

**RESTRICTED
RATIFIED MINUTES**

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

NATIONAL DNA DATABASE BOARD

OPEN MINUTES

DATE:	26 May 2005
LOCATION:	Lincolnshire Police Headquarters
CHAIRMAN:	Mr Tony Lake, Chief Constable, Lincolnshire

ATTENDANCE

Mr. A. LAKE	Chief Constable, Lincolnshire Constabulary
Mr. S. HYDE	ACC, West Midlands Police
Dr. R.K. BRAMLEY	Custodian, National DNA Database
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
Insp K. MORTON	Forensic Staff Officer, Lincolnshire Constabulary
Mr. K. CURTIS	APA Representative
Mr. D. PEARSTON	Scottish DNA Database Manager

1 APOLOGIES

Dave Coleman
Keith Manning
Ian Gordon

2 MINUTES OF THE MEETING HELD ON 3 MARCH 2005

The minutes were approved as an accurate record of the meeting held on 3 March 2005.

3 MATTERS ARISING

33/5 Doug PEARSTON said that he had conducted an exercise and an estimate of 7% had been given, subject to any other issues arising.

33/7.2 Bob BRAMLEY said that he would contact the Information Commissioner once he had had sight of the full proposals.

34/5.1 Tim WILSON updated the meeting. The fingerprints circular had

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been completed but the DNA action had not yet been carried out.

34/8.1 Supplier action – Bob BRAMLEY advised that a meeting had now been held but there were still issues were still unresolved.

34/8.2 Supplier Status Update – Bob BRAMLEY said that he had notified the suppliers and they were now doing PED samples – this item was therefore discharged.

34/8.2 Integrity of Records – Bob BRAMLEY advised that the draft was ready for Tony LAKE to consider.

34.9 Reasons for retention of samples – cost of storage. Bob BRAMLEY advised that he had covered the need to keep the samples in a paper to Eric DOWNHAM which could be circulated to the Board. The storage issue was to be discussed at the next Suppliers' meeting.

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HOW THE NEW BOARD WILL OPERATE

Tony LAKE advised that there had been a meeting held the previous week to discuss how the new NDNA Board would operate. Alaster SMITH then gave an update on the meeting. He advised that proceedings needed to be formalised. The previous Memorandum of Understanding had been re-drafted to pick up the custodians on their separation from the FSS. APA involvement had been included, and the HGC were to include two people on the Board on a permanent basis.

Steve BAIN said that he had presented a summary of the conclusions at a recent HGC plenary meeting and a positive reaction had been given.

Alaster then spoke about the Ethics Committee which was not part of this Board itself. It had been agreed that the Board would contact "COREC" on an as and when basis when there were issues to be referred for ethical review and the Board would draw on a shortlist of available people. The two HGC representatives would be on the Ethics Committee, with Steve chairing the Committee which would provide the appropriate linkage.

Stuart HYDE said that the HGC were initially considered to be ethics advisors, but that they did clearly have more involvement in that.

Tim WILSON said that it was important to emphasis that the ethical pool that the COREC member would lead was not just about research but was about applications.

Tony LAKE spoke about ACC Adrian LEE who lectured at the Police College on Ethics, and had a degree in an ethics based subject. He suggested that it might be an idea for Adrian to speak to Steve because he had said that he was willing to offer an independent view if this was needed. He would be another voice that could help the Ethics Committee.

Steve said that there was no firm view as to how the Committee would be involved as yet.

Bob BRAMLEY mentioned that a discussion had taken place as to why the Ethics Committee were "invitees" and not "members" of the Board. Tony LAKE said that it had been agreed that their being a full board member might compromise the HGC. An invitee did not have voting rights, but HGC were the Board's conscience. By not having voting rights, and making strong reservations on proposals, it gave HGC a very strong

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position and the Board would have to think very carefully about pursuing that particular course of action. Tim WILSON added that the Board needed to be more formal in the way policies were made. HGC would be able to enter their reservations by the formal caveat and both the resolution and the caveat would be a matter of public record. He said that it was important to ensure that Steve was comfortable as a policy was constructed and recorded. Katrina MORTON said that the preparation of papers for board would be circulated for discussion prior to a meeting.

It was agreed that the minutes of the HGC would be formally signed off at the next board meeting. Alaster said that he would circulate those papers.

Alaster SMITH then said that some additional letters would be drafted for the board's consideration and Alaster agreed to chase those up. The intention was for the letters to be sent out over the next couple of weeks so that the Board was running formally at the next meeting on 8 September.

Tony LAKE said that he would be taking some papers to Chris FOX of ACPO and hopefully this would go through and receive formal ratification from ACP. Kerry CURTIS advised that this was also the position of the APA too. Tim WILSON said this would also need to be put before Ministers for their agreement.

Alaster asked for comments about the paper to be forwarded to him by email. He said that the terms of reference were just a rough draft and he asked for responses by Friday 3 June 2005. He said that he wanted the papers to be actioned before meetings took place and that only fully approved papers in a clear format would be put forward to the Board meeting.

Alaster then went through the paper he had written.

Tim Wilson said that the Home Office might be able to host a website for the DNA Database Board. Alaster said that he had set the wheels in motion for that. **There would be an update on the website at the next Board meeting by Alaster.** Alaster said that the secretariat was there to help and there was a lot they could do to assist in the smooth running of the Board. This was agreed by all members of the Board. Stuart HYDE raised the fact that the website would be able to challenge various incorrect articles which appeared in the media. Katrina asked that papers submitted needed to be identified as to whether they were "open" or "closed". **She said that she would provide guidance on what constituted an open item and what was closed.**

Tim suggested a review of previous board policies and decisions. He said that he thought he had found someone who could do this work from Gary Linton's team at Hampshire Constabulary and the sooner this could start the better. This would mean extra work for the custodian but it would be of advantage in the long term.

Tony LAKE said that whilst looking at the new board, the solicitor had referred specifically to policies and the question was asked where would these be found. Katrina said Nick APPS had this in hand and Stuart suggested the policies be reviewed for Race Relations compliance also. Alaster agreed that he would chase the solicitor about this.

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5 IT DEVELOPMENT – CLOSED SESSION

7 CUSTODIAN ISSUES

7.1 Exception Report

Bob asked whether this was something that should come to this Board or go to the Ops Group? Stuart HYDE said that he wanted to replicate this into the Ops Board in any event, but it was valuable information for this group as well.

Bob asked whether the topics were what the Board wanted to see, or whether there were other issues that it would like information on. He requested an email by members of the Board with a response. Stuart said that he would copy the report to the Ops Group and ask for comments prior to the next meeting. Tim Wilson said that some information on trends would be useful – just a sheet or two which might pick up some trends on some of the issues, for example loading trends, load failures etc. He also suggested perhaps confidential information on which forces were standing out. Bob said that he accepted what Tim was saying but there were resourcing problems and a need to recruit somebody into that role, however he accepted that could be improved.

Tony said that it was difficult for the board to do business without considering the exception report and suggested that if there were any items that were missing they should please let Bob know.

Bob said that the trend forecast to Ops Group was different to what was in the exception report. June advised that she just pulled out the headline information. Bob said that the analyst's role was a vital to provide that information to different forums and there needed to be a better control of information. Alaster said that this also indicated a level of analytical resources and that he needed to write a job description for that role, however with the restructure of the FSS this would not be a speedy job. Tim suggested that a temp be used and that the Home Office may have a suitable person to transfer.

7.2 NDNA Annual Report

Bob said that he had produced the first version which was simply an update of the last year's plan. He had identified what was said last year and updated it but felt that since the board had a strategic plan the report should reflect that. This was agreed. Bob said that the strategic objectives had not been discussed by the board and formed part of the document without any in depth consideration.

Bob then went through the draft report and said that he needed the following information and agreement: -

Decision on retrospective re-jig of the strategic objectives
Agreement on the overall format and content of report
Contributors – are they the right people?

Bob said that the previous year's report was not published until October, and he felt this was too late in the year however, to do it earlier would mean that people must stick to deadlines for contributions.

Tony said that the sooner this could be done then the better.

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The strategic objectives were then discussed after which Bob thanked everybody for a clear steer of the objectives. In terms of the overall format, the members confirmed that they were happy and that it seemed to be presented in a sensible way.

In terms of contributions, Stuart suggested that these were sent back to Bob by the end of June. Tim said that not all information would be available at that time, but it was a good date to aim for. This was therefore agreed.

It was agreed that case samples could be included, and that Ops Group should make a contribution.

Bob asked that all members of the board send him some information on themselves, he added that just a few lines would be sufficient.

7.3 DNA Kit Provider

Bob spoke about this issue, stating that he had had an approach from through Ops Group by TETRA who were wanting the specification for a DNA kit to be put together by an alternative supplier. There was a strong view that the forensic science service was going through such a lot of change with the introduction of the new kits, that might complicate matters too much. Stuart said he had written back saying that he was keen to do this but that it was inopportune at the moment, he had added that further changes were anticipated in the future and that would be the ideal time to get competition involved.

It was agreed that it was a good idea to introduce competition into this area but the board needed to decide how to do this. Tim suggested that an alternative approach could be for suppliers to becoming accredited to supply a kit. This would mean competition without having to manage the market, and the board could charge them money for being accredited for supplying the kit to ensure that expenses were met.

Stuart agreed that competition was needed but the Board had to be careful not to send a message that we were looking after suppliers until they were comfortable enough to compete against other suppliers. He added that the sooner competition was brought in, the better.

Bob said that the roll out of the kit would be completed by December and then a decision could be made as to when the market should be opened up.

Tim asked whether it was possible to commission a piece of work for options to piece together the kits and asked how this could be done? It was agreed that Bob would write back to Adrian JONES with the comments of the board and copy Stuart in. It was agreed that he would suggest that the Board were likely to commission some work to open up the area to competition through general procurement work. This was agreed.

It was also agreed that a piece of work would be commissioned to look at competition through the Trilateral Procurement Steering Group. The Report would come back to this board to update on progress at September meeting.

Bob gave details of the situation with PACE and volunteer kits and the

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members were in receipt of a report on this. The members went through the paper. Stuart stated that some of the issues came out of two sources and this was within the remit of the Ops Group who would follow that through.

The cost issues was discussed. Some forces were still using old DNA1s which the FSS were not getting paid for. Stuart suggested that a letter be sent to forces telling them to stop using the DNA1s. Katrina asked, in relation to the December deadline, whether this was too long for dual use of the forms.

It was agreed that the date would be brought forward to the Summer because the issue of supply had now been dealt with. Stuart advised the Ops Group would deal with this issue. Bob said that he would give Stuart his response on this.

7.6 Remote Access to NDNA/PLS Pilot Proposal

Two documents were available for the Board's agreement. The first was a proposal from the FSS for a pilot exercise allowing remote access to pendulum list searching. This was a service that they wanted to provide via the lab in a van project.

There was also a paper from the Database Managers about the way in which proposals should develop in future, and the implementation and implications for routine operations and development of the database for the current proposal.

What was now being proposed had been a long time in gestation. The FSS wanted to implement these proposals as soon as possible. Lab in a van was hopefully to be rolled out by the end of June. The architecture would not be set up in that timescale. The main difference was that because of the server room constraints, the FSS would not be able to put in a separate custodian server and keep it within custodian domain. PLS would have to set up an FSS server on the FSS domain and the Custodian would not have control over that server. This was against the principles recommended by the PA Consulting report and there was also a small element of risk. Bob said that there were going to be financial implications for setting up that pilot and it needed to be considered alongside the national DNA proposals. The recommendation from the security consultant was that the custodian should be checking security arrangements were working well..

Alaster said that he felt there was a high perceptual harm risk, small real damage risk.

Bob asked whether the Board would agree that this was the way they wanted to do business, or if it we wanted to do this, would it take on the risk and go forward with it?

Tony asked if the Board was combining several issues? There was a small risk that this could be used to damage or take control of NDNAD and the Board had talked about their view of the database.

Alaster said that the issue of single versus multiple still had not been sorted out, and this was a critical issue in terms of access to the database. He added that the Board did not have a clear position on this and it had a round the clock arrangement to provide results. Bob said that this was very labour intensive and held up the speed of the process. Phil said that

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this would also include also commercial access. The FSS were working towards licensing this out to other software suppliers to enable them to download the database into their own domain and sell it for fast access.

There was a cost for the custodian.

Tony said that the FSS wanted to pilot lab in a van from the point of view of going from the scene and getting results quickly. He added that they would like direct access to the database and that he was nervous about that. He suggested that there was a way around this by providing a 24/7 facility and that the FSS should actually be prepared to invest to make the pilot work. This was agreed by the Board. The Board was looking at six proposals from PA Consulting and it needed to determine which work came first. The Board agreed that the PA Consulting work needed to come first and what it wanted to show was that lab in a van equipment works as opposed to the other way, ie it was the equipment in the van which was being tested

Tim asked whether 24/7 access was necessary and asked how long it would take to generate analysis in the van? Bob said that this would take 6 hours and the FSS did not need to provide that service. The pilot of the lab in a van in Lincolnshire would not be 24/7. In a third of cases the FSS did not get a sample, and vans would not be accredited to load to the database, and would only be able to do speculative searches of databases. If a match was found then the sample would need to be submitted for re-analysis.

Bob explained that the only other issue was the authorising of pilots and controlling pilots. He referred back to the original pendulum list search. It had been agreed that this would be piloted with the West Mids Police through the Ops Group. The report was due to come back to this board at the conclusion of the pilot. He said that although this had gone to West Mids, it had also been extended to another force, but as far as he was aware it had not been discussed at Ops Group since that time and it had never come back to this Board to be offered as an operational service. Bob said he felt that the Board did not have control of the pilot and there needed to be some mechanism to maintain control of pilots.

Tony said he wished to resolve this proposal and asked if anybody was suggesting that the Board accepted what the FSS were proposing? The Board were unanimous in their decision not to accept this proposal. **It was agreed that the Bob would feed back to the FSS that if the purpose of the pilot was to test the equipment then they should stick to the arrangement of a one off spec search done through the existing arrangements.**

Bob said that a further issue was the capturing of other pilots. This could be resolved by going back to the Ops Group and it was agreed that Bob would go back to the Ops Group and ask if the Board could have a formal closure report of the pilot and a recommendation as to the next stage.

Bob also mentioned the EDNA pilot which had also been set up with West Mids and also South Yorkshire Police. The West Mids Police wanted to continue with the arrangements for the pilot as a formal arrangement and he felt there was a lack of control on what was happening.

Tony agreed to write to Stuart HYDE, asking about these outstanding pilots.

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In terms of responding to FSS, it was agreed that Tony would draft a letter for Bob to approve, advising that it had been discussed at DNADB and refused because of security issues and to protect the integrity of the database in light of the PA Consulting Report recommendations.

It was agreed that there needed to be a timeline which pilots must follow because of the commercial sensitivities. A contract would be drawn up that would give parameters under which a pilot would operate.

Phil said that the outcome of the research should be shared with IPR, but the details of the database belonged to ACPO and any research on the database should therefore also be fed back to ACPO.

There was a possibility that the data from the FSS was actually owned by the FSS, and in effect it would be held by the Home Office – the situation was extremely complex. In terms of data generated by other suppliers, it was agreed that forces should ensure that they had contacted the Intellectual Property Register.

ANY OTHER BUSINESS

Kerry advised that the APA was going through a major reorganisation, and therefore their Committee structures may be changed. They were attempting to mirror ACPO structures. He advised that he would make the point that because the Committee was so important it would be improper to say that representation on the Board should change at this stage. Tony gave his support to that.

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DATE OF NEXT MEETING

8 September 2005, Lincolnshire Police HQ