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**ASSOCIATION OF CHIEF POLICE OFFICERS
OF ENGLAND, WALES AND NORTHERN IRELAND**

34th NATIONAL DNA DATABASE BOARD

OPEN MINUTES

DATE:	3rd March 2005
LOCATION:	Lincolnshire Police Headquarters
CHAIRMAN:	Mr Tony Lake, Chief Constable, Lincolnshire

34/0

ATTENDANCE

Mr. A. LAKE	Chief Constable, Lincolnshire Constabulary
Mr. S. HYDE	ACC, West Midlands Police
Mr. A. MATTHEWS	FSS (rep. Mr. D. WERRETT)
Dr. R.K. BRAMLEY	Custodian, National DNA Database
Dr. M.J. PRIOR	National DNA Database Manager
Mr. P. MOORE	ACPO Consultant HO DNA Expansion Programme
Mr. A. SMITH	SPU, (rep HO DNA Expansion Programme)
Dr. S. BAIN	Human Genetics Commission
Mr. T. WILSON	HO Science Policy Unit
Ms. J. GUINNESS	Custodian Quality Leader
DI K. MORTON	Forensic Staff Officer, Lincolnshire Constabulary
Dr L Fereday	DNA Database Expansion
Insp Fiona Mitchell	Staff Officer
Mr. D. PEARSTON	Scottish DNA Database Manager

34/1

APOLOGIES

Dave Coleman
Dave Werrett

34/2

INTRODUCTION BY TONY LAKE

Tony Lake welcomed everybody to the meeting. He reminded members of the need to ensure that they advised whether the conversations were "Open" or "Closed" under the terms of the Freedom of Information Act.

34/3

MINUTES OF 33rd MEETING HELD ON 16 DECEMBER 2004

The minutes of the 33rd National DNA Database Meeting held on 16th

December were accepted as a true copy once they had been amended.

34/4

MATTERS ARISING

31/4 There was as yet no update.

Action: Katrina Morton said she would contact Karen Squibb Williams to update the minutes.

Action: Matt McDonald had not yet spoken to Bob BRAMLEY, and Tim Wilson advised that he would ask the Secretary to deal with this as it needed actioning in due course.

32/6.3 The issue of the outer bag on single kits had been resolved.

32/6.4 Alaster Smith advised that the new project manager for the IMPACT programme was attempting to reduce the size of the Programme Board, and Alaster had therefore withdrawn his attendance. He added that Andrew Forde continued to attend meeting and there was a need to ensure the database was compatible with subsequent developments which he could do. The interests of the group were therefore felt to be secure.

33/5 A discussion took place on the replicate situation. It was agreed that the figures were distorted by the replication from Scotland, which was as a result of their legislation. The figures for England and Wales were 7%, but with Scotland added this figure went up to 10%.

Action: Doug Pearson agreed to conduct an exercise in Scotland that would give them their own figure.

33/6.4 Alaster Smith confirmed that he would be arranging to meet Terry Stacey to talk through the ethical oversight in research and other issues. Tim Wilson said that there had been a huge amount of interest in this by the Select Committee and the line that had been taken was on placing an emphasis on proper control and governance and the use of those databases. He added that there would be a strong interest in scrutiny and transparency when the report was published around Easter time.

33/6.8 This would be discussed during the meeting.

33/6.9 Inspector Morton confirmed that a letter had been sent out by Tony Lake in relation to the kits.

33/6.10 Katrina Morton said that this was a substantive item. She added that all requests for information by suppliers under the Freedom of Information Act should come through Tony Lake to be co-ordinated.

33/7.2 Alan Matthews confirmed that he had submitted a revised proposal and asked if the Board were happy for Bob BRAMLEY to speak directly to the Information Commissioner to set out some of the details. The Information Commissioner had indicated that he was content that the balance between the rights of society and the individual were properly balanced if the serious crime only was concentrated on. However, the definition of 'serious crime' was the issue, and there was a proposal to extend this to 'volume crime'. Bob BRAMLEY said that he felt that this was taking things too far, however he conceded that this was a matter for the Board to decide.

Stuart Hyde said that he would like some ethical guidance on extending

the use of FDNA, and he would like to see that balanced against costs.

Alan Matthews said that not all volume crime would be included, and there should be a difference as in that used in PACE. He added that it was down to the individual officer making the decision as to whether it provided value for money. Stuart Hyde said that this area attracted a lot of discussion, but felt it may be impossible to be completely specific. He suggested that he and Alaster Smith took this on board and that a catalogue of when FDNA was used would be useful as people tended to only hear results of positive cases.

Tony Lake said that he had had discussions with a representative from COREC and taking into account both the views of Bob BRAMLEY and Stuart Hyde he felt that this should be referred to the new-style Board as it was a high-level strategic issue.

Stuart Hyde said that he would appreciate an analysis of how much the FDNA was used already. He said that some understanding of what the term 'volume crime' meant would be useful, and he would also like a clear and independent ethical view before this could be considered by the Board.

Action: Bob BRAMLEY to present the ethical view to the Information Commissioner

Action: Alan Matthews would submit a business case based on the assumption that approval had been given. Terry Stacey would be asked to give a detailed view on the ethics of the research.

33/8.1 Bob BRAMLEY advised that he was rewriting the Custodian Standards and the Guidelines to prevent contamination would be covered in that.

33/8.2 Mike Prior said that he was taking this issue forward through the DNA Ops Group. He added that he would be liaising with Northern Ireland later in the month and a letter was to be drafted on behalf of Stuart Hyde to review by both ACPO and ACPOS.

34/5

PERFORMANCE MONITORING

34/5.1 NDNAD – Performance and Trend Report

Alaster Smith advised that he had received a report but had not put that paper forward as he proposed to flag up only issues of importance to the Board:

- a) Level of Sample Collection and Submission to the Database. The DNA Ops Group had observed that forecasts provided in the last trend report figures were suspicious. The figures had since been revised and this generated a revised forecast showing a continuation of the current level. The level of sampling had decreased slightly, but the amount of resources within the whole business area would need to be sustained for a further 3 years.
- b) PED. Alaster said that the submission of samples to the PED had not increased significantly. He also said that there were issues around quality. Stuart Hyde said that the issue of the PED had been discussed at the DNA Ops Group and he had in fact conducted some research within his own force. He confirmed that a worrying

percentage of frontline officers were not on the database, particularly those involved in investigations. The other problem was that any officer moving forces was automatically deleted from the database. Mike Baxter was conducting some work in relation to fingerprints, but it was perhaps time to think about what forces were getting out of the PED.

Action: It was agreed that Mike BAXTER would take this issue to the Home Officer HR Group meeting where fingerprints had already been raised as a condition of service. A recommendation was made that there should be routine searching of DNA profiles and fingerprints prior to joining the service.

Steve BAIN reinforced this and added that he had been looking at a report on the DNA database by Genewatch that perceived it was a weakness that police officers were not given the opportunity and did not volunteer to give samples.

Phil Moore asked for clarification that Alaster was saying to forces that the CJ profiling level, as it was, had plateaued and therefore the increase in utilisation of the new legislation would be far less of an increase for forces to pay for than anticipated. Alaster replied by saying that the forecasts showed what would happen if everybody possible was sampled in the first year, and adding that to this year's number, this would go from a figure of 300,000 to 475,000 with the new legislation. The forecast was now 450,000, which was 80% of that forecast. This would then be rolled forward and it was anticipated that there would be a need to sample a further 450,000 next year based on the catch-up of the remaining forces. This number would slowly decline as the remainder of the outstanding people are caught up subsequently year on year. He agreed that he was suggesting within the current activity profile that they would be capturing all of the new arrestees for the purposes of DNA. Phil stressed that this was an issue that forces were raising in relation to their budgets for 05/06 and Alaster replied that the increase had not been broken down on a force by force basis, but there may be a need to review individual force allocations. However there had always been the flexibility to do that.

34/5.2 Custodian Report

Mike Prior had submitted a report for the Board's information. He added that performance measures would change in the future, but he was working to these for the time being. The picture painted by the report was reflective of previous reports and the main issue to note was the continuing impact on the eliminations which had followed on from the SGM upgrade exercise. The handling of the eliminations was now complete. Tony Lake said that he had spoken to Stuart HYDE about whether any of the issues of performance might be referred or brought to the attention of the DNA Ops Group as soon as possible prior to this meeting, but this depended on the timing of the meetings.

34/6

POLICY ISSUES

34/6.1 Home Office DNA Expansion Programme Update

In terms of funding, Lyn Fereday stated that forces had been advised of

their allocations for the next financial year. These calculations were based on actual activity and although concerns had been raised, the funding should be adequate.

The Home Office would not be funding evidential conversions from April 2005, but prior to this funding would still be available. The expenditure would be governed by grant terms and conditions and they were seeking feedback from forces to extend that to other forensic services, not just to DNA.

The last Programme Board meeting would be held in April 2005, and this would be preceded by the Forensic Integration Strategy, working closely with both the Forensic Science Sub-Committee and the various workstreams. The debate on next year's budget continued.

Alaster Smith said that he knew the allocation levels remained a concern for forces, but felt it was worth observing that suppliers were reducing their costs, and at least one force had written to the Home Office saying they would not be able to afford business next year and had not yet received any significant discount on their unit costs. He said that there was an obvious answer there on how to manage the budget.

Phil MOORE explained that most of the forces who had raised the issue of shortfall were the smaller forces who were perhaps unable to negotiate a deal with suppliers.

Alaster stressed that this was only a shortfall against previous allocations, not a shortfall against previous requirements. Lyn added that where expenditure had been incurred in the past, they had always met it and this had been an assurance to forces. She advised that the issue of procurement should also be considered and suggested that small forces would benefit from grouping together to get a better deal from the suppliers.

Phil asked Lyn whether the policy of the Home Office would still be to assist with any shortfall where expenditure could not be met and whether this would also apply to crime scene stain submissions. Lyn said that the flexibility would remain.

34/6.2 MDVI Update/Tsunami – CLOSED SESSION

34/6.3 Status Change of NDNAD – Closed Session

34/6.4 Access to NDNAD and Forensic Response Vehicle

Tony LAKE said that he had recently received the submission from Alan Matthews. There had been a discussion at the last Board meeting, chaired by David COLEMAN, around the access to the database from the vehicle using a mirror image.

Bob BRAMLEY agreed in principle that he wanted to move forward with the "lab in a van" approach to provide access to information quickly. Bob said that he had had several discussions with people involved in the project. There was some detail missing in relation to IT, but during the last 24 hours people were starting to recognise the level of liaison between the people carrying out the project and the FSS Information Services Department had not been as good as it should have been. There were

serious issues involved in setting up a mirror database, and the amount of IT work required was substantial. This was also associated with the work that PA Consulting were carrying out on the review of the current IT system. There was a danger of the two crossing over and also a need to take stock and look at this from different perspectives to see where we wanted to go. This was solely concentrating on access to the database, not the whole "lab in a van" project.

Alaster SMITH said that although Bob had made the point that the user requirement showed that the police service wanted real-time access to the database, this might not be the best way of achieving that. He added that he would need to be assured that this was technically compatible with what other people wanted to do.

Tony LAKE suggested that the way forward could be to transmit data through the Custodian, ensuring that people were available to check it through the database. He added that the issues around the mirror image were very sensitive.

Action: Bob BRAMLEY would pick this up through the SLA "Lab in a Van" and Tony LAKE agreed that the issues relating to the mirror image would be considered by the new Board.

34/6.5 Update on New Kits – Closed Session

34/6.6 Concerns on Match Supplier Concerns – Closed Session

34/6.7 Update on PITO RFCs

Mike PRIOR gave an update on the PITO request for change. He had met with John FEAVYOUR in Autumn, who was the ACPO Lead on PNC. The meeting was to give Mr FEAVYOUR a picture of the DNA RFCs so that he had that knowledge in the P4G meeting. There had been an indication from PITO that in early 2005 they expected to be in a position to start deploying some resources to do some of the RFCs. At the moment, because of competing issues, there was not date for NSPIS RFCs, let alone from DNA, so the situation was on hold.

A separate meeting had been held with the operational services people at PITO at which Mike and Katrina had attended to see what could be done to improve data integrity. The main agreement reached was to do a data comparison between PNC and the NDNADB and that piece of work had now been completed. This was effectively re-running a script that an IT programme prepared for putting the DNA/PNC link in place in 2001, to see how the data looked now. That information was now being analysed and mismatches in the data had already been found. As a result of that there would be quite a lot of data correction work which had been noted by the MPS.

Tony asked Mike whether there was any lobbying that could be done by the Board to move the work forward quicker, but it was felt there was nothing that could be done. Tim WILSON added that it had been difficult to have any impact on this work at all as there were just too many other issues that PITO were working on at present.

34/6.8 Update on Scottish Position re NDNAD

Doug PEARSON advised that Ian GORDON had initiated this project and there was a great deal of work ongoing at the moment.

Doug explained that the Criminal Justice Scotland Act 2003 had enabled police officers from Scotland to load volunteer data samples onto the database. Guidance had recently been prepared on this. The difference was that Scottish legislation permitted the consent to be withdrawn, even after written consent had been given. He added that the DNA Database in Scotland had ISO17025 accreditation as part of the specialist service for human remains identification, specifically for identifier request, although he was not aware of anybody being contacted about this to assist in South East Asia.

34/6.9 FOIA

Katrina advised that a couple of requests had been received in relation to the PED. She reminded members of the Board that if they and suppliers received requests, they should please be sent to either Tony LAKE or herself in order that a co-ordinated response could be given.

Katrina then gave details of the instances where a request had been made for information under the FOIA.

DNA OPERATIONS GROUP

34/7.1 DNA Operations Group Meeting Minutes 27/01/05 (Draft Minutes)

Stuart HYDE stated that the DNA Good Practice Guide was about to be released. This had again grown in size and reflected the changes in the criminal justice system. The Guide included process maps on staged reporting, non-intimate samples etc. Once the Guide was near completion it would be returned to the DNA Ops Group to be signed off. Stuart added that he was continuing to negotiate with NCPE to take on ownership of the Guide as he felt that was where it should sit. Bob BRAMLEY advised that the Guide was referred to in the Sexual Offences Guidelines.

34/8

CUSTODIAN ISSUES

34/8.1 Supplier Status Update

Bob had circulated a paper on an issue for information and noting.

He mentioned an issue to do with the PED in that he had been approached by a supplier to see if there was any reason why they couldn't analyse PED samples. He felt there was no reason why any supplier who is accredited to do CJ Samples could not analyse PED samples.

Action: Bob BRAMLEY to make the necessary arrangements subject to the normal safeguards.

34/8.2 Integrity of Records on Database – Summary Report

A paper had been produced in relation to this. There were a number of issues. Bob explained that he tended to monitor supplier performance rather than force performance. There was a duplication programme where suppliers duplicate 5 to 10% of their samples and this was probably the best way of handing process control. This process needed to be tightened

up.

A force had raised an issue in relation to when CJ sample profiles were suspended pending an investigation into the integrity of the profile, or when the scene of crime profile was deleted pending an investigation, those profiles were excluded from any speculative searching. The onus was on suppliers to inform the forces when profiles were suspended and reinstated, and if there were any matches reported previously with the erroneous profile that the police would need to look into. This needed to be taken back as a custodian responsibility and Bob agreed to draft a letter on this for signature by Tony LAKE which would put pressure on suppliers to deal with these issues quicker.

Action: Bob BRAMLEY to draft a letter for signature by Tony LAKE advising that the custodians would take on responsibility for advising forces when profiles were suspended and reinstated.

Bob said that there were issues related to gender anomalies and missing and wrongly entered dates of birth which were mainly down to officer error and a system needed to be put in place to monitor and make improvements on this where necessary.

Bob also mentioned an issue in relation to adventitious matches which was related to a comment Alec Jeffries had made at the Select Committee asking if forces had enough markers on the DNA database to be sure that there were no false identifications. He had not yet identified any adventitious match on the database with a full SGM plus. This would have to return to the Strategic Board in due course. The custodian was looking at partial profiles and cases where there were relatives involved, when the match probability increased considerably and Bob said that we had to ask ourselves whether we wanted to increase the number of markers on the database to deal with these issues, or should we say that where these issues are raised, then additional work would be carried out?

Steve BAIN asked if the database was extended and there was a merging between countries, would that still apply? Bob responded that the larger the database and the higher the match probability the more incidences of mistakes arising. He added that either the SGM plus increased or you could search the individual's national databases as an alternative.

Tim said that in the safeguards used in retaining samples, the UK may be fairly unique and this was perhaps something that should be put on the agenda at a later date.

On an international connection, Lyn stated that what had been proposed was just a potential match, not a real match and countries had been advised and asked to revisit the analysis as a precautionary measure. Bob added that on a related issue, there was some work going on with EDNAP and the **...DNA?** Working Group to try and increase the number of standard sets up from 7 to possibly 10, so that when an international search was carried out there would be more information available to search on.

34/8.3 Data reconciliation update

Mike said that there was a short report on the continuing work that Tony GRACE's group was carrying out. He said that Tony GRACE was quite concerned about the continuation of his work in the future and he was actively seeking assurances as if the work was not going to continue then he needed to be planning a wind-down of the team.

The report reflected a range of things which had been done such as data comparison (mentioned earlier), together with work from suppliers on resolving loading failures. There was quite a large number of profiles obtained by suppliers but have not been loaded on to the database. There has not been a push to get these matters sorted out, and through Tony's intervention they have been seeking to do that. Mike advised that he would be meeting Stuart HYDE separately to discuss this.

Work on better clarity on the DNA status of sex offenders was continuing. This had reduced a lot of unnecessary work for forces in that area.

Alaster SMITH said that he had indicated in his database update that he did see a significant role for Tony GRACE's team. On load failures, he said he felt it was crucial to put in place a mechanism to ensure that these were followed up and were auditable. He added that it would be useful to have an indication of whether that process could be automated or done by the Quality and Integrity team.

Lyn made the point that the custodian should ensure that where issues or protocols were either not in place, or not being adhered to, that these were picked up. Bob BRAMLEY advised that there was a very strong link with UKAS and before each of their visits a discussion took place with UKAS about any concerns they should look into which would then form a part of the audit.

Tim WILSON asked whether the force commissioning the work knew that there had been load failures. Bob said that this was part of the new loader package issued to suppliers which alerted them automatically on load failure, and this perhaps ought to be brought into the business about taking the onus from the suppliers onto the custodian to inform forces, then this could be monitored, although he stressed that he was worried about this as there were significant numbers of serious cases following completely wrong lines of investigation. Bob said that this would keep in place all the monitoring of profiles that the police may think are on the database but that were not there and Bob agreed to carry this out as soon as it was practical to do so.

34/8.4 Custodian IT Developments - Update

Mike gave a brief update on this. The main issue was electronic reporting of DNA matches (EDNA) which was taking them into uncharted territory. During implementation testing some glitches and problems had which could not have been foreseen had appeared. Those problems had been overcome and the testing was going well. They had been asking forces when they intended taking up EDNA to enable them to plan resources and one of the issues arising out of that is that many forces wanted to take on EDNA through the configuration of their current systems. Mike felt that the IT development funding should not be funding these other IT systems.

A security review of the NDNADB had been conducted and some observations had been made on the wider DNADB system. Some recommendations had been followed up with a structured review and a report would shortly be available on this.

In terms of an audit trail, the data structure of the database was being modernised. This would create a more transparent way of providing an audit trail which was required when changes were made to the DNA database records. Bob added that the project was going well and this

would be picked up during the review of the development contract.

Alaster said that in relation to electronic matching strategically we should be aspiring to be as rapid and direct in returning to forces as possible. He said that it was disappointing that IT should be the factor to disable this exercise and he was concerned that jumping on to the IT systems was just one way in which the data could be received, and perhaps not the right way at that.

In relation to the security review, he stressed that if there were current problems with security in relation to the IT system, then we would need to be even more careful about taking forward any mirror server external access.

34/8.5 Financial Update

A paper had been circulated for noting and the only issue was that the suppliers wanted to know what changes would be forthcoming during the next financial year. Bob said that this could not be done until the full costings had been sorted out. Alaster advised that there would be minimal change, and the expenditure would be divided up and worked out between forces. There would be no subsidisation during the next year and the same regime for testing would be carried out, thus there would be minimal change to the cost base. He added that there were likely to be overheads for the custodian to do with contract management etc. Tim said that the key thing was clarifying the cost in the change of direction and where there were any additional costs.

34/9

OTHER ISSUES

Phil MOORE raised the issue of costings for storage of DNA. Bob BRAMLEY said that there had not yet been any progress on dry storage and there were concerns of durability of the system, but that was some time ago and there was a need to carry out a further review on this. There would still be long term storage costs for all the current data, and back record conversion would be enormous. The suppliers would need to look at these issues and come up with a recommendation for a change.

Action: Bob BRAMLEY to raise this at the next suppliers meeting.

Alan MATTHEWS suggested that the board made a decision not to keep a second sample, and Bob said that this would form part of the review.

34/10

ANY OTHER BUSINESS

34/10.1 10TH Year Anniversary of NDNAD – Celebration

This had been raised at the previous meeting. The anniversary date was actually 5 April 2005 and it was agreed that a celebration would be considered later in the year in the light of the fact that there may be a forthcoming election. Tim said that there was an opportunity, if Ministers agreed, to hold a seminar to honour the UK's presidency of the EU and it might be something that could be celebrated than, as the anniversary year. A common response would be necessary in April if the media made any approaches to us about this and this would be a short press release with a reference to the fact that this would be celebrated later in the year.

Date of next meeting is 26 May 2005.