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Police suspend use of discredited DNA test after Omagh acquittal

- CPS to review other low copy number court cases
- Expert claims authorities warned about problems

Duncan Campbell and Vikram Dodd
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The police last night announced the suspension of the use of a specific DNA technique in the light of the collapse of the trial of the man accused of the Omagh bombing. The Crown Prosecution Service also announced it was reviewing upcoming cases in which the so-called low copy number DNA was part of the prosecution.

Tony Lake, chief constable of Lincolnshire who speaks for the Association of Chief Police Officers on forensic science matters, said the police were studying the implications of the Omagh case which was thrown out over doubts about the low copy number evidence. "Whilst this is being considered, the police are operating an interim suspension of the use of the LCN DNA testing service," he said.

The Acpo decision followed advice from the CPS and discussions with the Home Office. The review is expected to be completed by mid-January. Police believe they will still be able to use similar techniques developed by other forensic labs.

The Northern Ireland secretary Shaun Woodward, the Police Service of Northern Ireland chief constable Sir Hugh

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Orde and the CPS all announced that an urgent review will take place in the wake of the acquittal of Sean Hoey for the murder of 29 people in the 1998 bombing. The CPS yesterday began a review of dozens of current cases involving the technique.

The scope of the review is yet to be determined, but it will examine cases yet to come to court and may include cases currently being heard where the jury is yet to reach a verdict.

A CPS spokesperson said the review would cover "current live cases, prosecutions we are dealing with, where there has not been a conviction or an acquittal." In November, the Home Office forensic regulator began a review of low copy number DNA which is expected to report next month.

Woodward said he had begun a review of the implications of the judge's criticisms of the prosecution. "This is a very, very damning criticism," he said. "We have got to look very carefully at the implications."

He expressed a "profound sense of sympathy" with the families of those who died in the bombing. "What they must feel this morning is pretty much unimaginable."

Orde expressed his dismay at the failure of the investigation and announced a review of other similar cases. "I have asked for an urgent review of all cases that rely in any way, shape or form on low copy number DNA," he said.

It had been used in the Omagh case because it was the latest form of DNA testing and he was determined to do everything possible to solve the case. "It is a vital ingredient of cases in the future which will bring very guilty people to justice," he said.

Cases involving the use of a low copy number DNA evidence could also be referred back to the court of appeal, according to forensic scientists and defence lawyers. Professor Allan Jamieson, the forensic scientist who gave evidence for Hoey in the trial which collapsed in Belfast on

Thursday, said yesterday there had been doubts about the efficacy of the technique for some time.

"They were warned about it," said Jamieson, of the Glasgow-based Forensic Institute. "We have lots of other cases on hand, not only here but elsewhere in the world." He anticipated that the use of low copy number would now be challenged in cases where it had already been used and in upcoming trials. He said the Midlands-based Forensic Science Service (FSS) which claimed that they were leading the field through their LCN DNA work should have been asking why no-one else, including the well-resourced FBI, was relying on the same technique.

Low copy number is a highly specialised technique, applied where it has not been possible to obtain a DNA profile through conventional testing. It was developed by FSS in 1999 and it allowed a result to be obtained and interpreted "reliably and robustly" from a sample containing just a few cells, too small to be visible to the human eye.

It has been used by the FSS in more than 21,000 serious crime cases in the UK and internationally, particularly in "cold" cases. A FSS spokesperson said: "LCN DNA analysis is only carried out by the most-experienced DNA scientists, who have undergone special additional training and testing in this area of casework."

Convictions:

Profiles that matched:

Selected cases in which low copy number DNA evidence from the FSS has led to conviction.

Peter Falconio, murder, Australia

The technique helped trap the killer of a British backpacker, Peter Falconio, who went missing in the Australian outback. FSS scientists obtained a DNA profile from the hand ties used to restrain Falconio's girlfriend Joanne Lees and a partial DNA profile from the gear stick of the couple's vehicle - these both matched Bradley Murdoch, bottom,

convicted in December 2005.

Marion Crofts, murder, UK

A profile of the killer of Marion Crofts who was raped and killed in 1981 was obtained from retained microscope slide evidence in 1999. Samples taken from her clothing led to a match on the National DNA Database in 2001, when Tony Jasinskyj was arrested for another crime. Jasinskyj was found guilty of the teenager's rape and murder and jailed for life in May 2002.

Anna Lindh, murder, Sweden

Swedish authorities requested the help of the FSS to carry out LCN profiling on a knife used in the murder of Swedish foreign minister, Anna Lindh, in 2003. The testing on the knife handle produced a mixed DNA profile. Part matched Lindh, right, and the remaining part matched that of suspect Mijailo Mijailovic who was later convicted of stabbing Lindh to death and jailed for life.

Ripper Hoaxer, UK

LCN helped solve a 26-year-old mystery and catch the Ripper Hoaxer. FSS scientists obtained a DNA profile from small pieces of an envelope, in which letters purporting to be from the Yorkshire Ripper were sent to police. The profile matched John Humble, who pleaded guilty to four counts of perverting the course of justice in March 2006.

Antoni Imiela, rapist, UK

Scientists tested samples from items of clothing in a series of rapes in southern England. The FSS showed a DNA link between the first rape in Kent in November 2001 and a second offence in Surrey several months later. This intelligence was a breakthrough. In March 2004 Antoni Imiela was convicted of seven rapes and given seven life sentences at Maidstone crown court.

David Pallister

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