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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>MINUTES</b></p>
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<b>DATE:</b>	8 November 2007
<b>LOCATION:</b>	Lincolnshire Police Headquarters
<b>CHAIRMAN:</b>	Mr Tony Lake QPM, Chief Constable, Lincolnshire Police

1. **ATTENDANCE:**

CC T LAKE (Chair)	Lincolnshire Police, ACPO
Mr E DOWNHAM	Officer of the Forensic Science Regulator
Dr M PRIOR	NPIA NDNAD Delivery Unit/Custodian
Ms J GUINNESS	NPIA NDNAD Quality Adviser
Mr S BRAMBLE	Head of Police Science and Forensics, NPIA
Mr D MONEY	Association of Police Authorities
Mr K MANNINGS	Association of Police Authorities
Prof S BAIN	Human Genetics Commission
Prof S CUNNINGHAM BURLEY	Human Genetics Commission
Prof P HUTTON	Ethics Group
DI P GIBSON	ACPO Forensic Staff Officer
Mr N APPS	ACPO Criminal Records Office
Mr K BARROW	Police and Partnerships Standards Unit
Mr A HEWITT	Police and Partnerships Standards Unit

**APOLOGIES:**

Mr A CORY	Forensic Science Regulator
ACC D SHAW	DNA Ops Group
CC C McKERRACHER	ACPOS
Dr D PEARSTON	Scottish DNA Database Manager

## 2. **PRESENTATIONS**

### 2.1 **Volunteers Procedures and Informed Consent**

- 2.1.1 Nick APPS attended the Strategy Board meeting to give a briefing on the review and research that the ACPO Criminal Records Office (ACRO) had undertaken surrounding volunteer procedures and informed consent.
- 2.1.2 Mr APPS gave details of two workshops that had taken place. The first workshop had generated options to be considered by the Board for further development. These had been discussed at the last Board meeting, and the Board favoured an approach which shifted the presumption that volunteer DNA profiles would be routinely loaded to the Database towards a presumption that they would not. The second workshop, involving key individuals (including representatives of the Ethics Group), had been held to discuss how to take forward 'informed consent'.
- 2.1.2 Mr APPS said that he had conducted some limited research around matches relating to volunteers against crime scenes on the NDNAD, in order to make sure that the presumption to not load volunteer profiles was the right thing to do. The research had been carried out against the most serious types of crimes – i.e. rapes and murders. The conclusion had been that operational police benefits would continue to be retained after steps were taken to reduce the number of volunteer DNA profiles being loaded to the NDNAD without 'informed consent'.
- 2.1.3 Mr APPS said that a high level strategy had been drafted. There were some areas that could be quickly dealt with, but other areas would need attention on a full-time basis. He said that the NPJA had agreed to fund this work in principle.
- 2.1.4 *Paragraph redacted due to operational reasons.*
- 2.1.5 The CHAIR thanked Mr APPS for updating the Board, and all who had attended the workshop for the time and effort that had gone into this work.
- 2.1.6 The Board discussed the further work to be done. David MONEY asked what happened to samples taken from volunteers that were not loaded to the NDNAD. Mr APPS explained that there were currently two forms of consent that a volunteer could give. The first was that their sample could be used in a particular, specified investigation. Once that investigation was complete then that sample could be destroyed. The second type of consent was where the individual agreed that it could be loaded on to the NDNAD, as well as the particular specified crime for which they were volunteering to give their DNA sample.
- 2.1.7 Sarah CUNNINGHAM-BURLEY asked if the two consents were separated, would they still be taken at the same time, and whether that form would be reviewed by the Ethics Group. Mr APPS said that there had been a suggestion that if the aim was to stop loading volunteer DNA to the database, then it should be done at the 'front end' insofar as a volunteer would almost have to insist that their DNA be loaded to the NDNAD. Eric DOWNHAM suggested that there could be one single consent form for volunteers that stated that if an individual wanted their DNA to be loaded onto the NDNAD, they should write to the Chief Constable.

- 2.1.8 Steve BAIN said that the issue of volunteers being unable to come of the NDNAD had evoked a lot of debate. He suggested that another option was not to load volunteer DNA to the NDNAD at all.
- 2.1.9 The Chair thanked the Board for their contribution to the work. He asked the Board whether they agreed that Mr APPS continue with the work to bring it to a natural conclusion, based on the high level strategy that has been developed. The Board agreed.
- 2.1.10 The Chair then asked whether the Ethics Group, chaired by Professor HUTTON, should be asked to consider the consent forms. The Board agreed with that suggestion, and the Ethics Group was formally asked to review the consent forms for taking DNA from volunteers.

## 2.2 **Utilisation of the Police Elimination Database**

- 2.2.1 Karl BARROW and Alan HEWITT were present at the meeting to detail the work that the Police and Partnerships Standards Unit had carried out around the utilisation of the Police Elimination Database. Mr HEWITT gave details of the background surrounding the review. Mr BARROW gave the Board details of the conclusions and recommendations reached as a result of the review. The Board agreed that the DNA Ops Group should look at the practical applications of the recommendations and report back to the next Strategy Board.

## 3. **MINUTES OF THE PREVIOUS MEETING**

- 3.1 The minutes of the meeting held on 7 August 2007 were agreed as a correct record of the meeting.

## 4. **MATTERS ARISING**

- 4/8.1.1 The Board was advised that the Home Office representative was not finally decided. There is the possibility that it may be the Head of Police Powers and Operations Directorate.

4/7.4.1 Agenda item.

6.1.1.2/3 *Paragraph redacted due to operational reasons.*

6.1.3.1 To be addressed during the Custodian's update.

7.3.1 To be addressed during the Custodian's update.

7.4.1 Agenda item.

## 5. **RISK REGISTER**

- 5.1 Paul GIBSON said that this was a Standing Item on the agenda and that he had received some perceived risks from various members of the Board. He reminded the Board of the request to submit perceived risks to him, and an up-to-date Register would be discussed at the next meeting.

## 6. **RESEARCH PROPOSALS**

### 6.1 **Project Proposal – Research and Development**

6.1.1 June GUINNESS gave details of a proposal from a supplier of which the Board members had not previously had sight. The Board discussed and considered the proposal. The CHAIR said that this was an extremely recent request, and the Board had previously agreed to refer research requests to the Ethics Group. He asked that the proposal be submitted to the Ethics Group and that it should be revised to give a better understanding of the context, implications and issues in terms of any sensitivities. He said that the main issue was whether access to the NDNAD or privileged data was part of any request.

6.1.2 The Board agreed that the Proposal be submitted to the Ethics Group.

6.1.3 Professor HUTTON said that the Ethics Group would also consider the format for Project Proposals and construct a form for these.

## 7. **CUSTODIAN ISSUES**

### 7.1 **Exception Report**

#### 7.1.1 **Custodian Report**

7.1.1.1 Mike PRIOR gave the Board an update on some of the issues ongoing since the previous Board Meeting.

7.1.1.2 *Paragraph redacted due to operational reasons and commercial sensitivities.*

#### 7.1.1.3 **NDNAD Annual Report**

Dr PRIOR said that all contributors had been identified, and all but three had been received. The first draft was to be put together and the NPIA had agreed to provide resources to modify the wording. Target date for publication would be early 2008.

7.1.1.4 *Paragraph redacted due to operational reasons and commercial sensitivities*

#### 7.1.1.5 **Custodian Unit - Resources**

Dr PRIOR said that a great deal of work had been carried out since the last Board meeting to address the resource issues within the Custodian Unit. A new structure for the Unit had been proposed and agreed and three new roles had been evaluated and would shortly be recruited.

7.1.1.6 *Paragraph redacted due to operational reasons.*

7.1.1.7 *Paragraph redacted due to operational reasons.*

7.1.1.8 *Paragraph redacted due to operational reasons*

7.1.2 *Section redacted due to operational reasons.*

### 7.1.3 **NDNAD Trend Report**

7.1.3.1 Dr PRIOR had prepared a report for the Board, which was noted. He advised that the rate of profile loading over the last six months was showing signs of slowing down.

## 7.2 **IT Development**

7.2.1 Dr PRIOR advised the BOARD that the NPIA was now reviewing the position regarding the development of the NDNAD. He proposed that the prime means of review, approval and scrutiny would be through the NPIA with any exception and progress reports being brought to the Board. This was agreed.

7.2.2 Simon BRAMBLE advised that a Report would be brought to the next Board meeting.

**Action: IT Development Report to be brought to the next Board meeting by Simon BRAMBLE.**

7.3 *Section redacted due to operational reasons.*

7.4 *Section redacted due to operational reasons and commercial sensitivities.*

## 8. **POLICY ISSUES**

8.1 *Section redacted due to operational reasons and commercial sensitivities.*

8.2 *Section redacted due to operational reasons and commercial sensitivities*

## 9. **GOVERNANCE ARRANGEMENTS**

### 9.1 **Governance**

9.1.1 There were no issues raised surrounding the governance of the NDNAD.

### 9.2 **Ethics**

9.2.1 Professor HUTTON advised that a note of the meeting of the Ethics Group held on 3 September 2007 had been circulated to the Board. He added that the Group was undertaking visits with various different groups.

9.2.2 Professor HUTTON said that Professor Steve BAIN had been co-opted to sit on the Ethics Group as an individual because of the benefits of continuity and his expertise in genetics.

9.2.3 David MONEY said that there was a potential for duplication in what the Ethics Group and NDNADSB were doing. Professor HUTTON said that he agreed, but that the Notes were stand-alone documents and there appeared to be some duplication because of the effort made to make them intelligible. He said that he was confident that there would be less duplication as time went on.

## 10. **DNA OPERATIONS GROUP**

10.1 There was no update from the DNA Ops Group.

## 11. **ISSUES RELATING TO SCOTLAND**

11.1 There were no issues relating to Scotland discussed by the Board.

## 12. **CONFIDENTIAL ISSUES**

12.1 There were no confidential issues raised by the Board.

13. **ANY OTHER BUSINESS**

13.1 *Paragraph redacted due to operational reasons.*

13.2 **Debating the future of the NDNAD**

13.2.1 The CHAIR said that he had recently met with Home Office Ministers in order to propose a wider debate on the future of the NDNAD. He said that ACPO would be expected to have a view on this, and he had written to the President of ACPO urging that there be a discussion amongst ACPO. The CHAIR agreed to share the views of ACPO with the Board.

13.2.2 Sarah CUNNINGHAM-BURLEY advised that HGC would be discussing the Nuffield Report, and whether to respond, at their next plenary session.

13.3 **S -v- Marper**

13.3.1 Eric DOWNHAM advised the Board that the ECHR had agreed to an oral hearing in this case, which would take place on 27 February 2008.

13.4 **HGC Citizens Enquiry**

13.4.1 Sarah CUNNINGHAM-BURLEY explained the process for the Citizens' Enquiry, which would be an in-depth series of events and activities that focussed on the use of forensics and DNA. She said that there would shortly be a press release from the HGC on this, and the Enquiry would start in December, with a report back to HGC in April 2008.

13.5 **Forensic Procurement**

13.5.1 Mike PRIOR said that the accreditation of suppliers had been reconfigured within the Strategic Framework for Forensic Science and a workshop had taken place. He said that key questions forming part of the pre-qualification criteria had been discussed. This would mean that the Custodian would not be engaged with a new supplier until the Central Procurement Team contacted them. The CHAIR said that it would be useful to have a presentation on forensic procurement at a future meeting.

14. **DATE OF NEXT MEETING**

14.1 The next meeting of the NDNAD Strategy Board would take place on 14 February 2008 at 10.00 am at Lincolnshire Police HQ.