicted of any crime. In the U.S., the Federal Bureau of Investigation (FBI) has set up a DNA database, the Combined DNA Index System (CODIS), which enables local, State, and national authorities to share DNA profiles electronically.

In January this year, President George W. Bush signed into law the DNA Fingerprint Act of 2005, which allows for the collection and retention of DNA from individuals who are merely arrested, that is, under suspicion prior to trial or conviction, or from non-U.S. persons who are detained under federal authorities. This Act also allows States to upload DNA profiles to CODIS, a clause that eliminates previous barriers to loading DNA profiles from arrestees who have not been charged and from samples that are voluntarily submitted. This Act serves as a green light for all States across the U.S. to introduce legislation that permits similar changes in State policies. Some scientists are even calling for shifting genetic surveillance from the individual to the family. If such a policy were adopted, even the relatives of those who are only arrested

or charged, but not convicted, would see their DNA become part of the database.

In the U.S., systematic racial disparities run through every stage of the criminal justice system. They affect who is detained, arrested, and convicted, and the kind of punishment that is meted out. Take, for instance, the fact that about 60 years ago, 22 per cent of the prison population in the U.S. was black and 77 per cent was white but as of December 2004, according to the Bureau of Justice, 41 per cent was black, 34 per cent white, 19 per cent Hispanic and the rest belonged to "other" races. The overall proportion of the black population in the country has remained about the same over this period.

In such a racially biased system, the DNA of people of colour — who are stopped, searched, tried, convicted, and penalised more often — would obviously be over-represented in the expanding forensic DNA databanks, and this would intensify existing racial inequality. It is worth noting that the DNA database in the U.K. contains information on 32 per cent of adult black men in the country and of 8 per cent of adult white men. Some people have advocated a universal DNA database, one in which everyone's DNA is included, to solve the racial bias inherent in the gathering of DNA information. But when the bias is in the way crime is defined and justice is sought and applied, only the DNA of those that the system focusses on will repeatedly be matched. This will not solve the problem of racial bias, and will undoubtedly raise a number of concerns relating to civil liberties.

The policy changes on DNA use in the criminal justice system, made possible by technological capacity in sequencing of the human genome, are now being applied vigorously in a post-9/11 world. In such a world, despite its limitations, DNA's supposed ability to serve as the repository of a person's identity will likely be exploited. Many social problems are increasingly being framed in the context of global and national security wherein people of colour, other minorities, and those who look and behave "differently" are the outsiders. Given the current climate of fear, in the quest for a safer world, it will take an acute vigilance to be sure that while we attempt to create a safe place for some people, we don't end up with new kinds of discrimination and apartheid for others.

*(The writer is president of the Council for Responsible Genetics, Cambridge, Massachusetts.)*

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