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<p><b>ASSOCIATION OF CHIEF POLICE OFFICERS OF ENGLAND, WALES AND NORTHERN IRELAND</b></p> <p><b>NATIONAL DNA DATABASE STRATEGY BOARD</b></p> <p><b>OPEN MINUTES</b></p>			

<b>DATE:</b>	6 December 2006
<b>LOCATION:</b>	Lincolnshire Police Headquarters
<b>CHAIRMAN:</b>	Mr Tony Lake, Chief Constable, Lincolnshire

1. **ATTENDANCE**

CC A LAKE (CHAIR)	Lincolnshire Police, ACPO
Dr L FEREDAY	HO Forensic Science and Pathology Unit
Dr M PRIOR	HO NDNAD Delivery Unit/Custodian
Ms J GUINNESS	HO NDNAD Quality Adviser
Prof S BAIN	Human Genetics Commission
Mr D PEARSTON	ACPOS
D Insp P GIBSON	Lincolnshire Police
D/Supt D FOREST	DNA Operations Group
Mr K WHITE	ACROS

**APOLOGIES**

ACC D SHAW	Chair, DNA Operations Group
Mrs S BURLEY	Human Genetics Commission
Mr D MONEY	Association of Police Authorities
Mr K MANNING	Association of police Authorities
DCC W BALD	ACPOS
D/Supt G LINTON	ACRO

1.1 The Chair thanked Derek FOREST for the help and support that he had given to the DNA Operations Group whilst ACC Stuart HYDE had been seconded to the IND. Stuart had now been replaced as Chair of the DNA Operations Group by ACC Dave Shaw, also from West Midlands Police.

1.2 The Chair also thanked Keith WHITE, who was retiring, for all the work that he had done for ACRO and the NDNAD Strategy Board.

2. **PRESENTATION**

2.1 No presentation took place at this meeting.

3. **MINUTES OF THE MEETING HELD ON 5 SEPTEMBER 2006**

- 3.1 The minutes taken from the meeting held on 5 September 2006 were agreed as a correct record of that meeting.

4. **MATTERS ARISING**

- 4/9.2.2 Mike PRIOR advised that he would speak about the security review later in the agenda, but in essence felt that the NPIA should review this at the end of the three year contract.

5.2.2 **IT Development**

Mike PRIOR advised that he would be presenting a report on IT Development later on in the agenda.

5.3.1 **NDNAD Trend Report**

A copy of the report had been circulated to the Group.

6.1.3 **Future NDNAD Programme Management**

The Chair spoke about work he was doing with the NPIA on the forensic framework. He had prevailed upon the Home Office, via the Science and Technology Group, to fund the Forensic Science Committee in identifying some areas for research. Work had been done with consultants and this had now reached the stage where it would be put into six or seven projects. The Chair said this work was primarily about driving up forensic performance and reducing costs, and would involve the Regulator, once one was appointed. He said that the greatest advantage was that as the NPIA began to emerge, it was clear that they saw forensic science as a really good example of how the NPIA could work together with the police service. He said that they would not assume responsibility for everything, but would help to set the agenda, then supply the back up and funding to carry out that agenda. Tony said that he was really pleased with the way that the work was going. He added that parts of the FSPU would get drawn into the NPIA, and the future of the Forensic Science Committee was likely to change although, he added, that he had not had those discussions yet. He said that there was still some unfinished business in relation to the way that standards and ethics were to be driven up in the field of forensics.

9.1.2 **ACPOS**

Doug PEARSTON advised that he would let the Chair have a copy of the letter from the ACPOS representative to the Scottish Police Service Authority, extending an invitation to them to attend the NDNAD Strategy Board as an observer.

**Action: Doug PEARSTON to let TL have a copy of the letter sent to the Scottish Police Service Authority.**

10.1 **National DNA Database Annual Report**

A copy of the draft report had been circulated to the Group.

10.2 **Information Gathering Public Citizen Jury**

The Chair advised that he had written to Steve BAIN about this and suggested that he contact the Office of Criminal Justice Reform.

5. **CUSTODIAN ISSUES**

5.1 **Exception Report – CLOSED ITEM**

5.1.1 **NDNAD Quality and Integrity Issues**

5.1.2 **Trend Report**

5.2 **NDNAD IT Development**

5.2.1 **Progress Report**

5.2.1.1 A Report had been produced by Mike PRIOR. The first part of the report gave an update on the delivery of the IT programme. He said that the programme continued to move forward, and was reflective of a satisfactory overall position.

5.2.1.2 The second part of the report gave an overall stocktake of the first year of programmes and a look forward. He reminded board members of a PowerPoint presentation that had been given to them approximately one year following a survey of stakeholder requirements during 2005. The Board had approved that programme and had asked for a supplementary document which gave a retrospective look on what the programme had set out to deliver. Mike PRIOR now proposed a programme for the following year. The Chair said that this looked eminently sensible and it was agreed that any comments should be fed back to Mike PRIOR by 16 December.

5.2.1.3 The final part of Mike's report requested that the Board approve the initiation of four new projects, which were outlined by him as follows:

Project 1 provided improvements in the way elimination reports and unverified match reports were handled.

Project 2 was an improvement on speculative searches. It provided improved data integrity, reduced manual cutting and pasting and allowed repeat speculative searches and bundled searches together.

Project 3 was an improvement on the 'near-miss' report. This was a key quality monitoring tool and would look at each 'nearly loaded' profile to check whether it missed by one allele. It was likely that any such miss related to an error.

Project 4 was the development of the XML schemers to enable the international exchange of profiles. This was key work to meet the UK's commitments with Interpol and other international exchange groups. Lyn FEREDAY said that she would like to make sure that an exploration was carried out into what existed elsewhere in other areas in the form of XML so that duplication of effort was avoided. Keith WHITE asked about central authorities on the receipt and exchange of fingerprints and said that work had already been done on that and it may be possible to extend that work to DNA. Lyn FEREDAY said that she would consider that.

- 5.2.1.4 Mike PRIOR said that the Board was simply agreeing to scope these projects, and as part of the next step he would be working on the details. Lyn FEREDAY said that she would speak to Mike PRIOR about the projects outside the meeting.
- 5.2.1.5 Mike PRIOR asked for a prompt response from the Board to the scoping of these projects, and by close of play on 21 December 2006 at the latest. This was agreed by the Board.
- 5.2.1.6 Derek FOREST said that in his personal view, IT was fundamental to the way forces did business and they should be fully involved in the process. He said that considering some of the issues raised such as replicate, adventitious matches etc, there must be something fundamentally wrong with the current business process. He said that he had never seen an end to end schematic business process where forces considered how business was done and how they would like business to be done and that with the introduction of the new PNC, there was a good opportunity to shape what it looked like before it came out. There was a lot of work being done by the Custodian and team, and there was nothing to stop that from happening again. He said that this wouldn't impact on these particular projects already agreed, but rather than driving the IT process, business should be driving IT.
- 5.2.1.7 Tony LAKE assured the group that one of the new Forensic Framework workstreams was about systems and processes, and this would look, in particular, at inefficiencies and attrition rates. He said that provided the NPIA were happy with this, that was precisely what would be done. A workshop was to be held in February, and he asked if some preliminary work should take place to identify the gaps to be filled in order to feed into that. He said that rather than simply talking about the issues, if evidence could be provided where forces had failed to plan, this would add to the debate.

- 5.2.1.8 Derek FOREST said that he would organise a working party from the DNA Ops Group and feed that work directly back to the Board.
- 5.2.1.9 Keith WHITE said that in terms of performance, DQIT were producing regular tables comparing the number of AS on the PNC compared with the number of fingerprints and DNA taken. He said that the DQIT were seeing greater differences between AS and the number of fingerprints and DNA taken and were finding that forces utilising the fixed penalty notice were not taking DNA or fingerprints as often. They had been talking to PITO about this. Derek FOREST said that he thought that it was important that this was discussed now with the database at 3.5m.
- 5.2.1.10 Tony LAKE invited Derek FOREST to speak with the Custodian about this and then carry out some work with the DNA Ops Group. Paul GIBSON said that he and the Chair were meeting with some of the Impact Team later in the week and asked if the group should give a more formal input to them. Mike PRIOR said that if the Board did not take the opportunity of looking at a redesigned PNC, it would be stuck with the same issues, and therefore any opportunity should be maximised. He said that a group of people from the Board would be looking at business processes during a meeting on 20 December. The Chair said that he had met with David STEVENS some time ago to ask where forensics fitted in to the Impact Programme, and he would have a clearer idea after the 20<sup>th</sup> December. He said that he would like to meet with Mike PRIOR and Derek FOREST in Birmingham, at the beginning of the New Year to talk further about this.

**Action: Work to be done on business processes by the DNA Operations Group in conjunction with Mike PRIOR.**

**Chair, Mike PRIOR and Derek FOREST to meet early in the new year to discuss business processes.**

5.2.4 **NDNAD Security Review - Closed**

5.2.5 **NDNAD Business Continuity – Closed**

## **6. POLICY ISSUES**

### **6.1 Storage of DNA Samples**

#### **6.1.1 Retention of Second Samples**

6.1.1.1 This item was deferred to the next meeting.

#### **6.1.2 Centralised Frozen Storage**

6.1.2.1 This item was deferred to the next meeting.

6.1.3 **Ambient Temperature Storage**

6.1.3.1 This item was deferred to the next meeting.

6.2 **Volunteer Samples**

6.2.1 Tony LAKE said that he had recently been interviewed on Radio 4's Today Programme in relation to volunteer samples. He had said that he thought it was right that the policies on volunteer samples be reviewed. Mike PRIOR said that at the last board meeting there had been a discussion about whether there should be an arrangement for the removal of volunteer samples, and he had been tasked with coming back to this meeting with a proposal. He said that he had discussed the issue with Gary LINTON as some of the work he was doing linked his work. Gary had agreed that the issue of the arrangement for profile retention and removal of volunteer samples would be taken forward as an integrated piece of work by Keith WHITE. He said that there was to be a meeting to discuss this on 19 December, which would be chaired by Derek FOREST. The aim of that meeting was to look at the volunteer process and the formation of a new form for volunteers to sign. He said that when the new kits had been introduced there was just one form with two consent areas. It was now felt there should be two separate forms, and that was being considered. He added that in terms of 'informed consent' the individual had to know what they were signing for and how long the sample would be kept. Mike said that he was concerned with the wording of the statement on the consent form, and this work also crossed over the work being done on voluntary samples being dealt with for non-recordable offences. Keith WHITE had done some work on that and submitted a paper to the Board.

6.2.2 Tony LAKE said that volunteers should be asked if they were prepared for their profile to be loaded onto the National DNA Database. He said that he wanted to hear the Board's view on whether they thought that sample should be retained, or whether that part of the volunteer process should be changed. Derek FOREST said that he thought the current process was over the top if the aim was to provide reassurance on the use of the NDNAD to the public when a volunteer could not withdraw consent. He said that CJ arrestees were able to appeal to chief constables, but that was not the case with volunteers. He had agreed to lead on this, and the meeting he was due to chair would revisit all the issues.

6.2.3 Tony LAKE said that this was a National DNA Database Strategy Board issue, and that the decisions would be made and policies set at Board level, but that the work should be conducted by the DNA Ops Group who would report back to this Board on their findings and recommendations.

6.2.4 Steve BAIN said that he thought that retaining volunteer samples was seen as a major weakness for the database. He felt this would be highlighted following the Nuffield Council consultation which was ongoing. He said the issue came up when Scotland decided to change to the way England retained their samples, and the HGC response then was that it would be better for England to change their policies and procedures more in line with the way that Scotland did this. He felt that the whole idea of informed consent

had developed in terms of research, and that if an individual took part in a medical research trial that had no safety implications there was a five page document to be signed that went through every aspect of the procedure, without which the project was thrown out. He said when that was compared with the form for a volunteer DNA sample it was very different. He agreed that volunteer consent should be reviewed.

- 6.2.5 Tony LAKE said that a large proportion of the Nuffield Council's consultation was about consent. He said it was unfortunate that the Ethics Group had not yet been set out, but asked that Derek FOREST bear the comments made by Steve BAIN in mind when looking at this process, and that he looked forward to progress on this at the February meeting. He also asked that retrospective consent be considered. Steve BAIN asked that a public statement be made about the 19,000 volunteers currently on the database once the outcome of the review had been determined.

**Action: Derek FOREST/DNA Ops Group to do some work on volunteer consent and report back to the Board at the next meeting.**

6.3 **Law Enforcement Authorities and Access to NDNAD - CLOSED**

7. **GOVERNANCE ARRANGEMENTS**

7.1 **Governance**

- 7.1.1 There was nothing to report in relation to governance. The governance arrangements were now fully in operation.

7.2 **Ethics**

- 7.2.1 Tony LAKE said that he was disappointed that the Ethics Group had not progressed as well as he had hoped. He advised the Board that he had approached various people about chairing the Group, none of whom had accepted due to their lack of time to devote to such a group. Lyn FEREDAY said that this would now have to be advertised via the Cabinet Office. Tony LAKE said that he had written to Carl JENNINGS of the Home Office to suggest this and that the Board should not be surprised to see an advert in a newspaper. He said that he had given assurances to the Board that this group would be set up, but so far that had not been possible. Lyn FEREDAY asked whether members should also be advertised for at the same time, and the Tony LAKE said the advert would be for the Chair and members as the whole thing might as well be done at the same time.
- 7.2.2 Steve BAIN said that there was a need to have a concrete structure, such as how many should be on the committee etc. Lyn FEREDAY said that this had been determined, and there were proposals setting out how the group would be put together. She explained that the advert must be sufficiently flexible to allow the group to develop and would stress the importance of the role of the chair, who would then shape the Ethics Group.
- 7.2.3 Tony LAKE said that once the chair had been recruited together with the members, it would be independent. They would select their own chair in due course. The Board noted the position.

8. **NATIONAL DNA OPERATIONS GROUP**

8.1 Derek FOREST said that the Group had last met on 17 October, and the next meeting was due to be held on 26 January 2007. He said that the new Chair was ACC Dave Shaw from West Mids police.

8.2 The Group was currently working on several key pieces of work, some of which had already been discussed during the meeting, and that some of the members would be meeting the following week to review the DNA Best Practice Manual in order to bring that up to date. He said that the current manual appeared to be freely available on the internet, and that it had no security classification on it. Tony LAKE said if it had found its way into the public domain there was nothing anybody could do about that now. He said that if the manual needed to be redrafted and a security classification was necessary as a result of the draft, it should be done. He asked if the current document contained anything particularly sensitive. Derek FOREST said that it provided practical operational guidance and some tactics. Lyn FEREDAY suggested that there could be issues surrounding this as it had been found on an American site and it could only have been given out by one of the UK forces. Derek and Lyn agreed to talk about this outside of the meeting. Derek said that the DNA Ops Group were intending to change the structure of the Manual so that any updates could be freely fed into it as opposed to a complete review.

8.3 Derek said that he had recently met with Lyn FEREDAY to discuss the race and diversity impact assessment of the Best Practice Manual. He said that he was leading on behalf of the Ops Group, with Lyn supporting. Lyn said that a letter had been sent to the CRE to advise that this work was being done, and that the final report would be sent to them once complete.

8.4 Lyn asked for any observations from Steve BAIN in relation to the DNA Best Practice Manual being available in the public domain. Steve replied that if the document was for internal use only, it could be detrimental to release it. He said as it was to be upgraded it could be reclassified and given security clearance. Derek said that an assessment of its availability would be conducted by him and Lyn, and they would report back to the Board at the next meeting.

**Action: Derek FOREST and Lyn FEREDAY to look at the availability of the DNA Best Practice Manual via public means and report back to the Board at the next meeting.**

8.5 A discussion took place about the NDNAD Strategy Board Open Minutes. It had previously been agreed that these would be put onto the Home Office Internet Site in the public domain. Lyn FEREDAY said that she had some concerns about what was contained in the minutes and that they should be reviewed once more. A Home Office website had now been set up for DNA.

8.6 It was agreed that all members should check the September minutes to ensure that they were able to be released into the public domain. The Chair said that as these minutes had now been ratified, if there were any issues that should not be in the public domain, then they should not be published.

9. **MATTERS RELATING TO SCOTLAND – UPDATE**

- 9.1 Doug PEARSTON advised that Mr BALD was shortly to retire and so ACPOS representation on the Board would change. He agreed to update the Board on that as soon as possible

**Action: Doug PEARSTON to update the Board on ACPOS representation on the NDNAD Strategy Board.**

- 9.2 Mike PRIOR advised that Scottish Volunteer Profiles were to commence loading shortly onto the NDNAD.

10. **FORENSIC USE OF BIOINFORMATION: ETHICAL ISSUES – NUFFIELD COUNCIL ON BIOETHICS PUBLIC CONSULTATION**

- 10.1 Tony LAKE advised that the Consultation Paper had been circulated to the Board Members. This consultation had caused a series of reports and media discussion to take place. He said that earlier in the year he had spoken at a Nuffield Bioethics Conference together with Lyn FEREDAY and Bob BRAMLEY and answered some of the questions raised in that environment already. He felt that the Board should respond to the Consultation, particularly to ensure that some of the facts had not been misrepresented. He said this did not prevent the individual groups making up the Board from responding individually. Derek FOREST agreed that the Board should defend itself in this form. Steve BAIN said that the Board should be welcoming the opportunity to have a public debate, and that this was a great opportunity to correct any inaccuracies surrounding the NDNAD.

- 10.2 Tony LAKE said that he welcomed the debate. He asked Board members to consider the document – the imposed consultation date was 30 January 2007, but he said that if a response could not be put together by that time he was happy to write and say that a response would be sent to them in February. He asked who would put the response together.

- 10.3 Steve BAIN said that he would be responding to the Consultation in any event from a HGC perspective and would be happy to feed back comments made on behalf of the Board.

- 10.4 Lyn FEREDAY asked if this was something that Bob BRAMLEY could do some work on on a consultancy basis. Tony LAKE said that he was happy for Mike PRIOR to take the lead on this, but that he should ask Bob BRAMLEY to assist if he felt that was necessary. Tony LAKE agreed to write to Nuffield on behalf of the Board if it was felt that the 30 January date was not achievable.

11. **CONFIDENTIAL ISSUES – CLOSED**

12. **ANY OTHER BUSINESS**

- 12.1 Mike PRIOR advised that the Board had now received a final copy of the National DNA Database Annual Report. He asked colleagues to comment by the end of the week on its contents, and it was due to go to print the following week.

13. **DATE AND TIME OF NEXT MEETING**

- 13.1 The next meeting of the National DNA Database Strategy Board would take place on 8 February 2007 at 10.30 am, Lincolnshire Police Headquarters.