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## National DNA Database Strategy Board

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## Open Minutes of Meeting

24<sup>th</sup> September 2015

11:00 – 14:30

Boardroom, Wellington House, Bickenhil Lane, Birmingham, B37 7HB

### Present:

Name	Organisation
Jo Ashworth (JA)	Director of Forensic Science, East Midlands
Doug Pearston (DP)	Scottish Police Authority
Robert Butlin (RB)	Home Office
Kirsty Faulkner (KF)	Home Office
Carl Jennings (CJ)	Home Office
<b>Chris Sims (CS) (in the chair)</b>	<b>National Police Chiefs' Council, Chief Constable West Midlands Police</b>
Chris Hughes (CH)	DNA Ethics Group chair
Caroline Goryll (CG, secretary)	Home Office
Graham Kissock (GK)	PSNI by telephone
Johnathan Vaughan (JV)	Home Office
Victoria Longworth (VL)	Home Office
Alastair MacGregor (GG)	Biometrics Commissioner (BC)
Simon Bramble (SB)	Home Office
Shazia Khan	Metropolitan Police Service
Leigh Fleeman	Metropolitan Police Service
Tracey Mills (TM)	Home Office (Biometrics Programme Manager)
Lucy Bradshaw-Murrow (LBM)	Office of the Biometrics Commissioner (OBC)
Anthony Harbinson	Department of Justice Northern Ireland

### Apologies:

Name	Organisation
Megan Mirza	ICO
Gill Tully	FSR
Simon Efford	APCCS
Gary Pugh	MPS



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### 1.0 Welcome and Introduction

1.1 CS welcomed everyone to the meeting, and asked everyone to introduce themselves.

### 2.0 Apologies

2.1 Apologies are noted above.

### 3.0 Previous Minutes

3.1 No comments.

### 4.0 Action Register and Matters Arising

#### a. Action Register and Matters Arising

4.1 KF presented the Action Sheet (Paper 4.0).

- Action 11/14 which relates to auto deletion of identified crime scenes is still being scoped.
- Action 17/14 on burials at sea is being progressed by Missing Persons Bureau and there is not a set time scale for the completion of this work yet.
- Amanda Cooper is awaiting the outcomes of the research being carried out for Action 1/15.
- CJ updated on Action 2/15, the response has been delayed due to David Lamberti requiring legal advice before responding. Lawyers have advised it does not matter who represents the Association of Police and Crime commissioners (APCC) but they need to be a core member not an observer. CS stated that this means the TOR will need to be updated and stressed the need to move this action on.

4.2 KF said she would brief CS on action 8/15 and AM on action 16/15. The NDU are to produce the leaflet for Action 12/15

#### **Action 19/15. NDU to produce leaflet on guidance when sampling**

#### b. Governance

4.3 The board heard that the governance of NDNAD Strategy Board would expand to cover fingerprints by end 2016 due to the fact that there are similar strategic issues to discuss and address. The setting up of a workshop on this has been discussed with Mr Shaw.

#### c. Annual Report

4.4 CJ stated that the Annual Report for 14/15 has been drafted along the same lines as the previous one; the draft has been circulated to the members of the board. CH raised concerns with the wording of the section on errors on the NDNAD and also the figures for crime scenes investigated for rape offences on pg. 16. A question was raised whether it referred to scenes or victims. SK questioned whether it included SARC referrals as they expected the figures to be higher.

**Action 20/15. SK and LF to supply MPS data on Crime Scenes investigated to CJ.**



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4.5 KF highlighted the risk around the MI system being non-functioning to the group. CS asked that a final draft is sent to board members in October with a 1 week review period.

**Action 21/15. CJ to circulate Annual report 14/15 final draft by end October 2015.**

### d. Court Cases

4.5 CJ presented paper 4.2 giving an update on litigation, legislation and PoFA implementation. There are 6 cases being challenged pertaining to retention of DNA and FP data, 3 of these challenges relate to people with no relevant convictions, the Home Office is attempting to reach a settlement with these applicants.

4.6 The other 3 applications relate to people with relevant convictions. A further applicant has asked for a judicial review of the decision by the Metropolitan Police Service (MPS) to turn down his request for the deletion of his DNA profile and fingerprints. At present argument is proceeding on whether Home Office or MPS should be the defendant.

4.6 Ministers have been asked to agree a change to legislation in the 2016-17 session to address the retention of DNA and fingerprints taken in England and Wales on the basis of a conviction elsewhere. Ministers have agreed in principle that a statutory instrument should be put forward by mid-2016 to make a change to the list of qualifying offences to include import and export of class A drugs and firearms.

4.7 A PoFA working group was set up after the PoFA implementation project was closed. CJ raised that the working group proposes that a report should be presented to the Board on significant issues identified by the working group. They have 2 such issues at present on the adequacy of the lawful match guidance and powers to rearrest and resample suspects. CS felt that plans had been put in place when the PoFA implementation project was closed and that the working group should have more decision making authority to progress and define the work required and it shouldn't be carried out through the Strategy Board. He felt that guidance should be taken forward through the DNA Operations Group.

4.8 There is likely to be a DNA retention review, but additional information is being sought as to the intentions of the Home Secretary on the scale and timescales of this review.

## 5.0 Science and Technology

### a. Forensic and Biometric Strategy.

5.1 VL gave an update on the Forensic Strategy. All of the working groups have now presented their findings to the Forensic Strategy Board. The Home Office is committed to the publication of a Forensic Strategy by the end of 2015. The Forensic Strategy will be owned collectively by the Forensic Policy Group (FPG), and sponsored by the Home Office Minister for Policing, Crime and Criminal Justice. There is now a draft strategy which will be presented to a small sub-set of the FPG on 1st October. The aim then is to present it for sign off at the full FPG on 19th October so that it can be ready for presentation to ministers in November.

5.2 VL also gave an update on the Biometric Strategy. A first draft of the Biometric Strategy has been shared internally within the Home Office. There is a need to ensure that the forensic and biometric strategies are aligned. CS raised that it would be useful to have the draft shared with everyone. CH stated that the Chief Scientist review would be published on the 7<sup>th</sup> December 2015.



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### b. International Developments

5.3 RB updated that he has replaced Ann Fairweather on the Strategy Board. CS acknowledged Ann's hard work and wished her well for the future. The pilot exchange has concluded and it produced hits. The business case has been drafted and it will be published w/c 28/09/15, which will then be followed by a Command paper that the Home Secretary will present to Parliament by the end of 2015. The focus of discussions related to how operationally we can respond to the findings. It was agreed that policing and the Home Office should define options as to how the process can work both before the decision is reached within Parliament and after the decision has been made. It was stressed that the requirements needed to be included in the HO Biometrics programme but that there is a continuous method of searching in the meantime, until the programme can deliver this change.

**Action 22/15. RB to set up a working group to look at operational processes to support international exchange**

**Action 23/15. JA to link in with DNA Operations Group to check processes are in place.**

5.4 JA raised that Mr Shaw should be included and questioned whether we should be linking DNA and fingerprints together rather than considering them separately. RB raised that they are very different processes from an international perspective.

### c. Update on future NDNAD planning.

#### Scientific horizon scanning – future DNA project overview

5.5 JV presented paper 5.2 on the development of future DNA project. He asked the board to consider if the scope looked relevant and if there are other things which should be included. The paper was agreed and CS said the project have the board's full support.

#### Next generation sequencing (NGS)

5.6 It was noted that the NGS workshop event would be on 25th November, after the date was moved to accommodate the next Ethics Group meeting on 23<sup>rd</sup>. The NGS work should form part of the future DNA project. KF committed to report back at the next meeting.

#### DNA mixture implementation plan.

5.7 It was agreed that the work on DNA mixtures should also form part of the future DNA project.

## 6.0 Substantive Projects

### a. HO Biometrics Programme

6.1 TM gave an update on the HO Biometrics Programme.

The outline business case for HOB was agreed in 2014. It was noted that the business case for DNA to form part of the HOB programme was to be delivered by the end of the calendar year. There are 2 key processes- the first is the strategic solution, HOB are working with KF on the business case looking at the costs on the benefits.



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They are waiting for the Forensic Strategy to be published. A workshop was held on the 6<sup>th</sup> October to discuss the high level DNA requirements for the stakeholders. The strategic approach is to be delivered by Sept 2017. The second key process is Business continuity looking at what needs to be done to upgrade the current system. It is looking at security and technology refreshes. The outstanding service continuity upgrades has been agreed to be delivered (and funded) by HOB and these issues will be concluded by early summer 2016.

### b. Rapid DNA

6.4 JA gave an update on rapid hit. Albeit work from WMP and EMSOU pilots have all but stopped. Previously the equipment has only been used to process blood, it is being looked at to see if it can be extended to other sample types. KF has received a letter from KFS asking if they can look at using the DNA-20 chemistry for processing samples through rapid DNA and it was agreed that a working group (including FSR) should be convened to agree the approach and respond ex committee on the approach to be taken.

### **Action 24/15. NDU to set up working group for consideration to the DNA 20+ approach.**

6.5 JA went on to update on the rapid DNA project pilots. The national board have mapped out traditional processes of DNA including cost, assessment of where DNA has the most impact and they have developed requirements. At the moment it is very cost prohibitive. It was noted that over 200 records are on the NDNAD which have been processed using rapid DNA technology. SK asked if they are looking at standards, sign-off and accreditation. JV advised they are not, they are looking at guidance of how it should be brought in. JA said there are currently discussions between KFS, NDU and regulator on whether the machine should only sit in accredited places. KF indicated that the standards and accreditation will be looked at by the FSR specialist group.

## 7.0 Strategic Risk Register – Outcomes/ Updates

### a. Strategic Risk Register (Paper 7.0)

7.1 KF took the meeting through the changes to the risk register. It was noted that there was no significant change to the risk profile.

### b. NDU Highlight Summary Report (Paper 7.1), NDNAD Access and Use policy review (Paper 7.1A) International DNA exchange policy for the UK (Paper 7.1B), DNA-17 – response to judiciary (Paper 7.1C), The future Direction of DNA services- survey response (Paper 7.1D) and the NDU MI summary report (Paper 7.2).

7.2 The board noted progress from the papers. The board agreed a DNA strategy aligned to the outcome of the forensic strategy is required. The action plan from the engagement study was agreed in principle but it was noted that any change needed had to minimize any increase in risk on the integrity of records.

### c. Centralised Elimination Database (Paper 7.3)

7.4 KF presented an update on CED. The project team are currently reviewing what is on the PED with forces and have carried out a pilot with Lancashire and are commencing a pilot with EMSOU. CS asked how leaver will be managed. Lists of records currently held on the PED are being reviewed by forces it is expected that there will be a SPOC in forces who will manage the retention and destruction of records. It is anticipated that by the end of the year the first search of all officers against crime scenes will have been carried out.



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### d. MPS – YSTR request (Paper 7.4)

7.5 Paper 7.4 was presented by SK on the proposal to undertake routine Y-STR profiling on crimestain samples from sexual offences, and store these profiles on locally held intelligence databases. The proposal was agreed in principle as long as the safeguards were worked to but we needed to consider the national requirements following on from the pilot. AM had reservations about local databases. Merseyside are also looking at this.

**Action 25/15. CH to take the proposal to the ethics group in order to provide advice to MPS for their pilot.**

**Action 26/15. SK to link in with Merseyside, to ensure a consistent approach is adopted in all of these initiatives.**

### e. Police Scotland – Honour Based Violence DNA Samples (Paper 7.5)

DP presented paper 7.5 requesting authorisation to load HBV samples onto the NDNAD. A review of the existing Vulnerable Victims policy needs to take place to see whether it is now more appropriate to store these records on NDNAD to ensure the same policy is adopted for England and Wales as Scotland.

**Action 27/15. NDU to carry out a review of the current vulnerable victim's policy and report back to the board.**

## 8.0 Stakeholder Updates

### a. Biometric Commissioner

8.1 AM presented an update on his work. His main issue relates to bail and voluntary attendees and how these need to get records onto the NDNAD. He has been looking at the different practices of police forces for long standing investigations and whether arrestees are NFA'd or released on bail. This is a matter for the Home Office not the board.

### b. Ethics Group Update

8.4 CH gave an update, rapid DNA, strategy and CED and risks to supply chain were discussed at the last meeting of the ethics group which took place on 7<sup>th</sup> September. The remit of the EG is also being considered in the view of expanding it to take into account fingerprints and other biometric techniques. They are also contributing an output ready for the NGS workshop.

### c. FSR

8.5 GT sent her apologies but provided a written update via paper 8.1

**Action 28/15. KF to add risks covered in the FSR update to the recommendations and observations from other organisations paper.**

## 9.0 Any Other Business

9.1 CJ raised a point relating to the Forensic Archive Ltd; the financial agreement with the HO for the forensic archive expires in 2016. A review of the Forensic Archive Ltd is going to be carried out. It was assumed that the





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use of this archive would decrease over time but this has not been the case. A proposal is being put to ministers on how this review will be carried out. CS said that this was raised at the NPCC Forensic Portfolio Board and Mr Shaw said he would contribute to this work.

**Next meeting: 10<sup>th</sup> Dec 2015, Birmingham**