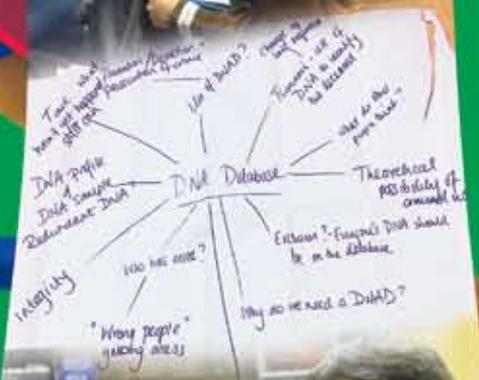


# A Citizens' Inquiry into the Forensic Use of DNA and the National DNA Database

Citizens' Report

July 2008



# **A Citizens' Inquiry into the Forensic Use of DNA and the National DNA Database**

**Citizens' Report**

July 2008

A report by the  
Inquiry participants  
containing findings  
and recommendations

**Authored by:**

Dr Bano Murtuja  
Komal Adris  
Junaid Ahmed

Vis-à-Vis Research Consultancy Ltd  
Apex House  
47 Preston New Road  
Blackburn  
Lancashire  
BB2 6AE

☎ + 44 (0)1254 290 244

✉ [info@vis-a-vis.org.uk](mailto:info@vis-a-vis.org.uk)

Web: [vis-a-vis.org.uk](http://vis-a-vis.org.uk)

## Contents

<b>ACKNOWLEDGEMENTS</b>	<b>2</b>
<b>EXECUTIVE SUMMARY</b>	<b>4</b>
The Inquiry process	4
Recommendations	5
<b>1. INTRODUCTION</b>	<b>11</b>
<b>2. THE INQUIRY PROCESS</b>	<b>12</b>
Selection and introduction	12
Introductory session	12
Inquiry sessions	12
Regional visits	13
Residential sessions	14
<b>3. FINDINGS AND RECOMMENDATIONS</b>	<b>16</b>
Infrastructure	17
Implementation	25
Impact	34
<b>APPENDICES</b>	<b>38</b>
1: The Inquiry Panel	38
2: About the External Experts	39
3: Timeline of the Inquiry	41
4: Matrix of Recommendations	43
5: Action Plan	44



# Acknowledgements

Thanks are due to the following people for making this report possible.

The facilitation team: Dr Bano Murtuja, Komal Adris, Peter Bryant, Simon Donnelly, Zubeda Limbada and Junaid Ahmed.

A special thanks goes to the external experts who took part in the Inquiry sessions:

- Derek Forest  
(Detective Superintendent, West Midlands Police)
- June Guinness  
(Manager, National DNA Database)
- Professor Peter Hutton  
(Chair, National DNA Database Ethics Group)
- Professor Allan Jamieson  
(Director, Forensic Institute)
- Dr Mairi Levitt  
(Senior Lecturer in Sociology, University of Lancaster)
- Tom Nelson  
(Director, Scottish Forensic Services)
- Mike Prior  
(Custodian, National DNA Database)
- Tom Ross  
(Police Liaison Officer, Scottish Forensic Services)
- Satish Sekar  
(Journalist)
- Clare Stangoe  
(Forensic Access)
- Dr Helen Wallace  
(Director, GeneWatch)
- Richard West  
(Community activist and member, National Advisory Group on Learning Disabilities and Ethnicity).



Thanks also to the advisory panel for their invaluable contributions, critiques and advice:

- Aamer Anwar – Solicitor
- John Bennett – Youth Parliament Support Worker
- Phil Booth – NO2ID
- Adil Ibrahim – Youth Community Support Agency
- Baroness Helena Kennedy QC – Barrister
- Shahreen Khanum – Muslim Public Affairs Committee
- John McManus – Miscarriages of Justice
- Dawn Rimmer – PhD Student
- Roger Robson – Forensic Access
- Anita Shelton – Community activist
- Inspector Karpaul Singh – West Midlands Police Chair, Black and Asian Police Association
- Liz Whitehouse – SAFE Project (ANAWIM)
- Sabah Zubair – Youth Worker.

The Human Genetics Commission, the Department for Innovation, Universities and Skills' Sciencewise programme, the Wellcome Trust, the Economic and Social Research Council Genomics Policy and Research Forum, and the Policy, Ethics and Life Sciences Research Centre (PEALS) funded this vital piece of work.

The Human Genetics Commission working group provided assistance and support throughout the course of the Inquiry, as did the staff and technical teams at The Studio in Birmingham and Glasgow Audi Centre.

Most importantly we would like to thank the family, friends, teachers and co-workers of all the Inquiry panellists who made it possible for us to give up our time and attend each session. Without their energy and support this process could not have happened.

Last, but not least, our collective thanks to the Vis-à-Vis team for authoring the report.



# Executive Summary

The Citizens' Inquiry into the Forensic Use of DNA and the National DNA Database was launched in December 2007 and conducted its first session in January 2008.

Thirty citizens from Birmingham and Glasgow, of different ethnicities, age and socio-economic backgrounds, and with varying degrees of knowledge, initially came together to form the Inquiry panel (although this number had reduced to 25 by the end of the Inquiry process).

The Citizens' Inquiry created a unique opportunity for citizens to engage in critical dialogue with stakeholders, experts and decision-makers about the National DNA Database and its wider implications for individuals and communities across the UK.

This report charts the process of the Inquiry and puts forward recommendations formulated by the Inquiry panel on a whole range of issues surrounding the National DNA Database.

The recommendations are indicative of the diverse make-up of the Inquiry panel and reflect the competing, complementary and unanimous perspectives that emerged throughout the process.

## The Inquiry process

The Vis-à-Vis team employed a range of engagement and promotional strategies to generate initial interest in the Citizens' Inquiry, urging individuals to participate. The people who together formed the Citizens' Inquiry panel came with different experiences, expectations and interests – from studying DNA at school to personal experience.

The panellists shaped the debate and generated recommendations, attending six weekly Inquiry sessions where they interacted via videoconferencing and were joined by different experts each week. Hearing a range of perspectives from the experts and through group discussions, panellists were able to develop and appreciate multiple strands of the debate: the social, political and scientific implications as well as the linkages between them.

The Inquiry sessions challenged, altered and in some instances reinforced the panellists' initial views and opinions, transforming and enlivening the dynamics of the dialogue.

In addition to the studio Inquiry session, panellists also undertook field visits – to the London Borough of Hackney and the Scottish Parliament at Holyrood, Edinburgh – to look at the broader impact of the DNA database in the wider community. Birmingham panellists met with various groups and individuals in Hackney who had direct experience of the DNA database. Welcomed by a local councillor, community workers and young people, the panellists were able to relate their understanding of DNA to a real-life setting.

In turn the Glasgow panellists had the opportunity to explore the legislative differences between English and Scottish law with regard to the use and implementation of the DNA database. The panel met with representatives of the main political parties, heard the party perspectives and questioned MSPs about the current and future implications of the DNA database.

## Recommendations

Recommendations were generated over the course of two residential weekends, when Birmingham and Glasgow panellists came together to share their findings, experiences and opinions. Drawing on seven weeks of debate, discussion and expert perspectives, the recommendations they put forward capture the diversity of opinion as well as the culmination of a learning journey.

In the end, 29 core recommendations were generated by the panellists and were voted on.

The panellists grouped the recommendations into three main categories:

- infrastructure
- implementation
- impact.

The recommendations are further broken down into smaller themes that deal with and highlight the multiple strands of the debate.

### Infrastructure

#### **Public education and information**

##### *Recommendation 1: Unanimous*

There needs to be a nationwide public awareness campaign for all sectors of the population.

The awareness campaign should be just the facts. There should be no bias, then more informed decisions can be made by the public. Its focus should be on six key areas:

- the wider implications of DNA;
- the fact that you only have to be arrested to have your DNA taken;
- the fact that the DNA profile is held indefinitely;
- what the DNA sample and the profile are and what they are used for;
- how the system works; and
- logistics/procedures.

##### *Recommendation 1A: Unanimous*

The information campaign should be in all the following formats, to reach a wider group of people:

- website – with information about everything;
- Facebook, MySpace, TV, Bebo;
- accessible leaflets explaining rights;



- posters and leaflets at clinics, hospitals and libraries; and
- experts to speak in schools.

#### *Recommendation 2: Unanimous*

The police need educating about human rights. The police should be forced to give information when DNA is taken. People should be allowed some time to access information concerning compulsory taking of samples before the sample is taken.

### **Ownership and governance**

#### *Recommendation 3: Majority*

The government should fund the National DNA Database but not own it. The database should be owned by an independent body accountable only to the general public. Lay people should be recruited onto the independent body through equal opportunity processes.

#### *Recommendation 3A: Majority*

The independent body should be made up of delegates from all the following bodies or groups: the government, the police, scientists, the general public and an ethics group. Only a small number of people should have control, to make it easier to be secure.

#### *Recommendation 3B (i): Unanimous*

There must be a committee or a commission that publishes an annual report on the National DNA Database and other important related matters.

#### *Recommendation 3B (ii): Unanimous*

Membership of the commission must be defined by law and should include people from all walks of life.

#### *Recommendation 3B (iii): Unanimous*

This commission must be specifically for the National DNA Database. It must oversee that the database is run satisfactorily. All safeguards regarding the database should be rigorous and assessed by this independent body.

### **Access**

#### *Recommendation 4: Majority*

Legislation should be passed to define who can access the database and to restrict its purpose and use to:

- Police: for crime detection only. Access is only permitted to seek matches for a profile from a crime scene.
- Support defence or prosecution cases.
- The commission to audit and test the robustness of security and access control.

#### *Recommendation 5: Majority*

The National DNA Database Ethics Group should play a prominent role (have more influence) in the legislative process of the database development.



### **The Scottish database and the National DNA database**

#### *Recommendation 6: Majority*

Legislation governing both England and Scotland should be the same. A compromise would be to adopt the Scottish system but lengthen the time limit for profiles to be kept on the database. Retention of profiles in England and Wales should be the same as in Scotland, where they take off innocent people and they do not record ethnicity.

### **Universal DNA database**

#### *Recommendation 7: Majority*

There should not be a universal DNA database.

#### *Recommendation 8: Minority*

There should be a universal DNA database. (This recommendation should only be implemented if there are appropriate safeguards in place.)

### **International DNA databases and data sharing**

#### *Recommendation 9: Majority*

There should not be an international DNA database or sharing of DNA samples and profiles.

#### *Recommendation 10: Minority*

There should be an international DNA database. This would include both those who have been convicted and those suspected but not convicted of a crime.

#### *Recommendation 10A: Majority*

An independent body must control the international sharing of DNA data. Crime stains should be shared but profiles should be considered on a case-by-case basis.

#### *Recommendation 10B: Majority*

If there is an international DNA database, an agreement should be signed between countries which includes a shared agreement on safeguards, security and how the database and related information is used.

## **Implementation**

### **Policing**

#### *Recommendation 11: Majority*

We recommend that all police officers, as part of initial training, should be extensively trained and educated on policies concerning the National DNA Database and should relay the information to those it affects.

#### *Recommendation 12: Majority*

We recommend that there should be an independent agency to regulate and monitor the procedures of collecting DNA. Specially trained police officers should take the sample.



### **Procedures for taking samples**

#### *Recommendation 13: Majority*

The police should have the right to take samples by force, but only in instances where there is sufficient evidence to suggest criminal involvement. Innocent individuals, and those picked up for minor offences like breach of peace should not have their DNA forcibly taken.

#### *Recommendation 13A: Majority*

There is a need for well-publicised and strictly applied procedures. If force is required, very clear/witnessed procedures must be applied so that people do not feel abused.

#### *Recommendation 13B: Majority*

If someone refuses to give their DNA sample, they should be given a warning that the action is compulsory. They should be given an information pack with detailed information about the process of converting the sample into a profile, as well as facts and statistics about the DNA database, for example who looks at it and what other uses the database has.

### **Scientists**

#### *Recommendation 14: Majority*

Scientists concerned with the DNA database should be independent and from multiple funders. This includes for the processing of crime stains and samples, auditing labs and controlling access. There should be known and qualified eligible scientists in these processes. These scientists should also advise on future legislation so that it is monitored properly.

#### *Recommendation 15 (i): Majority*

Experienced scientists should not give opinions and should only report factual findings.

#### *Recommendation 15 (ii): Majority*

Scientists should not be biased. Thus in a court of law there should be a scientist from more than one lab. Both sides should be represented by scientists.

#### *Recommendation 15 (iii): Majority*

In serious cases we need more than just the two adversarial experts: one extra independent scientist (possibly two in very difficult cases).

#### *Recommendation 16: Unanimous*

Juries need some independent guidance about DNA before hearing from adversarial scientists.

#### *Recommendation 17: Unanimous*

Scientists should be much more involved in education; there should be more people involved with education to help understand more about DNA and raise public awareness.



## **Retention**

### *Recommendation 18: Majority*

If a person whose DNA has been loaded on to the database is found to be innocent or is released, the DNA sample must be destroyed and the profile removed from the database by law. Innocent people on the database should now be removed.

### *Recommendation 19 (i): Majority*

The DNA sample should not be stored regardless of whether the person is charged or not. The original DNA sample should be destroyed once the DNA profile has been loaded on to the database. It should be made illegal to retain it.

### *Recommendation 19 (ii): Majority*

Samples should not be stored. However, because they are at the moment, they should be stored at the laboratories they are sent to. There should be better security and restricted access so that it is illegal to use to use these samples for any other purposes.

### *Recommendation 20: Majority*

The length of time the DNA profile should stay on the database should be proportionate to the severity of the individual's crime or a minimum of five years – whichever is longer. The principle of proportionality is similar to that of sentencing for criminal offences.

### *Recommendation 21 (i): Minority*

Regardless of whether someone is found innocent or guilty, the DNA profile should be retained indefinitely.

### *Recommendation 21 (ii): Minority*

If someone is convicted, their profile should be kept until their death.

### *Recommendation 21 (iii): Minority*

DNA profiles should be retained after a person's death. The profile should be retained for five years after the person's death just in case the dead person is guilty or innocent of a crime.

## **Over-reliance on the DNA database**

### *Recommendation 22: Majority*

DNA should never be taken as evidence on its own, except in exceptional circumstances. Convictions should be made on multiple forms of evidence, for example circumstantial evidence, fingerprints, witnesses.



## Impact

### **Discrimination**

#### *Recommendation 23: Minority*

We recommend that a person's ethnicity should be recorded.

#### *Recommendation 24: Majority*

We recommend that a person's ethnicity should not be recorded.

### **Age**

#### *Recommendation 25: Unanimous*

A full explanation of what being on the DNA database actually entails should be given before a child's DNA is taken. There should be a counselling discussion with the child and parent/guardian.

#### *Recommendation 26 (i): Majority*

If a serious crime takes place, irrespective of their age the person who committed the crime should be placed on the DNA database.

#### *Recommendation 26 (ii): Minority*

If a very young person (below the age of eight) is convicted of a serious crime, both they and their parents should be placed on the database.

#### *Recommendation 27: Majority*

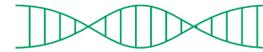
If children commit a minor offence, they should be on the DNA database but only for a short amount of time. They should only remain on the database if they are repeat offenders or it is a serious offence, for example violent crimes and sex offences.

#### *Recommendation 28: Majority*

A sample of everyone's DNA should not be taken at birth.

#### *Recommendation 29: Minority*

A sample of everyone's DNA should be taken at birth.



# 1. Introduction

Matters relating to the forensic use of DNA and the National DNA Database provoke a great deal of interest and debate, but there has rarely been an opportunity for such a debate to happen in the public arena where the agenda, the dialogue and the recommendations are set and made by citizens themselves.

The Citizens' Inquiry into the Forensic Use of DNA and the National DNA Database was launched in December 2007 and conducted its first session in January 2008. Thirty citizens from Birmingham and Glasgow, of different ethnicities, age and socio-economic backgrounds, and with varying degrees of knowledge, initially came together to form the Inquiry panel. The Glasgow and Birmingham panels were video-linked throughout the course of the Inquiry, allowing genuine national participation and dialogue.

This report charts the journey the Inquiry panel took and lays out the recommendations it made and the reasons for them. This report is written in the words of the panellists themselves, and as such presents an insight into the considerations made by 'the public' that policy-makers and stakeholders rarely have access to.

The report reflects the diversity of views held by members of the panel and the range of debates in which they engaged. As such, the report does NOT speak with one voice. It brings together unanimous, as well as majority and minority perspectives. The report is divided into three sections, the first of which is this Introduction. The report begins charting the process of the Inquiry in Section 2, and Section 3 provides a detailed account of the recommendations and findings of the Inquiry. These recommendations also serve as the conclusion of the report. The recommendations are identified as unanimous, majority or minority. It should be noted that the panellists made distinctions between their opinions and their reasons for making particular recommendations. Where this is the case it has been clearly highlighted.



## 2. The Inquiry Process

This section provides a detailed account of the Inquiry process, from how we, as the Inquiry panel, came to be selected to how we came up with our recommendations. The journey we went on as a group that brought us to our findings and recommendations is an important one. This section presents that journey in our own words.

### Selection and introduction

We all came across the project in different ways, from a BBC radio announcement, emails sent round through colleagues and the city council, advertisements in the paper or simply through direct engagement when the members of the Vis-à-Vis team visited community groups.

We represent a wide mix of individuals with diverse backgrounds, expertise, interests and experiences. We all bring something unique to the Inquiry, and we all have different reasons for wanting to participate in the Inquiry. This diversity brought a huge amount of value to the level of debate and discussions we had.

From studying DNA in biology at school to a fondness for forensics programmes on TV there were a broad range of personal interests that stimulated our participation. For some of us it was even a direct relevance to our line of work or a personal experience in relation to the DNA database that triggered our interest.

‘The wide variety of people resulted in a diverse assortment of thoughts, opinions and conclusions.’

### Introductory session

The Inquiry process, in both Birmingham and Glasgow, began with one full-day session. We took part in a range of activities and discussions during the first day introductory session, from icebreakers to systems thinking models and ‘jury model’ role-plays. We all felt we had not before had the opportunity to meet with such different people. We got to know each other and the facilitators explained a bit more about the process.

We did quite a lot of brainstorming in groups on the first day to get to know each other and to find out what our initial feelings were about DNA in general and the database. We had some discussions about DNA. We came up with a lot of questions about DNA that we didn’t know and the facilitation team told us they were going to get us experts to answer those questions. So on that first day we were helping decide what we would be talking about for the rest of the Inquiry.

### Inquiry sessions

We came to sessions every Monday, for six weeks. In these sessions the Birmingham and Glasgow panels were video-linked and we usually had an expert in both places.

Each expert was given 15 minutes to speak and then each panel had 20 minutes to ask questions. Experts ranged from university lecturers, forensic scientists, journalists and people with learning disabilities. A full list of experts is in Appendix 2.

There was a red card system where panellists or facilitators would put up red cards that would indicate they did not understand something and the expert would have to explain it further or use simple language.

Before we had to ask questions of the expert we had 10 to 15 minutes to think about what they had said and the questions we wanted to ask. After each expert had spoken we went into small groups. In our small groups we discussed the issues that had been brought about by the speaker and decided to ask what we thought were the most relevant questions.

The small groups were very informative, because people had different ideas and not everyone's opinions were the same. We were given transcripts of what the previous week's experts had said, which helped refresh our memory, and we were able to ask questions based on things we were picking up from previous experts. If we had any unanswered questions we were given the chance to email the experts our questions.

From each session we were able to see and appreciate the multiple strands of the debate. What was surprising about the Inquiry was how many different aspects there were: social, political, scientific, the fight against crime. As the Inquiry went on, many of the panel members began changing their views on the DNA database. At the start of this whole project our questions were very general but by the end they were very specific. It was clear that we as a panel had learned a lot.

‘The process was very panel led, in the sense the facilitators were there to organise as opposed to get involved in the actual forming of opinion or deliberations. This meant learning was done far more freely and was thus more beneficial. We only used facilitators for a bit of advice and guidance.’

## Regional visits

After the weekly Inquiry sessions we went on two visits. The Glasgow panel went to the Scottish Parliament and the Birmingham Panel visited some local community groups in the London Borough of Hackney.

### Hackney

We visited a community centre in Hackney to find out the impact of the database on the community there. We had a councillor from the area talk to us about the problems in Hackney; he gave us a flavour of the dynamics of the community he served which had 91 different languages being spoken, wealthy and poor people alike and a youth gang culture that was increasing because of disillusionment with the establishment.

A small group of us talked to some young men in the youth centre and discovered that they did not really worry about DNA being taken but worried more about how it could be used or misused. They were not angry about being put on the database but just did not trust the police.



It was interesting because we could relate what we'd learnt with people and communities that were directly affected by the DNA database and moreover shared a lot of the concerns that had been raised by some panellists through our Inquiry sessions.

## Scottish Parliament

We went to the Scottish Parliament to meet various politicians from different parties to ask their opinions regarding the DNA database.

We met a politician from each political party – the Scottish National Party, the Labour Party, the Green Party and the Liberal Democrats – who gave their party's opinion about the DNA database and then their own personal views about the matter. It was good getting the chance to go there and meet the MSPs; it was really good to hear some of their different views. They were all very helpful and answered most of the questions posed.

Going to Parliament was rather exciting and an eye-opener about how laws were made. We posed a range of DNA-related questions to the MSPs, demonstrating and exploring their understanding of the DNA debate. All the parties had different views but they shared one common view: that they thought the DNA database should not be expanded any further.

## Residential sessions

Our first weekend residential was in Birmingham, to continue our deliberations and to summarise our thoughts into practical recommendations. This process involved various icebreakers, discussion and some of the previous experts coming back for more questions.

'We enjoyed group sessions, learning different things, mixing with Glasgow and English friends.'

We nominated three experts from previous sessions to come to the weekend and had a mock 'Question Time' forum where we asked them questions as a panel. We also had the opportunity to meet with, and pose questions to, the project funders. This weekend was the culmination of all of the discussions, expert input and debate we had had over the last eight or nine weeks. We tried to pull all of our views together in a coherent voice in order to try and ensure the main issues would be included in the report. It was very time-consuming, but effective.

We debated with each other regarding subjects and found out each other's opinions; through discussions some of our views were being slightly changed on various topics.

'They [Vis-à-Vis] met all our needs and assisted with all inquiries. They ensured group morale was great, looked after the weak, the weary and the OAPs – good hospitality!'

The Vis-à-Vis team then put all of our recommendations together in a report format and we were asked to comment on the report as a whole and feed back on whether it was an actual reflection of our views.



Our final residential was in Glasgow to comment on and discuss any changes that the report may need. We spent a whole day going through each recommendation in detail, making sure we were happy with the way it sounded, what it said and the reasons for it. Individually, we voted on all the recommendations to say whether we agree or disagree with them, in order to reach a majority–minority view on the recommendations.

We do not feel as a panel that our role is yet complete. Because of this we spent a large part of the final residential putting together an action plan, set out in Appendix 5. We came up with a whole range of ideas and suggestions for future activities and action plans for how to take them forward. We have made suggestions about the different organisations and agencies we feel will be able to help us in achieving the goals we have set.

‘This DNA Inquiry has added to our inadequate or non-existent knowledge of the DNA database because of first-class expert talks, interaction with the diverse group and meticulous attempts to discover our views to enable us to write a report which totally reflected our concerns and recommendations.’



# 3. Findings and Recommendations

The context of these recommendations was seven weeks of debates, discussions and thought. We have taken on board the knowledge and perspectives of the external experts that we heard from. These views have been added to our own lived experience and expertise and allowed us to engage in a truly informed dialogue with external individuals as well as one another.

We have considered many issues and made many recommendations for improvement and change. However, the findings and recommendations listed below are not unanimous among the panel. Some of these recommendations may be slightly different and a few of them may even contradict one another.

Although we made attempts to agree points wherever possible, we were not expected to come to a consensus on anything. We respected each other's point of view and have made sure that we have not lost or excluded each other's opinions. The contradictions are themselves a sign of the depth of debate we had and the need for further discussion on what is a very complicated topic.

We have used sub-recommendations to elaborate upon, or link recommendations to, main recommendations, for example Recommendation 10 is supplemented by Recommendation 10A and Recommendation 10B.

Where a recommendation has been divided into parts within itself (for example recommendation 3B (i), 3B (ii) and 3B (iii) this is because the parts all make up the whole of the same recommendation.

The matrix diagram in Appendix 4 provides an account of the links between all the recommendations made.



## Infrastructure

### Public education and information

We believe that public education is of primary importance. Lack of information can lead to a great deal of misinformation and a lack of trust. We recommend the general public should be provided with accessible educational information on the National DNA Database so that they are able to make informed decisions. Widespread and detailed information in the public arena will mean the public do not just rely on misconstrued information from other sources. It will also promote trust in the agencies associated with the DNA database.

A number of steps need to be taken to improve public awareness and knowledge on the use of DNA and on all areas of the DNA database. There needs to be more discussions and information because the public know very little, if anything, about DNA, let alone about the database. Information needs to be in the public domain and should be accessible. Education should actually start from the age you can be put on the database; a lot of youth are getting into trouble and are affected by this, but are ill-informed as to the effects or implications.

#### RECOMMENDATION 1

There needs to be a nationwide public awareness campaign for all sectors of the population.

The awareness campaign should be just the facts. There should be no bias, then more informed decisions can be made by the public. Its focus should be on six key areas:

- the wider implications of DNA;
- the fact that you only have to be arrested to have your DNA taken;
- the fact that the DNA profile is held indefinitely;
- what the DNA sample and the profile are and what they are used for;
- how the system works; and
- logistics/procedures.

*Unanimous*

#### RECOMMENDATION 1A

The information campaign should be in all the following formats, to reach a wider group of people:

- website – with information about everything;
- Facebook, MySpace, TV, Bebo;
- accessible leaflets explaining rights;
- posters and leaflets at clinics, hospitals and libraries; and
- experts to speak in schools.

*Unanimous*



## RECOMMENDATION 2

The police need educating about human rights. The police should be forced to give information when DNA is taken. People should be allowed some time to access information concerning compulsory taking of samples before the sample is taken.

### Reasons

- This would give people more reassurance.
- It would be useful to give people a leaflet with information as an absolute minimum.

*Unanimous*

## Ownership and governance

The recommendations in this theme are based on the idea that there should be a National DNA Database. Some of us in the panel feel there should not be a National DNA Database, but if there is to be one, the government should not have direct access to it. Others in the panel feel there should be a database, but it should be independent of government.

We believe that if the database is in the right hands there should be no mistakes. Some in the group feel that according to the Human Tissue Act 2004, DNA is the property of humans and the public should have a more active role in what happens to it. Some also believe that past actions and hidden agendas have shown that the government cannot be trusted.

## RECOMMENDATION 3

The government should fund the National DNA Database but not own it. The database should be owned by an independent body accountable only to the general public.

Lay people should be recruited onto the independent body through equal opportunity processes.

### Reasons

- We cannot predict the actions of future governments.
- We cannot rely on the behaviour of future government not to change legislation or be influenced by new scientific developments and opportunities.
- The police need to be seen as separate for public confidence.
- Scientists should not be wholly responsible for dealing with the implications of their work and its application.

*Majority*

**RECOMMENDATION 3A**

The independent body should be made up of delegates from all the bodies or groups below:

- the government;
- the police;
- scientists;
- the general public; and
- an ethics group.

Only a small number of people should have control, to make it easier to be secure.

*Majority*

**RECOMMENDATION 3B (i)**

There must be a committee or a commission that publishes an annual report on the National DNA Database and other important related matters.

**Reasons**

- To keep the public informed and educated.
- So the public can critique the National DNA Database.

*Unanimous*

**RECOMMENDATION 3B (ii)**

Membership of the commission must be defined by law and should include people from all walks of life.

**Reasons**

- So there is fair representation.
- So it can include different viewpoints.

*Unanimous*

**RECOMMENDATION 3B (iii)**

This commission must be specifically for the National DNA Database. It must oversee that the database is run satisfactorily. All safeguards regarding the database should be rigorous and assessed by this independent body.

**Opinion**

This body should not be made up by, or controlled by, the police, who may be biased or have targets for convictions.

*Unanimous*



## Access

We think that restrictions on access to the database are not strong enough. This means that those in high positions can access the database. We believe that access needs to be decided and controlled by an independent person or body as outlined in Recommendation 3A. The power of the independent person or body must be protected by law. It must be transparent and not under political influence. The person or body must be neutral and politically inactive. This body should monitor how samples and profiles are stored and who has access. It should have a powerful say and be able to enforce action.

### RECOMMENDATION 4

Legislation should be passed to define who can access the database and to restrict its purpose and use to:

- Police: for crime detection only. (Access is only permitted to seek matches for a profile from a crime scene.)
- Support defence or prosecution cases.
- The commission to audit and test the robustness of security and access control.

#### Reasons

- So that the database is maintained properly.
- So that security and access are tight.
- Need legislation to stop governments doing what they want in the future.

*Majority*

Recommendation 4 is linked to genetic modification – the restrictions on the database are also restrictions on the use of DNA for other purposes such as genetic selection or modification. Restrictions and safeguards detailed in Recommendation 4 alleviate our concerns on the misuse of DNA in years to come.

### RECOMMENDATION 5

The National DNA Database Ethics Group should play a prominent role (have more influence) in the legislative process of the database development.

#### Reason

- It is important to make sure that the database's actions, usage and scope are kept ethical.

#### Opinion

At the moment the Ethics Group's suggestions do not have much influence.

*Majority*



## The Scottish database and the National DNA Database

There are advantages and disadvantages in the systems of both the National DNA Database and the Scottish database in terms of crime prevention and protecting civil liberties. It would make sense for both systems to be run in the same way and share best practice.

The Scottish system appears to protect human rights more in that innocent people are not kept on the system and it does not record ethnicity. However, we have been led to believe that more people are caught for crimes in England. The crime prevention statistics from England indicate that there should be a compromise between how the Scottish and national systems are run.

### RECOMMENDATION 6

Legislation governing both England and Scotland should be the same. A compromise would be to adopt the Scottish system but lengthen the time limit for profiles to be kept on the database. Retention of profiles in England and Wales should be the same as Scotland, where they take off innocent people and they do not record ethnicity.

#### Reasons

- More people would be caught or suspected if profiles were kept on file longer, as in England.
- Recording of ethnicity and retaining innocent profiles could lead to discrimination.

*Majority*

## Universal DNA database

By ‘universal’ DNA database we mean a national database that includes everyone’s DNA in the UK. Discussions around a universal database looked at who should govern and run it and what the advantages and disadvantages of such a system would be, weighing up individuals’ rights with the rights of society.

This subject gave rise to two opposing recommendations (Recommendation 7 and Recommendation 8). Our understanding of the current position that has given rise to both the opposing recommendations is listed below.

- At present there is a disproportionate number of people from ethnic minority background on the National DNA Database.
- There are discrepancies in the methods of collecting and holding samples and profiles in England and Scotland.
- By itself the existence of the database has no bearing on discrimination; it is going to exist whether the database is there or not.
- There is the temptation for the database to be used for other purposes in the future – by employers for example.



In the case of both opposing recommendations, our unanswered question 'Is the UK willing to take the lead on this universal database and all the problems that will arise from its usage/misuse?' forms the context.

### RECOMMENDATION 7

There should not be a universal DNA database.

#### Reasons

- Creation of a universal database would cost a great deal to collect from everyone.
- Taking DNA from those arrested, as the current system does, targets those likely to commit crimes. The number of people from the whole of the population likely to commit crimes is too low to warrant DNA being collected from the whole of the population.
- A universal database will be almost impossible to implement in terms of collection and storage.
- DNA is currently collected because by being suspected of committing a crime an individual is giving up their right to control who has their DNA; a universal database would prevent this.
- The whole ethos of the British justice system is 'innocent until proven guilty'. By putting everyone on the database you are naming them as a possible suspect for a crime in the future.
- The database is more about finding suspects than exonerating the innocent; it is unfair to consider all individuals within the population to be suspects.
- A universal database would be open to different uses by groups such as employers, insurance companies etc.

*Majority*

### RECOMMENDATION 8

There should be a universal DNA database. (This recommendation should only be implemented if there are appropriate safeguards in place.)

#### Reasons

- Though this may be expensive to implement – the benefits to society and policing will reduce the costs in the long term.
- Current statistics show that certain communities are over-represented on the DNA database. A universal database will prevent certain communities being discriminated against more than others.
- A universal database will also enable quick elimination of suspects in police investigations – proving people innocent.
- Collection of DNA does not mean you are suspected of committing a crime.
- A universal system would remove the stigma from being on the database.
- It would be helpful to the police in cases where they are up against a 'wall of silence' and need evidence.

*Minority*



## International DNA databases and sharing

There are examples of where sharing DNA database information between countries has led to successful arrests of some criminals and therefore an international database has considerable use for crime detection.

An international DNA database and the sharing of DNA data across national boundaries has the potential to allow more successful convictions. Caroline Dickinson's murderer was arrested as a result of his being on the French DNA database. If an international DNA database was in place, the speed of such processes would have been significantly quicker. Also the international sharing of the DNA database would allow the identification of people from abroad who have committed crimes overseas and in the UK.

There are concerns among the group, however, about such a system becoming a bargaining tool between countries for political leverage. There are serious questions about who should govern, monitor and access such a system.

Our concerns give rise to two opposing recommendations – 9 and 10; the reasons behind each recommendation are detailed below. Both recommendations have been formed against the backdrop of two questions: 'Is there a common base available to various national standards, can the EU assist?' And 'Does the European Parliament assist on merging data?'

### RECOMMENDATION 9

There should not be an international DNA database or sharing of DNA samples and profiles.

#### Reasons

- An international database will not be cost effective.
- International sharing will be too difficult to manage and regulate effectively.

*Majority*

### RECOMMENDATION 10

There should be an international DNA database. This would include both those who have been convicted and those suspected but not convicted of a crime.

#### Reason

- Crimes have been solved because of DNA sharing between countries. This should not be prevented.

*Minority*

**RECOMMENDATION 10A**

An independent body must control the international sharing of DNA data. Crime stains should be shared but profiles should be considered on a case-by-case basis.

*Majority*

**RECOMMENDATION 10B**

If there is an international DNA database, an agreement should be signed between countries which includes a shared agreement on safeguards, security and how the database and related information is used.

*Majority*



## Implementation

### Policing

The database and the role of the police are interrelated and have an impact on each other. The police could play a useful role in better educating the public about the DNA database through receiving training themselves, so that both parties are better informed about the process and its wider implications.

This may help to address some of the challenges surrounding the DNA database and build trust with the general public. Our recommendations are related to police action in relation to the National DNA Database and not police power or practice of arrest as this is not our remit.

Recommendation 11 is directly linked to Recommendation 2 above.

#### RECOMMENDATION 11

We recommend that all police officers, as part of initial training, should be extensively trained and educated on policies concerning the National DNA Database and should relay the information to those it affects.

##### Reasons

- Throughout the Inquiry process we were able to speak to a number of young people who were on the National DNA Database, but did not know why. This has led us to believe that many of the people affected by the DNA database know very little about it.
- The police need to be trained as well as they can be in dealing with the public.
- There is a large proportion of people from black and minority ethnic communities on the National DNA Database, which suggests a need for further training. That said, this recommendation should apply in relation to all ethnicities and not specifically target any particular community.
- The process of taking DNA should be explained, particularly to those subject to it.

*Majority*

Recommendation 12 is directly linked to Recommendation 1 and Recommendation 3. Recommendation 12 is also linked to the work of the Information Commissioner.



## RECOMMENDATION 12

We recommend that there should be an independent agency to regulate and monitor the procedures of collecting DNA. Specially trained police officers should take the sample.

### Reasons

- There can be no future influence on the use of the DNA database if it is monitored by an independent body.
- An independent body will give equal consideration to both the police and arrestees and will be in a position to give more information to the arrestees.
- There is a lot of secrecy surrounding the system at the moment. With an independent body monitoring the procedures and the database, it would be more in the general public's eye.
- The police are only accountable to government or themselves at the moment which can lead to abuse.

*Majority*

## Procedures for taking samples

The manner in which DNA samples are taken and by whom are related to issues of trust, policing and civil liberties. The procedures and trust can be improved through better communication and information between the police and arrestees to prevent manipulation or abuse in any way whatsoever. There needs to be clarity and trust in the process of taking DNA; for an individual to know their rights prior to having their DNA taken may help reassure them and lessen their fears, maybe even eradicating the need for forced DNA. Recommendations in this section are linked to Recommendation 1 and Recommendation 2.

## RECOMMENDATION 13

The police should have the right to take samples by force, but only in instances where there is sufficient evidence to suggest criminal involvement. Innocent individuals, and those picked up for minor offences like breach of peace should not have their DNA forcibly taken.

### Reasons

- DNA samples may be needed to convict a suspect so should be forcibly taken.
- Where the police do not have enough evidence they can criminalise people by taking their DNA.
- Forcible collection of DNA violates individuals' human rights where they are not guilty or have been arrested for minor crimes.

*Majority*

**RECOMMENDATION 13A**

There is a need for well-publicised and strictly applied procedures. If force is required, very clear/witnessed procedures must be applied so that people do not feel abused.

**Reasons**

- A lack of clear procedures will leave the use of force wide open for abuse.
- Knowledge of why DNA is being taken and what will be done with it will help reduce people's fears of having it taken.

*Majority*

**RECOMMENDATION 13B**

If someone refuses to give their DNA sample, they should be given a warning that the action is compulsory. They should be given an information pack with detailed information about the process of converting the sample into a profile, as well as facts and statistics about the DNA database, for example who looks at it and what other uses the database has.

**Reasons**

- To eradicate fear.
- To educate the individuals concerned.
- It will stop some forced DNA being taken because people would understand better what is happening and that this is the law.

*Majority*

**Scientists**

Scientists play an important role in the forensic use of DNA. Their role is important throughout the process – from the accuracy of the sample through to the weight given to DNA as evidence. The majority of the panel feel that were we members of the jury, and had never taken part in this Inquiry, we would not have known anything about DNA. The recommendations in this section relate to the information given to jurors and the way in which information on DNA is presented to juries. It is important these recommendations are implemented to prevent any miscarriages of justice.



#### RECOMMENDATION 14

Scientists concerned with the DNA database should be independent and from multiple funders. This includes for the processing of crime stains and samples, auditing labs and controlling access. There should be known and qualified eligible scientists in these processes. These scientists should also advise on future legislation so that it is monitored properly.

##### Reasons

- If a scientist is biased or works for only the prosecution then this has the potential to affect the way they read the DNA evidence.
- Without effective safeguards in place, laboratories can make mistakes or not maintain sufficient standards.
- Scientists and laboratories have an important role to play in building a case against somebody or in somebody's defence. This should be tightly regulated to make sure they are independent.

*Majority*

#### RECOMMENDATION 15 (i)

Experienced scientists should not give opinions and should only report factual findings.

##### Reasons

- Scientists have a lot of sway with juries and 'Joe Public' because of their qualifications and how much they know.
- Views of scientists are often considered fact, but they are only opinion. As such, they should only be allowed to present and discuss the facts.

*Majority*

#### RECOMMENDATION 15 (ii)

Scientists should not be biased. Thus in a court of law there should be a scientist from more than one laboratory. Both sides should be represented by scientists.

##### Reasons

- Both sides of a case should have a chance to check the evidence.
- If the scientists both work for the same organisation or laboratory they may not disagree with one another even though they should. Separate workplaces will help make sure they remain impartial.

*Majority*

**RECOMMENDATION 15 (iii)**

In serious cases we need more than just the two adversarial experts: one extra independent scientist (possibly two in very difficult cases).

**Reasons**

- It is important that juries have the option of hearing as much evidence as possible.
- The third scientist will be able to present an independent perspective.

*Majority*

**RECOMMENDATION 16**

Juries need some independent guidance about DNA before hearing from adversarial scientists.

**Reasons**

- The jury should be educated about DNA before trial so that they do not get swayed by what the scientists or experts have to say and can make up their own minds.
- Juries do not learn enough about DNA before they are asked to judge its importance to a case. Jurors need to be formally made aware (through induction training) of the role of DNA evidence in determining a conviction. This should include an understanding of the intricacies of DNA usage and its pitfalls, for example the possibility of planting DNA and the use of partial samples.
- It is easy to be blinded by the qualifications of scientists and the authority with which they speak.

*Unanimous*

Recommendation 17 is directly linked to Recommendation 1 and Recommendation 2.

**RECOMMENDATION 17**

Scientists should be much more involved in education; there should be more people involved with education to help understand more about DNA and raise public awareness.

**Reason**

- Not enough people know about DNA and how it is used, but the issue concerns them all. It is especially important now when more and more young people are getting arrested but still do not know what it is.

*Unanimous*



## Retention

Commonly there is little distinction made between the DNA sample taken and the DNA database. The panellists feel that there is very little knowledge among the public about the distinction between the DNA sample and the DNA profile stored. The panellists feel there is very little clarity on what is stored, how it is stored and the remit of the database because of the blurred understanding of the difference between sample and profile.

The sample, as we understand it, is the actual swab or piece of DNA collected from an individual. This sample is currently stored at the laboratory which is responsible for processing the sample and extracting a full or partial profile from it. The profile generated from the sample is simply a string of numbers, similar to a barcode, that corresponds to particular components on the DNA strand.

Our recommendations in this section relate to two distinct questions of retention – the retention of the sample and the retention of the profile.

### Retention of samples

Debates on this theme covered issues such as the necessity of retaining a sample, the potential degradation of a sample and the potential for abuse or misuse of a sample. There were also concerns about the keeping DNA that belongs to innocent individuals. This was particularly in the context, that while retaining DNA from somebody who was found guilty of a crime could be justified, it seems unfair to retain the DNA sample of somebody who has not been convicted of a crime.

### RECOMMENDATION 18

If a person whose DNA has been loaded on to the database is found to be innocent or is released, the DNA sample must be destroyed and the profile removed from the database by law. Innocent people on the database should now be removed.

#### Reasons

- If there is a National DNA Database storing samples, storage could be used to find out more sensitive information or laboratories could use the stored samples for other inappropriate reasons.
- Retaining the sample criminalises the innocent and we know removal works well in the Scottish system.

*Majority*

**RECOMMENDATION 19 (i)**

The DNA sample should not be stored regardless of whether the person is charged or not. The original DNA sample should be destroyed once the DNA profile has been loaded on to the database. It should be made illegal to retain it.

**Reasons**

- Samples are not necessary unless they are going to be used in the future. The suspect would need to be found anyway and a second sample can be collected at this stage, if necessary.
- DNA samples could fall into the wrong hands, for example insurance companies who may discriminate against people.

*Majority*

**RECOMMENDATION 19 (ii)**

Samples should not be stored. However, because they are at the moment, they should be stored at the laboratories they are sent to. There should be better security and restricted access so that it is illegal to use these samples for any other purposes.

**Reason**

- The Human Tissue Act 2004 means people own their own DNA and body samples; this should be kept in mind when storing and giving access to samples.

*Majority*

**Retention of profiles**

Debates around the retention of profiles were based on the practical concerns of the criminal justice system as well as the ethical concerns of storing information about someone, potentially against their will. Retaining profiles overall was less controversial than retaining samples, but did give rise to heated debate when related to innocence and length of time.

**RECOMMENDATION 20**

The length of time the DNA profile should stay on the database should be proportionate to the severity of the individual's crime or a minimum of five years – whichever is longer. The principle of proportionality is similar to that of sentencing for criminal offences.

**Reasons**

- Once people have served their sentence they should feel safe that they are able to move on. Retaining their profile continues to criminalise them.
- Currently no distinction is made between someone who has been arrested for breach of the peace and someone who has murdered somebody. That their profile is on the database automatically suggests they have been involved in criminal activity.

*Majority*

**RECOMMENDATION 21 (i)**

Regardless of whether someone is found innocent or guilty, the DNA profile should be retained indefinitely.

**Reasons**

- Once a profile has been collected there is no need to remove it – it is simply a string of numbers.
- Retention of a profile could actually eliminate someone from an inquiry.
- Retention may help if that person goes on to commit a crime.

*Minority*

**RECOMMENDATION 21 (ii)**

If someone is convicted, their profile should be kept until their death.

**Reason**

- See 21(i).

*Minority*

**RECOMMENDATION 21 (iii)**

DNA profiles should be retained after a person's death. The profile should be retained for five years after the person's death just in case the dead person is guilty or innocent of a crime.

**Reason**

- Crimes or new evidence may come to light after someone has died. Retaining their profile will help identify the person responsible, or eliminate them from the inquiry.

*Minority*

**Over-reliance on the DNA database**

The value of DNA being used as evidence was a very important theme of discussion, because it underpins the validity of the DNA debate and the database itself. Some practitioners and policy-makers placed a lot of reliance on DNA data as evidence, whereas others highlighted its limitations. Although DNA is certainly useful, it is important to look at the wider context of each case and explore other strands of evidence – not DNA on its own. As we know, DNA can be planted and misplaced, potentially leading to false arrests and convictions.

**RECOMMENDATION 22**

DNA should never be taken as evidence on its own, except in exceptional circumstances. Convictions should be made on multiple forms of evidence, for example circumstantial evidence, fingerprints, witnesses.

**Reasons**

- DNA can be planted or accidentally moved from one place to another. Its presence somewhere is not enough proof.
- Over-reliance on DNA might lead to lazy policing.
- DNA evidence is not always the strongest evidence in a case.

*Majority*



## Impact

### Discrimination

At the present moment the database has a high proportion of people of black and minority ethnic heritage. We need to ensure that there are sufficient safeguards put in place to deal with institutional racism. This would prevent certain communities from feeling marginalised or victimised. The figures on the database are reflective of the arrest rates. As such, discrimination is a policing issue rather than a database issue. Policing is beyond the remit of this Inquiry. Our recommendations in this section are made with this context and background in mind. The recommendations relate to the recording of ethnicity and contradict one another.

#### RECOMMENDATION 23

We recommend that a person's ethnicity should be recorded.

##### Reasons

- Without recording ethnicity we would be unable to know about the disproportionate race figures on the database.
- Some on the panel believe ethnic appearance is needed for policing as it makes the 'detection' of a criminal easier.
- If ethnicity was not recorded it may result in even more disproportionate figures being recorded as there would be no checks and balances.

*Minority*

#### RECOMMENDATION 24

We recommend that a person's ethnicity should not be recorded.

##### Reasons

- If DNA is found at a crime scene the ethnicity of the person to whom it belongs does not matter anyway – the sample will match regardless.
- Recording ethnicity could be used to discriminate in other ways.

##### Opinion

Some of us believe that defining ethnicity based on police officer perception is itself discriminatory.

*Majority*



## Age

The age of those on the database, and having those as young as eight years old on the database, generated a huge amount of debate, raising many ethical issues. We had mixed views about the role of parents in taking responsibility for crimes committed by their children and the benefits and detriment of having young people on the database. The issue of age and a number of the recommendations made under this heading are related to our role in agenda-setting the remit of the Inquiry, and the inclusion of ethical dimensions of the debate.

Some of our recommendations are also linked to the discussion surrounding a universal database. Debates around age and the collection of DNA from birth were central to discussions on the feasibility of a universal DNA database. This too has implications for parental consent.

### RECOMMENDATION 25

A full explanation of what being on the DNA database actually entails should be given before a child's DNA is taken. There should be a counselling discussion with the child and parent/guardian.

#### Reasons

- It is important that children and young people added to the database are able to understand why and how this would happen.
- Levels of awareness of this new technology are low so steps need to be taken to address people's right to information to avoid any misunderstandings.

*Unanimous*

### RECOMMENDATION 26 (i)

If a serious crime takes place, irrespective of their age the person who committed the crime should be placed on the DNA database.

#### Reasons

- Some young people do know what they are doing and so should be held responsible.
- In the case of serious crimes there needs to be a level of accountability and repercussion.

*Majority*

**RECOMMENDATION 26 (ii)**

If a very young person (below the age of eight) is convicted of a serious crime, both they and their parents should be placed on the database.

**Reasons**

- Parents should be held responsible because some children are too young to be held responsible and do not always understand the implications of their actions.
- If the child has full understanding of what they have done, it's not useful just to blame parents.

*Minority*

**RECOMMENDATION 27**

If children commit a minor offence, they should be on the DNA database but only for a short amount of time. They should only remain on the database if they are repeat offenders or it is a serious offence, for example violent crimes and sex offences.

**Reason**

- Children are not as accountable for their crimes as adults and should not be held as responsible for them.

*Majority*

**RECOMMENDATION 28**

A sample of everyone's DNA should not be taken at birth.

**Reasons**

- Taking everyone's DNA would be very difficult to implement, and require different procedures for different cases such as immigrants and visitors.
- Complications will arise in difficult cases, for example what happens for those children born abroad who have British parents and come to reside in the UK?
- As a baby is unable to give consent, taking a DNA sample is in contravention of the Human Tissue Act 2004.
- Taking DNA from birth is an automatic assumption that everyone is a potential criminal.
- It is an infringement of basic human rights and the right to privacy.

*Majority*



## RECOMMENDATION 29

A sample of everyone's DNA should be taken at birth.

### Reasons

- This will cut down miscarriages of justice and the police will be able to identify the right culprit.
- This may be able to aid in the early detection of health problems.
- This may be able to help in potential kidnappings.
- If it was decided in law to have a universal database, this might be the most cost-effective way of creating it.

*Minority*



# Appendices

---

## Appendix 1: The Inquiry Panel

### **Birmingham**

**Julia Selman Ayetey**

**Grace Breakwell**

**Michael Brown**

**Danielle Cawsor**

**Catherine Curran**

**Pawan Dhande**

**Adam Goodger**

**Shakila Haqmal**

**Hamida Hurd**

**Hilary Makila**

**John Martin**

**Sanjay Patel**

**Adrian Randall**

**Leah Robertson**

**Edy Samuels**

**Sarandip Singh Batt**

**Gina Stoke**

### **Glasgow**

**Yasmin Ali**

**Madiya Ansari**

**Javed Aslam**

**Deborah Ballantyne**

**Ann Davies**

**Amer Hussain**

**Lorraine Kennedy**

**John White**

# Appendix 2: About the External Experts

In order of appearance before the Inquiry panel.

## **Clare Stangoe, Forensic Access**

Clare Stangoe is a forensic biologist who joined Forensic Access in the role of Principal Forensic Biologist in 2007. She is a registered forensic practitioner.

## **Tom Nelson, Director, Scottish Forensic Services**

Tom Nelson had previously worked with the Northern Ireland Forensic Science Laboratory and was head of the Lothian and Borders Police Forensic Laboratory before leading the work to establish Scotland's Forensic Services. He has been a forensic scientist for 25 years.

## **Tom Ross, Police Liaison Officer, Scottish Forensic Services**

Tom Ross has been a police officer for 32 years, mainly with CID. His current responsibilities include the correct administration of the Scottish DNA database and offering advice to senior investigating officers in the event of intelligence-led DNA screens.

## **Dr Helen Wallace, Director, GeneWatch**

GeneWatch is a small organisation started by scientists who believe that people should have a say about how genetic technologies and science in general is used. GeneWatch began work on the police DNA database in 2003.

## **Mike Prior, Custodian, National DNA Database and**

## **June Guinness, Manager, National DNA Database**

Mike Prior and June Guinness are responsible for protecting the integrity of the DNA database, ensuring that it has the right facilities and gives the right information.

## **Dr Mairi Levitt, Senior Lecturer in Sociology, University of Lancaster**

Conducted research on young people's opinion on the DNA database, as part of a European project on forensic databases.

## **Richard West, Community Activist and Member, National Advisory Group on Learning Disabilities and Ethnicity**

Provides consultation and advice to national government.

## **Professor Peter Hutton, Chair, National DNA Database Ethics Group**

The role of the Ethics Group is to look at the balance between society's benefits and human rights in relation to the use of DNA.

## **Satish Sekar, Journalist**

Author of *Fitted In: The Cardiff 3 and the Lynette White Inquiry*, which details how forensic evidence was misinterpreted.

**Professor Allan Jamieson, Director, Forensic Institute**

Professor Jamieson has provided written evidence and advice in over 150 cases in England, Northern Ireland and Scotland, and in one case in the USA. He has also given oral evidence in Scottish, English and Northern Irish courts, including evidence on DNA in the Omagh bomb trial.

**Superintendent Derek Forest, West Midlands Police**

Head of Forensic Services for West Midlands Police and a Senior Investigating Officer, Derek Forest has spent 25 years in the police service. He is a member of the DNA Database Operations Board and UK representative on the Interpol DNA monitoring Expert Group, Lyon.

# Appendix 3: Timeline of the Inquiry

<b>7 December 2007</b>	Vis-à-Vis commissioned to undertake Citizens' Inquiry on the Forensic Use of DNA and the National DNA Database.
<b>16–22 December</b>	Contact with groups in Birmingham and Glasgow and dissemination of information about the project.
<b>7–18 January 2008</b>	Meeting with community groups and individuals in Glasgow and Birmingham to recruit Inquiry panellists.
<b>22 January</b>	First working group meeting. First advisory panel meeting (London). Panellist selection.
<b>26–27 January</b>	One-day introductory sessions for Inquiry panellists in Birmingham and Glasgow.
<b>4 February</b>	First Inquiry session. Expert: Clare Stangoe (Forensic Access).
<b>11 February</b>	Second Inquiry session. Experts: Tom Nelson (Scottish Forensic Services); Tom Ross (Scottish Forensic Services) and Dr Helen Wallace (GeneWatch).
<b>18 February</b>	Third Inquiry session. Experts: Mike Prior and June Guinness (National DNA Database), Dr Mairi Levitt (sociologist) and Richard West (community activist).
<b>19 February</b>	Second advisory panel meeting (Birmingham).
<b>25 February</b>	Fourth Inquiry session. Experts: Professor Peter Hutton (National DNA Database Ethics Group) and Satish Sekar (journalist).
<b>3 March</b>	Fifth Inquiry session. Experts: Professor Allan Jamieson (Forensic Institute) and Derek Forest (West Midlands Police).
<b>10 March</b>	Birmingham Inquiry panel's regional visit to the London Borough of Hackney.
<b>11 March</b>	Glasgow Inquiry panel's regional visit to the Scottish Parliament.
<b>12 March</b>	Second working group meeting.
<b>15–16 March</b>	Joint residential weekend in Birmingham for all panellists to generate recommendations.



<b>17–30 March</b>	Preparation by Vis-à-Vis of the draft version of the report; circulation to all panellists and advisory panel for comments and feedback.
<b>5 April</b>	Third advisory panel meeting (Glasgow).
<b>5–6 April</b>	Joint residential weekend in Glasgow for all panellists to finalise recommendations and suggest any changes to the report.
<b>7 April to 1 May</b>	Finalisation by Vis-à-Vis of the <i>Citizens' Report</i> .
<b>1 May</b>	Submission by Vis-à-Vis of the Citizens' Inquiry to the HGC.
<b>13 May</b>	Presentation of findings to the Human Genetics Commission.





# Appendix 5: Action Plan

Upon completion of the Citizens' Inquiry into the Forensic Use of the National DNA Database, the panel discussed a range of future initiatives that could build on the experiences and findings of the Citizens' Inquiry. We are keen to disseminate the recommendations made in this report to raise awareness among the wider public about the issues and implications surrounding the National DNA Database.

This Appendix outlines a range of actions we feel should be taken, and that we would like to be involved in. It also explains the aims and objectives behind the action and identifies potential groups or individuals that may be able to support the proposals put forward.

Through panel discussions, we identified four key areas in which we would like to take some action:

- Media and Communications;
- Education;
- Government and Policy; and
- Remaining Informed.

We recognise that there are a range of potential partners that could assist us in achieving our aims and objectives, including public, private and voluntary sector organisations, as well as schools, media outlets and a range of individuals from across the community. The table below highlights practical actions we as a group feel it is important to take. We would welcome the opportunity to engage with any organisations or individuals that would be interested in finding out more about the Citizens' Inquiry or furthering the goals outlined below.



Action	Reasoning	Potential partners
<b>Media and Communications</b>		
<p><i>Panel to discuss media and communications engagement strategies with support from the working group media representatives, advisory panel and Vis-à-Vis</i></p> <ul style="list-style-type: none"> <li>■ Inquiry panel (IP) to select media representatives</li> <li>■ Media representatives to liaise with potential partners and devise media engagement plan</li> <li>■ Consolidate IP aims, objectives and targets for media engagement</li> </ul>	<ul style="list-style-type: none"> <li>■ Utilise the media to raise public awareness about the National DNA Database and generate wider debate</li> <li>■ Create more platforms for discussion for people to share their perspectives</li> <li>■ Raise awareness about the Citizens' Inquiry and its findings</li> <li>■ Plan an effective media campaign</li> </ul>	<ul style="list-style-type: none"> <li>■ Citizens' Inquiry working group media representatives</li> <li>■ Advisory panel members</li> <li>■ Vis-à-Vis</li> </ul>
<p><i>Construct a database of potential media contacts</i></p> <ul style="list-style-type: none"> <li>■ IP to nominate two database co-ordinators</li> <li>■ IP to pool and send their media contacts to media co-ordinators</li> <li>■ Incorporate contacts from Citizens' Inquiry working group and advisory panel members</li> <li>■ Research additional media contacts, including specialist journals and publications that might be interested in the DNA database debate</li> </ul>	<ul style="list-style-type: none"> <li>■ Utilise the media to raise public awareness about the National DNA Database and generate wider debate</li> <li>■ Create more platforms for discussion for people to share their perspectives</li> <li>■ Raise awareness about the Citizens' Inquiry and its findings</li> <li>■ Plan an effective media campaign</li> </ul>	<ul style="list-style-type: none"> <li>■ Human Genetics Commission (HGC)</li> <li>■ Wellcome Trust</li> <li>■ Department for Innovation, Universities and Skills' (DIUS) sciencewise programme</li> <li>■ ESRC Genomics Policy and Research Forum</li> <li>■ Policy, Ethics and Life Sciences (PEALS), Newcastle</li> <li>■ Vis-à-Vis</li> <li>■ Advisory panel members</li> </ul>



Action	Reasoning	Potential partners
<p><i>Media training for Inquiry panel</i></p>	<ul style="list-style-type: none"> <li>■ To enable panel to engage with the media more effectively</li> <li>■ To enable IP to engage with public in a more informed manner</li> <li>■ It would be a waste to lose the knowledge that we have gained</li> <li>■ Develop confidence and skills of IP</li> </ul>	<ul style="list-style-type: none"> <li>■ HGC media representative (Pat Wilson) to discuss training possibilities with IP and Vis-à-Vis and identify/deliver media training for interested panellists</li> </ul>
<p><i>Engage with the media through comprehensive media strategy</i></p> <ul style="list-style-type: none"> <li>■ Referring back to media engagement strategies, devise appropriate press release for different media</li> <li>■ Enlist support from working group's media representatives to write and disseminate press release</li> <li>■ Disseminate press release to database contacts</li> </ul>	<ul style="list-style-type: none"> <li>■ Utilise the media to raise public awareness about the National DNA Database and generate wider debate</li> <li>■ Create more platforms for discussion for people to share their perspectives</li> <li>■ Raise awareness about the Citizens' Inquiry and its findings</li> </ul>	<ul style="list-style-type: none"> <li>■ Working group media representatives</li> <li>■ Vis-à-Vis</li> </ul>
<p><i>Create a website</i></p> <ul style="list-style-type: none"> <li>■ Create web plan and budget</li> <li>■ Raise funding to devise a website</li> <li>■ Employ web designers</li> <li>■ Employ someone to monitor the website</li> </ul>	<ul style="list-style-type: none"> <li>■ Create a useful platform for ongoing engagement on the National DNA Database debate</li> <li>■ Allow stakeholders to upload and update relevant information</li> </ul>	<ul style="list-style-type: none"> <li>■ Human Genetics Commission (HGC)</li> <li>■ Wellcome Trust</li> <li>■ Department for Innovation, Universities and Skills' (DIUS) sciencewise programme</li> <li>■ ESRC Genomics Policy and Research Forum</li> <li>■ Policy, Ethics and Life Sciences (PEALS), Newcastle</li> <li>■ Vis-à-Vis</li> <li>■ Advisory panel members</li> <li>■ IT specialists</li> </ul>



Action	Reasoning	Potential partners
<i>Devise a public engagement strategy for how, when and where we wish to engage with wider communities and what messages we want to convey</i>	<ul style="list-style-type: none"><li>■ Share with others our experience of taking part in this Inquiry and what we have learnt</li><li>■ Learn how to convey the information in different ways for different audiences</li></ul>	<ul style="list-style-type: none"><li>■ HGC</li><li>■ Vis-à-Vis</li><li>■ Advisory panel</li></ul>
<i>Set up an e-group</i> <ul style="list-style-type: none"><li>■ List groups and organisations that we all have contact with and invite them to join</li><li>■ Send out monthly emails with information about news and events</li><li>■ Link e-group to the website</li></ul>	<ul style="list-style-type: none"><li>■ Keep people updated and aware of latest news and events around the DNA database</li></ul>	
<b>Education</b>		
<b>Community groups</b> <ul style="list-style-type: none"><li>■ Construct a database of groups</li><li>■ Advisory panel, working group and Vis-à-Vis to put forward list of relevant community groups</li><li>■ IP to put forward personal contacts</li></ul>	<ul style="list-style-type: none"><li>■ To engage the community on issues and implications surrounding the database</li></ul>	<ul style="list-style-type: none"><li>■ Vis-à-Vis</li><li>■ Advisory panel</li><li>■ Working group</li></ul>



Action	Reasoning	Potential partners
<p><b>Young people</b></p> <ul style="list-style-type: none"> <li>■ Visit schools, in PSHE lessons or citizenship classes, to talk about the National DNA Database, the process and how they can be affected</li> <li>■ Deliver workshops and/or presentations in schools</li> <li>■ Devise information packs and/or leaflets for young people</li> <li>■ Do role-plays with young people</li> </ul>	<ul style="list-style-type: none"> <li>■ It is important for young people to be aware of the wider issues surrounding the National DNA Database because it has a direct impact on them and yet they know very little about it</li> </ul>	<ul style="list-style-type: none"> <li>■ Schools</li> <li>■ UK Youth Parliament</li> <li>■ Local authority youth services</li> <li>■ National Council for Voluntary Youth Services</li> <li>■ Local youth groups and community groups that work with young people</li> <li>■ Citizens' Inquiry working group contacts</li> <li>■ Advisory panel contacts</li> </ul>
<p><b>Police</b></p> <ul style="list-style-type: none"> <li>■ Engage with police service to discuss ways of improving communication between police and citizens</li> <li>■ Identify relevant contacts for police engagement</li> <li>■ Present summary of Citizens' Inquiry report to relevant police contacts, perhaps as part of police training</li> <li>■ Organise joint event between police and community groups to discuss the National DNA Database</li> <li>■ In collaboration with police, create information leaflets for the public</li> </ul>	<ul style="list-style-type: none"> <li>■ Many of our recommendations point to the need for better communication between individuals arrested and the police</li> <li>■ Improve public trust in police and policing procedures</li> <li>■ To educate police officers about the rights and responsibilities of citizens in relation to the National DNA Database</li> </ul>	<ul style="list-style-type: none"> <li>■ Advisory panel members: Chief Constable Tony Lake, Baroness Helena Kennedy, Aamer Anwar, John McManus, Phil Booth</li> <li>■ Local police community liaison officers</li> </ul>



Action	Reasoning	Potential partners
<p><b>Judges and juries</b></p> <ul style="list-style-type: none"> <li>■ Forward Citizens' Report and summary to key people in the criminal justice system</li> <li>■ Devise presentations or workshops for jury members and judges, delivered by IP members</li> </ul>	<ul style="list-style-type: none"> <li>■ Our recommendations identify the need to educate and inform judges and juries about DNA and the National DNA Database</li> </ul>	<ul style="list-style-type: none"> <li>■ Ministry of Justice</li> <li>■ Secretary of State Jack Straw, Harriet Harman MP, Baroness Ashton of Upholland, Bridget Prentice MP, Vera Baird, QC, MP</li> </ul>
<b>Government and Policy</b>		
<ul style="list-style-type: none"> <li>■ Contact local MPs to raise our concerns and issues through the democratic system</li> <li>■ Forward summary of the report to relevant MPs and parliamentarians</li> <li>■ Find MP from website: <a href="http://www.theyworkforyou.com/">www.theyworkforyou.com/</a></li> <li>■ Take Inquiry to Scottish and English Parliament through relevant MSPs and MPs</li> </ul>	<ul style="list-style-type: none"> <li>■ To highlight public concerns about the National DNA Database</li> <li>■ To influence policy-makers</li> <li>■ To obtain opinions of policy-makers and determine their stance</li> <li>■ To generate wider debate about the issues raised and recommendations made</li> </ul>	<ul style="list-style-type: none"> <li>■ MPs</li> <li>■ HGC</li> <li>■ Home Office</li> <li>■ Forensic Science Service (FSS)</li> <li>■ Secretary of State Jack Straw, Harriet Harman MP, Baroness Ashton of Upholland, Bridget Prentice MP, Vera Baird, QC, MP</li> <li>■ Equality and Human Rights Commission</li> </ul>



Action	Reasoning	Potential partners
<b>Remaining Informed</b>		
<p><i>Remain informed about what, where and how the report is used and its influence</i></p> <ul style="list-style-type: none"> <li>■ Quarterly updates by working group about latest developments or initiatives, especially debates or changes in policy</li> <li>■ Final report and video should be made available to all members of the Inquiry</li> </ul>	<ul style="list-style-type: none"> <li>■ Important to see what impact or influence our work has had</li> <li>■ Would like to be informed about any related initiatives in the future that we could participate in</li> </ul>	<ul style="list-style-type: none"> <li>■ HGC</li> <li>■ Sciencewise</li> <li>■ MPs/SMPs</li> <li>■ Dr Max Farrar (independent inquiry evaluator)</li> <li>■ Vis-à-Vis</li> </ul>
<p>Receive copy of the <i>Evaluation Report</i></p>	<ul style="list-style-type: none"> <li>■ Would be interesting to see a neutral observer's perspective of the entire process</li> <li>■ Critical feedback would be useful for us all as IP members</li> </ul>	<ul style="list-style-type: none"> <li>■ Dr Max Farrar (independent inquiry evaluator)</li> <li>■ Vis-à-Vis</li> </ul>
<p><i>Create more panels and discussion groups like this one</i></p>	<ul style="list-style-type: none"> <li>■ Create platforms for people to air their views and concerns and bring out a wide range of views on important issues</li> </ul>	<p>Funding: The Big Lottery, other sponsors, government departments</p>



Human  
Genetics  
Commission



wellcome trust



PEALS Research Centre



at newcastle and  
durham universities



The Citizens' Inquiry was commissioned by the Human Genetics Commission in collaboration with the Economic and Social Research Council (ESRC) Genomics Policy and Research Forum and the Policy Ethics and Life Sciences (PEALS) Research Centre.

The Inquiry was funded by the Department for Innovation, Universities and Skills' Sciencewise Programme and the Wellcome Trust, with additional support from the ESRC Genomics Policy and Research Forum and from the Policy Ethics and Life Sciences (PEALS) Research Centre and the Newcastle-Durham Beacon for Public Engagement.

The Inquiry was facilitated and delivered by independent public dialogue consultants Vis-à-vis Research Consultancy Ltd.

© Crown Copyright 2008

289238 1p July 08

Produced by the COI for Department of Health