



Policy Title: Police Elimination Database

CCMT Sponsor ACC Specialist Operations

Department/Area: Crime Support

Section/Sector: Forensic Investigations Unit

1.0 Rationale

1.1 This document sets out Force policy and procedure applicable to the provision and analysis of DNA samples submitted by police employees to the Police Elimination Database (PED).

2.0 Intention

2.1 The intention of this policy is to:

- educate police employees as to the value of the PED
- inform our staff of the case for checking for potential innocent contamination by Police personnel against DNA profiles obtained in the process of crime investigation by submissions to the National DNA Database.
- encourage the voluntary provision of samples from existing police employees for inclusion on the National DNA Database and to establish procedures to facilitate this.
- inform new police recruits of the amendments to Police Regulation. 20A is inserted into the 1995 Regulations, in force 1st August 2002 (see Appendix A for full details).

3.0 General Principles

- 3.1 The profiling of DNA is now accepted as one of the most powerful techniques in the identification of offenders. It is an essential tool in crime investigation.
- 3.2 The creation of the PED is to facilitate the elimination of innocent contamination by Police personnel against DNA profiles obtained from CJ Samples, Crime Scene Stains and evidential casework, which have

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been loaded onto the National DNA Database by the Forensic Science Service (FSS), the database Custodian.

- 3.3 Contamination by Police Personnel can be reduced through good practice. This means taking sensible preventative measures to ensure staff, at scenes of crime or in contact with victims or suspects, do not prejudice the integrity of a DNA exhibit. However, because technological developments have produced highly sensitive analytical techniques, the risk remains that a DNA profile obtained either singly or as a component of a mixture can be inadvertently contaminated by sneezing, coughing, or stray hairs etc.
- 3.4 In these instances the progress of the investigation could be hindered by searches on crime scene profiles that belong to a police employee who attended the scene in the course of their employment. If we are unable to identify these innocent crime scene profiles the course of the investigation could be compromised.

4.0 Challenges & Representations

- 4.1 Any person directly affected by this policy may make representations in relation to this document, and/or any decision in consequence of it, to:

Detective Chief Superintendent Crime Support
Thames Valley Police Headquarters
Kidlington
Oxon
OX5 2NX

- 4.2 A complaint against an individual officer's conduct should be progressed through the Complaints against Police Procedures.
- 4.3 The areas covered by this policy are open to scrutiny by H.M. Inspector of Constabulary during official inspections.

5.0 Guidance, Procedures & Tactics

- 5.1 The provision of samples for inclusion on the PED is voluntary for existing police employees and mandatory for new police recruits. This also applies to support staff in that providing samples must be voluntary unless provision is contained within their terms of employment.
- 5.2 A police employee who has provided a voluntary sample has the right to withdraw their permission at any time. In such a case the data must be removed from the database and the sample destroyed. When this happens the FSS sends written confirmation to the Forensic Submissions Supervisor. A copy may be obtained by the individual if requested.

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- 5.3 Two buccal scrapes (non intimate samples) are taken. If insufficient DNA to establish a profile is extracted from the first the sample it will 'fail' and the second will be used. In any event once a successful profile is produced the swabs will be destroyed.
- 5.4 The samples are individually bar-coded by the FSS. Police Elimination Sample bar-code numbers begin with a 7. PACE DNA Samples that are loaded on to the National DNA Database begin with a 9. They are then passed without demographic details to the designated forensic laboratory for profiling. The unique bar-code will prevent accidental loading on to the National DNA Database. The profiles are then returned to the FSS for entry onto the PED.

Search Procedure

- 5.5 The FSS will only initiate an elimination search procedure when requested to do so by the Senior Investigating Officer (SIO) in the case or the Scientific Support Manager (SSM).
- 5.6 To instigate an elimination search on the database a search form must be completed, authorised and forwarded to the FSS, the Custodian. When the search has been completed the officers or support members involved are informed in writing of the results. (See Appendix C and E for the relevant forms - DNA 5 card, Search, Amendment, Deletions and result)
- 5.7 Use of the Database is to establish innocent contamination.
- 5.8 The elimination procedure will consist of the comparison of a specific crime scene stain against the specific profile of the named member of staff where there is a genuine belief on the part of the SIO or the SSM that innocent contamination of the Crime Scene Stain may have taken place. This means not all officers on the database will be checked whether they were at the crime scene or not. This method is the least intrusive method of searching the database to eliminate officers.

Retention of Samples

- 5.9 Staff DNA profiles will be retained on the PED as long as a person remains in the employment of the Police Service.
- 5.10 If in the future there are any proposals to vary the basis on which the data were to be held and processed a further specific consent would be needed from the person who supplied the sample. Requests would be obtained by writing to the individual informing them of the required changes and seeking permission. Consent can not be assumed simply by notifying individuals of any proposed change.

Removal of Profiles

- 5.11 Police Personnel profiles are removed from the database by the FSS immediately an individual leaves the employment of the Police Service.

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It is the responsibility of the employing force to inform the FSS when a member leaves or transfers from one force to another. The FSS will then confirm in writing to the force that the necessary removal of the profile or change of employment details have been carried out. A letter will be sent to the member of staff who has left the Police Service to confirm that their profile has been removed.

- 5.12 In addition, (as stated at section 4.2 above) individuals have the right to withdraw their permission for the sample to be retained at any time, in which case the data must be removed from the database and the sample destroyed. This does not include samples provided after the amendments to Police Regulations which came into force on 1st August 2002.
- 5.13 In Thames Valley Police this process is ensured by the Forensic Submissions Supervisor and the Submissions Unit. If confirmation of a sample's deletion is required then a copy of the deletion report can be obtained from the unit.

Database Management

- 5.14 The responsibility for the creation, management and security of the PED rests with the FSS, who manage the National DNA Database on behalf of ACPO.
- 5.15 The PED will be held entirely separate and distinct from the National DNA Database within a secure environment at the FSS.

Personal Information

- 5.16 All Police Staff profiles are recorded by the FSS in the following detail:
- Name
 - Date of birth
 - ID Number - Collar Number
 - Force
 - The unique DNA Profile reference number
- 5.17 If there are any changes in a person's details as listed above, the FSS will be informed by the Forensic Submissions Supervisor.
- 5.18 Demographic details of individuals from Thames Valley Police who have provided DNA samples for the PED are also kept on a database by Thames Valley Police managed by the Forensic Submissions Supervisor, Forensic Investigations Unit Headquarters, Kidlington. This enables the submissions unit to identify any updates/changes in details, or to initiate the removal of profiles from the PED following an individual leaving the employment of the Police Service.

Training

- 5.19 Training sessions for new police recruits are carried out at Stage 3, the PED DNA samples are taken at Stage 1. These training sessions

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involve an introduction to DNA, the results that can be achieved from DNA and the Police Elimination Database.
Following the presentation side of the training there is an opportunity for questions.

- 5.20 See Appendix B for an information sheet covering frequently asked questions about the PED.
- 5.21 Training packs for new police recruits will contain a copy of this policy and notification that providing a sample is mandatory.

Disclosure

- 5.22 The CPS advise that in casework, where a check is made against a staff database and no match is obtained it should be declared on the Disclosure Index. Where a match is obtained the FSS must inform the Police Force accordingly of the match, produce a report/statement on the possible causes of contamination and declare it on the Disclosure Index.

Federation

- 5.23 It is the National and Local Federation view that under the present safeguards, the PED should be supported.

6.0 Communication

6.1 Links to Police National Legal Database Other

Link to PNLD Police Regulations 1995 section 20(A).
Link to ACPO DNA policy.

6.2 Communications Strategy

Intranet Policy and Procedure site
Managers Briefing
All User E-mail
Weekly Orders article
Area and Custody Training Days
Training packs for new police recruits
Distribution to SOCO's and VCSE's

7.0 Compliance and Certification

7.1 Human Rights Certification

a1. Legal Basis

The legal basis for samples provided to the PED by police officers from 1st August 2002 is section 20(a) of the Police Regulations 1995. Samples from police officers prior to that are provided by consent. Samples from civilian employees are also provided by consent, unless it is a condition of their employment that they provide one.

The FSS is registered as a data user with the Data Protection Registrar. Personal data on the database is processed fairly and lawfully in accordance with the data protection principles set out in Schedules 2 and 3 of the Act.

a2. Human Rights Articles Engaged

It is acknowledged that this policy has the potential to engage the following article:-

- Article 8, Right to Respect for Private and Family Life.

In the event that an Article of the Convention is engaged, then the legitimacy for the engagement is usually provided within the text of the Articles.

- Article 8 Right to respect for Private and Family Life. A public authority may interfere with the exercise of this right in accordance with the law and as is necessary in a democratic society in the interests of:-
 - ◇ national security
 - ◇ public safety or the economic well-being of the Country
 - ◇ the prevention of disorder or crime
 - ◇ the protection of health or morals
 - ◇ the protection of rights and freedom of others

Audited by A/ Det. Supt. Jill Simpson on 6th September 2002.

7.2 Diversity Impact Assessment

A Diversity Impact Assessment is currently being carried out.

7.3 Data Protection

Disclosure

This policy can be disclosed to the public.

7.4 Freedom of Information Act

This policy will be made available to the public via the Thames Valley Police website, excluding Appendices A – E which are exempt under the Freedom of Information Act 2000, Section 31.

7.5 Protective Markings

This policy has no protective marking.

7.6 Health & Safety at Work

Nothing within this policy has an identified impact on the health & safety of staff.

8.0 Monitoring and Review

8.1 Links to Best Value/PPAF/Priorities/Performance Indicators

Her Majesty's Inspector recommends that chief officers urgently review their systems to ensure that sampling policies are both clearly understood and implemented. This will require that performance indicators are developed and monitored to ensure compliance.

Her Majesty's Inspectors recommends that chief officers ensure that they have systems and procedures in place in order to comply with the requirements of Home Office circular 16/95 on the National DNA Database and the Data Protection Act 1988, and an audit of the National DNA Database should be undertaken to help this process.

8.2 Review Process

This policy document will be reviewed annually. The review will take into account the following criteria:-

- Changes in legislation
- Court rulings – Domestic, European and Human Rights
- Examples of good practice from other Forces or other organisations
- Changes in Home Office Circulars
- Developments with ACPO Policy Unit
- Representations made by individuals and relevant organisations
- Relevant diversity data