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DNA test error leads to wrongful conviction

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NSW Health has given its full backing to its criminal DNA testing, despite it leading to the wrongful conviction of a man for break and enter in 2008.

NSW Health commenced an exhaustive review of its DNA "cold links", where DNA evidence is matched to a person on a state DNA database.

Acting NSW chief health officer Greg Stewart said the review of the 17,000 cold links dating back to 2001 had so far revealed no other DNA matching errors.

"To ensure the integrity of the DNA database, NSW Health has reviewed all 17,000 cold links dating back to 2001," Dr Stewart told reporters in Sydney on Friday.

"Of those, we identified 2400 samples that we decided to re-test.

"As at 11am (AEST) today, no errors have been found, with less than 100 samples still to be tested."

The man who received a nine-month suspended sentence for break and enter has now been contacted by police, and will commence proceedings to have that conviction annulled, Dr Stewart said.

Despite the incorrect conviction, the NSW Health review found DNA testing was sound in NSW.

Dr Stewart said the problem was due to human error in the sampling process at the Division of Analytical Laboratories (DAL), and that the science behind the testing was not in question.

DAL is the primary accredited provider of DNA analysis to the NSW Police Force.

Since 2001, it has conducted more than 300,000 DNA tests on people and crime scenes.

"With these (review) results, I believe the public can have confidence that DNA testing and quality assurance procedures are sound," Dr Stewart said.

"Discovering and rectifying this error reinforces our commitment to constant review and quality improvement."

Dr Stewart also announced DAL had initiated an independent external review of its procedures, to be conducted by Professor Hilton Kobus, a professor of forensic science at Adelaide's Flinders University.

AAP

This story was found at: <http://www.smh.com.au/national/dna-test-error-leads-to-wrongful-conviction-20091002-gfq8.html>