

**Transcript of the meeting of the Metropolitan Police Authority Civil Liberties Panel  
Open Meeting - DNA held on 1 July 2010.**

**Present:**

**Members:**

Victoria Borwick (Chair)

Valerie Brasse, Dee Doocey, Kirsten Hearn, Clive Lawton, Joanne McCartney

**Chair:** Good morning, ladies and gentlemen. Can anybody hear me at the back, or not? Yes, lovely. Thank you.

Good morning, ladies and gentlemen, and welcome to the Civil Liberties Panel second open meeting, and we are here this morning to talk about DNA; that is having your DNA taken, the purpose and effects of the DNA database, what is good, what is bad.

We have had a variety of briefings from various members of the police and those that are involved with the keeping and storage of our DNA and the DNA database, and we are going to make further visits around the country. Today we are not hearing from the police; today we are here as a panel to hear from you. So we want to know today about your experiences and your thoughts about a number of topics including perhaps individual and community impact; whether you have a view of the security of the database, any positive aspects of the database, removal and general information that you may think is important. How long you think your DNA should be kept for, or should it be retained indefinitely, or deleted after a certain period of time, or any other information that you want to make sure that we are aware of.

At the end of our report, probably at the end of this year when we have had a chance to meet all the various groups both in London and around the country, we will then put a recommendation together.

Now, as you are probably aware, the new coalition Government is also looking at this topic, so if we need to bring forward some of these topics, we will obviously do so and have meetings prior to that if we feel there is an opportunity of you, from what you have told us, influencing government policy.

The first thing I am going to do is to let my fellow panel members introduce themselves, and then we will go through the various topics and questions that many of you have already submitted and I think my colleagues at the Metropolitan Police Authority (MPA) have a list of those; so we will use those as our agenda this morning and then you can obviously ask the questions you have put in, and then obviously that is an opportunity for you to then ask supplementary questions on that topic. Thank you very much indeed.

So, without further ado, perhaps I can ask my fellow panel members to introduce themselves. Thank you.

**JMc:** Hello, my name is Joanne McCartney. I am a member of the Metropolitan Police Authority and I am also a London Assembly Member working here at City Hall.

**DD:** Hello, my name is Dee Doocey. I am a Liberal Democrat Member of the London Assembly and also a member of the panel and a member of the Metropolitan Police Authority.

**VB:** My name is Valerie Brasse and I am an independent member of the Metropolitan Police Authority.

**CL:** I am Clive Lawton, and I am an independent member of the Metropolitan Police Authority as well.

**KH:** I am Kirsten Hearn, another independent member of the Metropolitan Police Authority.

**Chair:** Now, there should be some information packs on everybody's chairs and in there is a briefing note that gives background facts about the purpose of the database, what information is available on the database. It is quite a technical briefing but it is there for you to take away and obviously to comment on and discuss with your groups you represent or yourself as an individual. If you want further copies of that, they are available from my colleagues. You will spot that the MPA people have usually got a green lanyard around their necks saying, "MPA" and are around, and I think have probably got badges on. So, if you want more copies to take back to your communities, or more information about the individual topics there, we are happy to answer those questions, obviously in the breaks and later on this morning. Thank you.

Well, without further ado, I think we will go on to asking questions. Now, some people I think will be here, and some people will not be here. Anyway, at least we will use that as an agenda to be able to cover the topics. I know a few people have already indicated they would like to speak. Thank you.

Is Wesley Stevenson here? OK, but Eileen Mays is here, and Eileen [Mays], your question concerns the information that I think we have covered on the fact sheet. I do not know if you wanted to ask a question supplementary to that, or whether you just wanted us to talk about that? Thank you.

**Eileen Menzies (Vice Chair of Kensington and Chelsea CPCG):** No further (inaudible).

**Chair:** I notice the front row seats have not got an information pack. MPA team? Marissa? There are no packs on the front seats. Thank you.

Is Wesley Stevenson here? OK. So perhaps we could talk to the question that he put in, and perhaps somebody else wants to talk about that. I have just used it as a topic: the legality of the database. Is there any view about disproportionality? Does anybody want to cover that topic, otherwise we will move on to the next question we have had, since there is quite a number.

Yes?

**Chair:** Go ahead, and wait for the microphone.

**Matilda McAttram (Director, Black Mental Health UK):** OK. My name is Matilda McAttram; I run an organization called Black Mental Health UK, and we have been campaigning on this issue because the disproportionality came to our attention three years ago after debate by a Liberal Democrat Member of Parliament (MP), Sarah Teather, who raised it in the house.

It is a huge issue, not only within the community, but nationally; civil liberties-wise and also in relation to the European Court ruling on retention of innocent DNA. So we welcome the fact that you are having this, even though the database is now ten years old.

We would like to hear about the MPA's concerns about the disproportionality of the numbers of innocent black people who are on the DNA database. I know you know the stats already: I think it is 77% of young black men between the ages of 18 and 25; at least 23% of black children compared to 10% of white children, and 54% of black Londoners are on the National Criminal DNA Database, even though Home Office stats do indicate that this group have lower offending rates than their white counterparts, so responses would be appreciated.

**Chair:** Good. OK. As you know, we are data collecting, here, so --

**Matilda McAttram (Director, Black Mental Health UK):** (several inaudible words)

**Chair:** That is what we need, yeah. We need the information from you, because at the moment we have only been briefed by the police and those involved with the database. This is just like the previous open meeting; this is for you to 'brain dump' into us, so that we can then make sure that we cover that.

Has anybody else got any experiences on that? I think this gentleman at the front, and then we will take some others. Please go ahead, sir.

**Phil Booth (NO2ID):** I just wanted clarification in footnote 5 on page 4 of your briefing, it is the case that in Scotland --

**Chair:** Sorry, could you possibly sir -- could you possibly wait for ...

**Phil Booth (NO2ID):** Sorry. On the footnote 5 --

**Chair:** Could you - sorry - could you say who you are, sir?

**Phil Booth (NO2ID):** Sorry, my name is Phil Booth, I am from NO2ID, a campaign against ID cards and the database state.

In footnote 5 on page 4 of your briefing, I think it is important to clarify that retention up in Scotland - three-year retention - is for adults arrested but not convicted also of a serious crime; that is missed out; it is mentioned in the second part. Now, we need to be very clear what the criteria are for retention up in Scotland, as we are encouraging people to move to that model.

**Chair:** So we have got to tidy up our briefing. OK. We will make those corrections. Thank you very much, indeed, but now perhaps go back to the questions. I will come to everybody, there is plenty of time this morning, so do not worry.

**John Glover:** Well, this is not a question, it is an observation.

**Chair:** That is what we need today.

**John Glover (Member of the public):** I think it goes to absolutely the heart of what this sort of thing is about.

It is the disproportionality of testing innocent teenagers. I know this is not about individual cases, but I think the individual case that I am involved in - my name is John Glover and I am just an individual here - serves to highlight the problem there is with this DNA case and particularly its disproportionate nature.

My entirely innocent 15-year-old son found himself arrested some two or three months after attending a teenage party at which a window was broken. An appointment was made, as it happened, at Richmond Police Station. He went down there and attended and we were handed a description of the culprit. It described, "A tall, 6 foot, blond haired, lanky, pronounced-tanned youth" had been identified as the person who had broken this window.

Our solicitor and the arresting officer who had seen our son at this point for the first time in his life, looked at our 5 foot 7 inch tall, frail, pale, long curly-haired son, and in

fairness, the arresting officer I felt, was embarrassed that they clearly had got the wrong person. We then had a half-hour wait while we consulted the station manager at Richmond, who without even introducing himself to us, said the arrest had to proceed. The arrest proceeded. Our 15-year old totally innocent son had to have his photograph taken, his fingerprints taken, his DNA taken. The whole process took an hour, and I am not exaggerating, he was distressed, he was traumatised; I cannot tell you how upset he was. This is the sum total of his experience of the police. He is 15.

The interview - I use the phrase loosely - lasted six minutes; end of, off you go. His DNA data, his fingerprints and his photos remain on file and, as I understand it, indefinitely.

We are talking proportionality here: 15-year old son, and I listen to Harriet Harman standing up in the House of Commons saying that the DNA database is vital in the battle against rapists, serial murderers and terrorists, and I think even if he was not innocent, which he clearly was, but rapists, serial murderers and terrorists, and we are talking a broken window at a teenage suburban party. That is what disgusts me about this argument about proportionality. This is completely out of proportion.

**Chair:** No, no. That is excellent. We have just got a couple of questions because this is our opportunity of having a dialogue.

What we are doing today as everybody can see, we have got cameras, webcasts, notes being taken, and that will help us so that when we then continue our investigations we can go back and cite examples like you are giving us now. It is what we want to do today: to give us the most difficult and impossible examples that you have got, and then we will go away and desperately work very, very hard to make sure they never happen again.

My colleague here, Dee Doocey.

**DD:** Yeah. I just want to be clear, because I am pretty sure that I have heard about this case before, and I am pretty sure that either you or somebody else told me that you have tried tirelessly to get the DNA wiped from the database and have not been able. Is that right, or am I confusing it with another case?

**John Glover:** Yes, we have approached the police in Richmond and we are going through the good offices of Vince Cable, our local MP, who has been very, very supportive of this, who thinks this is an outrage.

**DD:** How long have you been trying to get it deleted?

**John Glover (Member of the public):** Since the beginning of April, I guess. They have told us it will take at least a year to consider the case.

**DD:** I just thought it was important that we clarify that, because I think there is one thing your son being arrested and he is innocent and his DNA has been taken; I think it is another thing that the panel need to address is that if somebody who is innocent does end up on the DNA database, it is the problems of getting them off that DNA database.

**John Glover (Member of the public):** : Can I just make one further point about the proportionality? Having taken a description of the culprit -- I keep coming back to the fact, talking about proportion; we are talking a broken window at a teenage party, here.

**DD:** Yes, yes, I understand that.

**Chair:** I am sorry, sir, but we have got fifty --

**John Glover (Member of the public):** : Can I just make one further point on that -- you interrupted me and I forgot the point I was going to make. It seemed to me that the taking of DNA, by the time we got to Richmond Police Station, had become an end in itself, because I genuinely do not think that for one second the police officers involved thought they had got the right person. I do not believe it even crossed their mind that they had got the right person, but they insisted on going ahead with a process. That is wrong.

**Chair:** So the question for us to take back is also the processes and decision-making. So that is exactly what we need today. Thank you very much indeed.

Gentleman with the ... Yes? Then I will take you next. Thank you.

**Alex Tomkins (Member of the public):** My name is Alex Tomkins, I am studying human rights law and I am writing a dissertation about the effects of the DNA database.

My interest in the subject, I guess, proportionality as we all know is quite a key concept in international law, the European Convention on Human Rights, and in the case of S and Marper, obviously proportionality and those kinds of things are obviously a big factor in article 8 and things of that nature. So I think it is an important issue.

What I wanted to raise is, we have been given this stat sheet which I think is obviously important, but I really feel that it is quite misleading, the information that is given. For example: "During 2008 and 2009, almost six in ten crime scene profiles loaded were matched to a subject profile". Well that is clearly going to be the case if we load crime scene data and then load known suspects and some people that we already knew were

involved in the crime scene, we run that practical test against the DNA database; that is obviously going to present itself in the statistics.

**Chair:** Are you saying it is factually inaccurate?

**Alex Tomkins (Member of the public):** Sorry, I will be a bit more clear. In the operation of the database, as I understand it, there are two functions, one being we have a crime scene and known suspects and we use the database to -- I do not actually know why we use it for that process, I think it is unnecessary for that process of known suspects. As I understand it, the value of it is to find suspects that we did not know about; so, cold hits, as it were, if I am correct in that. I feel that the effectiveness -- I am sure you have all read the "GeneWatch Report" on the DNA database?

**DD:** Some of it.

**Alex Tomkins (Member of the public):** The point I basically wanted to raise is that I think the effectiveness of the DNA database in getting those cold hits is so low that based on the adverse effects that it can have on individual's civil liberties, that it is very disproportionate and I think in contravention of human rights law and the European Convention on Human Rights.

**Chair:** OK. Fine, jolly good. We need experiences so we can go back and investigate them.

Sir, with the blue shirt? Thank you.

**Alfred John (Chair of the Metropolitan Black Police Association):** My name is Alfred John, I am the Chair of the Metropolitan Black Police Association (BPA).

One of the incidents I want to bring up, in fact into a recent crime, is Operation Minstead, because we have been talking about the DNA database, but in actual fact, the Metropolitan Police Service hold a database holding information on thousands of black males. This is not part of the National DNA Database; this is part of the actual crime, in looking for the perpetrator in Operation Minstead.

My point is, is that governance was exposed: for one, despite taking thousands of DNA from black males, where many friends have actually come to my house and actually complained at the way that this has been done. The Metropolitan Police Service have actually turned around and said that it was voluntary DNA: rubbish. Several arrests were made of people who did not give their DNA over.

What it does highlight is the fact that the Metropolitan Police Service are the last people that should be acting as governance over the collection of DNA. For the amount of DNA

collected, it is reasonable for communities - black communities - to feel that it is a stealth collection of their DNA in relation to solving crimes. It needs greater governance, it needs separate governance from the Metropolitan Police Service, and the legislation clearly, clearly supports the disproportionality that is going on. Not only with what the gentleman over there was saying in relation to the crimes that they are talking about - a broken window, hardly violent crime - but also its disproportionality in relation to colour. I think that it cannot continue in the way that it has done; clearly the examples show that.

**Chair:** OK. Thank you very much for that. Gentleman there, and then we will come back to the lady over there, in the white shirt. Thank you, sir.

**Mike King (Greater London Authority):** Good morning, my name is Mike King, I am a former police officer in my own right, with a great interest in DNA, having served in Canada as well where the DNA base is nowhere near as large as ours and where perhaps fewer crimes are solved, but serious rapes and murders are solved, which is good.

The problem I am finding over here, in Britain, is that the political lead came from the top and Tony Blair, no less, was the one who said that everyone should have their DNA taken. I completely reject any such statement; I find it appalling. This is a democracy, this is not a police state and we are not suspects. I would ask the panel to bear that in mind please, because I think in large part, the police may well have been unduly and adversely influenced by their political masters in the last government, and that is not a good thing for anyone.

**Chair:** Thank you for raising that. The lady at the back with the black jersey? Yes.

**Emma Norton (Solicitor, Liberty):** Hi, my name is Emma Norton. I am a solicitor at Liberty. I just want to get back to the point that the lady from Black Mental Health UK was raising earlier - it is so important - about the stigmatising and the discriminatory impact on young black men in this country of the DNA retention policy at the moment.

The gentleman over there already referred to the Human Genome Commission Report which says that 75% of black men between 18 and 35 are now on the database; that is an enormous statistic. The Equality and Human Rights Commission state that 30% of all black men are now on the database and that compares with a figure of 10% for whites and 10% for Asian men.

Liberty held a DNA clinic last year in Hackney and heard from numerous young black men and their families who were talking about how stigmatised they felt and how their sons were criminalized. That is how it made them feel.

A couple of practical points: the equality impact assessments which the Metropolitan Police Service has conducted in relation to its DNA retention policies are frankly not



worth the paper that they are written on. They identify that there is a problem; they do not say anything about what they are going to do about it. So, they are absolutely worthless and we think that the current position is in breach of the Race Relations Act, possibly the Sex Discrimination Act as well, and certainly the Human Rights Act.

Just a final point of interest: I did a Freedom of Information Act request, because I was interested to know, of all of the people who were asking to have their DNA deleted, what is their ethnic makeup? First of all, it seems that nobody is collating this information, so we do not know the ethnic background of everybody who is asking to have their DNA deleted, but for those who do successfully have their DNA deleted, between 1 September 2008 and 1 January 2010, 649 people had their DNA deleted, and only 62 of those people were black. So, there is a disproportionate number of young black men going on, and a disproportionate number coming off.

**Chair:** I think they are some very good pointers; I think certainly about how to get your DNA deleted, but I know we are coming on to that as one of our other topics.

Alfred, you spoke, I have got a notice that Bevan Powell -- is he here? Does he want to speak as well, or ...?

You are covering the two. Thank you.

I just want to cover first a question that has been sent in, and then I have no doubt we will go on to other supplementaries.

Nick Chalmers? Lovely. Nick?

**Nick Chalmers (Police Officer):** Hello. My name is Nick Chalmers and I have got to declare I am a police officer but I hope no one holds that against me.

In fact, I was not asking a question as much as making a point, and I suppose the audience might be pleased to hear that although I am an active police officer and benefit from the use of the DNA database in the cases that I have been involved with, I do have a grave concern about the retention of DNA on the database of people who are innocent. So the gentleman at the front there, I am embarrassed to hear that story; partly because of the way that it appears the police may have dealt with his son.

The overriding principle, that if you are proved to be innocent, I see no justification whatsoever of retaining DNA on the database.

**Chair:** Thank you. Elizabeth Harrison? Elizabeth, would you like to speak out?

**Elizabeth Harrison (Manager, The Haven, Whitechapel):** Thank you. My name is Elizabeth Harrison, I am the Manager of The Haven, Whitechapel, which is one of London's three sexual assault referral centres.

**Chair:** Could you possibly speak a little slower?

**Elizabeth Harrison (Manager, The Haven, Whitechapel):** Sorry.

**Chair:** So that we can all hear, because being in a big room, there is a bit of an echo.

**Elizabeth Harrison (Manager, The Haven, Whitechapel):** Fine. I am from The Haven, Whitechapel, which is the sexual assault referral centre in North East London. My concern was that there are a huge number of people who report rape to the police whose cases never get as far as going to court, and a lot of the time the Crown Prosecution Service would argue that it is not that they cannot prove that the person is innocent, but they cannot necessarily prove that the person is guilty. So you have somebody's DNA on the database, but you cannot say that they are innocent because they have not necessarily been proven innocent. If you take those people off the database, then the fact that they are potentially guilty then disappears. The number of people who are accused of rape is enormous, but you cannot deny the police the opportunity to be able to use that evidence in future cases.

I am sorry, I do not know if that makes sense. I think it is really hard to prove rape against somebody; it is about an issue of consent and just because you cannot build the evidence it does not mean to say that the person did not do it.

**KH:** Thank you, Elizabeth. I just wondered whether I could come back on that. I mean, obviously we work together - I am the Co-Chair of the Metropolitan Police Authority's Domestic and Sexual Violence Board, and I am interested in the perspective from the women who come to you in The Havens, what their perception is around this whole issue, and whether you get any sense from them how important this whole area is for them and their capacity to want to come forward and to make sure that a prosecution does in fact happen, and their willingness to come forward and co-operate in some sense?

**Elizabeth Harrison (Manager, The Haven, Whitechapel):** I think it is a massive issue. We had a woman a couple of years ago who actually reported a rape to the police; she felt that the police were wholly unsympathetic to her case and so she stopped with the allegation with the police and came to The Haven as a non-police referral.

We took forensic samples from her, we sent them off for anonymous testing to the police; the results came back saying that they had found DNA but it did not match the database. So the woman made the decision not at that point to go to the police because she felt there was no point.

Two years later, I had a phone call from the police saying, “We have just arrested someone for a minor offence, and it has matched that woman’s DNA sample and so would she now like to come forward?” So she went to the police, she made a formal allegation and the man was prosecuted and convicted.

If his DNA had been removed because she had not pursued it, and if he had not had his DNA taken for a minor offence, it would never have been matched up. So I think it is of huge benefit for women who are reporting rape to know that that DNA will be stored and to know that it will be matched, because the number of men who are accused of minor offences who then get matched up for major offences is actually quite significant.

So I appreciate your concern about your son breaking a window, but you look at Sally Anne Bowman’s murderer who was arrested for what, getting drunk outside a pub? That is massive, and if you lose that because you are removing people after six years, then you lose those convictions.

**Chair:** That is a really interesting point and we must make sure we cover that as well.

Now, Joanne, you wanted say something.

**JMc:** Just to make the point that there is a difference between retaining samples from a crime scene where you have not got a suspect in mind, and taking someone and retaining someone who is innocent when there has been no crime. Do you see what I mean? There are very different things about retaining; there are two retainings: retaining DNA from potential suspects, and retaining DNA from crime scenes. I do not think anyone is talking about not retaining DNA from a potential crime scene.

**Elizabeth Harrison (Manager, The Haven, Whitechapel):** If someone is accused of rape and charged with it and then the case is dropped?

**JMc::** So it is that point. OK.

**Elizabeth Harrison (Manager, The Haven, Whitechapel):** That person’s DNA could be removed. It does not mean that they are innocent, and I think that is a really important distinction.

**Chair:** Thank you. That is a very good point; we will make a note about that. Let us go to some other questions: the gentleman next door in the black shirt? Yes?

**David Mery:** David Mery. Just a question on your question --

**Chair:** Sorry, could you say who you are, again?

**David Mery:** David Mery

**Chair:** Thank you.

**David Mery:** A question on an information point: you mention that you submitted some DNA anonymously to the police to check against the DNA database? That is not something I was aware of was possible. It would be interesting if you can mention whether any **citizen**(?) can submit DNA for testing, and how does that work?

You also raised the point of Sally Anne Bowman; that is an interesting case because the police have claimed in many instances - and the Government - that DNA can be used to find that people are innocent, and take them out of the case.

In the Sally Anne Bowman case, there has been an innocent man, Kevin Reynolds, who was arrested as part of this case, even though his DNA was already in the DNA database. A second sample was taken from him and it was only the second sample that eventually took him out of this case after his flat at home was searched and he was arrested, and so on. So he could have been eliminated right at the start from his earlier sample, but that was not used by the police.

**Chair:** Thank you. That is a very interesting point. Sir? Gentleman at the front row, please?

**Kamal Siddiqui (Disability Independent Advisory Group):** My name is Kamal Siddiqui. I am concerned with the religious faith community and the ethnic minorities. My experience and knowledge is that they, by force, keep the DNA database. In fact, what I think could improve the relationship and trust and confidence between the faith community and ethnic minorities: if someone is guilty then you have to keep the DNA database. Otherwise I think you are not supposed to by force keeping the things and targeting the innocent people. That is the thing I am greatly concerned with.

**Chair:** Yes, I think you are quite right; a good clear message. Gentleman behind you?

**John Omotola (member of the public):** Good morning, my name is John Omotola. The point I just want to raise is that police keeping an innocent person's DNA; I actually see it like it is a violation of their rights. Because, number one, the only reason why, taking someone's DNA means a lot because when someone's DNA has been taken, it has been put in a criminal department and they are all on the watch list of the intelligence.

So now, if an innocent man has been arrested -- we all know innocent people get arrested for nothing, that does not even make sense. I was one of them. Somebody made a false allegation and a police officer rang me on the phone and he said can I come to the station,

and I went, because I am innocent. Then they said to me, “Oh, you are under arrest”. I said, “Under what law?” They said I had no right to say anything, and they took me in there, they detained me, took my DNA, took my picture, took my fingerprints and wasted my time, and at the end of the day, I was not a criminal.

I have been living my whole life for so long here, I never had anything to do with criminality. Now the implication of this is that I got charged the court, and I had to go to court for a good eight months, I was in **pain**(?) Now, the prosecutor says, “Oh, we are sorry, he is not guilty because we found no evidence”.

Now, number one is, you can imagine how much was being wasted: taking someone’s DNA - actually an innocent man - it is a lot of money to the Government and the taxpayer’s money. It is a lot of wasted money.

Number two here is that how many DNA that the police have taken and the people are being convicted at the end of the day? A lot of people, when the police take their DNA, they ended up not being convicted. At the end of the day, the police ended up storing their details on the system for no reason. So I would recommend this position - not because my DNA has been taken - but my position here is that I would recommend if someone is not found guilty, and is proven to be innocent, their DNA should be removed off this database.

**Chair:** I think that is a very good tip, and certainly the way other people seem to be indicating to us. Thank you for raising that. Gentleman at the back?

**Dylan Sharpe (Campaign Director, Big Brother Watch):** Hi there, my name is Dylan Sharpe and I am the Campaign Director of a campaigning organization called Big Brother Watch.

A few months ago I decided that I wanted to do some research into the rate of innocent people being uploaded on to the DNA database, so I sent out a Freedom of Information request to every single police force in the country and asked them, “How many DNA profiles uploaded in the past 12 months were later found innocent?”

About a month later, I had from every police force in the country, barring two, a refusal, for the simple reason that the DNA database and the Police National Computer are not connected. So they said, “We cannot answer your request because to find it out, we have to first check the DNA database and then cross-check that against the Police National Computer, and given that we are uploading in 12-month periods upwards of 10,000 DNA profiles, this would take far too much time to complete”.

This led me to one conclusion, which is quite simply that, it is going to be very, very difficult if the coalition law is brought in, for the English police forces to delete profiles

of people who are later found innocent because they are registered as innocent on the Police National Computer but not on the DNA database, because the two are not linked. So I think there is a fundamental flaw here - a systemic flaw, if you will - that these two databases are not linked.

**Chair:** Can I just say something to you? As a committee - we have only had a few initial meetings and briefings and as I say, will spend the next few months, the next few weeks going - we actually thought the fact that the two were separate and, therefore, there was not 100% information on either was actually safer for people, because actually then you could not then match up. So I am interested to think that you think there should be one database with everything on, because from a personal point of view, I think that is less safe from a civil liberties point of view - which is obviously what we are talking about - than having separate information. So I am quite interested in the point you make. Could I just go back to you on that before I take some of the other questions?

**Dylan Sharpe (Campaign Director, Big Brother Watch):** Yeah, sure. Well, I see your point, if - as should be the case - the only people on either database are people found guilty of crimes, then I have no problem with it. If those databases were linked up very quickly, then you could very quickly delete the DNA profiles of people who are found innocent and, therefore, I would not have a problem with it being linked. The danger is when you have got these databases linked up of innocent people; then you get false positives.

**Chair:** Fine, so I think we have similar views but on the basis of the conversation we are hearing this morning I think all our concerns are about the keeping and retention of innocent victims, as opposed obviously to the guilty.

I just want to take a few people who have not spoken yet, if I may. A few other people who have written in, just to make sure I have got them, Peter **Lexley(?)**, **Lexbury(?)**, I cannot quite read the writing. Fine. John **Wyan(?)**. I just want to make sure that those people who have indicated first get an opportunity. I think that covers most of the questions I have put in. So let us go back to the other topics. Can I take some other questions from people who would like to add to the debate please, who have not spoken yet?

**Phil Booth (NO2ID):** Phil Booth from NO2ID again. There is a link between the DNA database and the police national computer. It is a stub on the police national computer. NO2ID and GeneWatch and others have been running a 'reclaim your DNA' advice service for quite some time now. What we have discovered is that it appears the link, the way in which the record on the DNA database is associated with records on the police national computer is something which for innocent people can show up on an enhanced Criminal Records Bureau (CRB) check. So there are significant consequences for people

who are applying for a job working with vulnerable people, nursing, children or what-have-you, if it shows up.

**Chair:** I am sorry, but we have been told absolutely, categorically, it will not show up on an extended or enhanced CRB check, absolutely.

**Phil Booth (NO2ID):** So we have people who are in a situation where they are getting improperly identified then on an enhanced CRB check.

**Chair:** Of course there has to be a link in some ways, because otherwise they cannot actually take people off.

**Phil Booth (NO2ID):** Yes, that was my further point.

**Chair:** Yes, but on the other hand, the point is the fact that they are kept entirely separately, both physically and whatever, to me is safer than for example all the child benefit records getting lost, which was on one database. I think there has to be a dual --

**Phil Booth (NO2ID):** But as I say, if we are talking about the system then I would be very interested and that would be very useful information to have in the public domain, because it is something we have been trying to find out dismissively for well over a year, and it is our understanding that the Association of Chief Police Officers has said that it would be possible to automatically remove the DNA profiles of those people who are innocent, or not charged. If that is the case then there must surely be some mechanism by which those profiles can be identified. I am trying to ask the committee that they, on behalf of the public, do get to the bottom of this, because we are trying to represent people who in their lives being seriously impeded and are unable to understand the system or the processes by which their lives are being impeded. It would be very, very helpful if there was a lot more transparency about the processes, the links and precisely what is going on.

**Chair:** I think we would all absolutely agree with you that this is about sharing information and people understanding exactly what happens when DNA is taken and what it means for records, who holds what, and people are very clear about that. So I think we are all, across this table, absolutely with you on that. My understanding is that someone who has had their DNA taken and goes through a process or there is no further action, or whatever the positions is that they are not guilty at the end of the day, there is no question that that information then appears on an enhanced CRB check. It will not be to the disadvantage of anyone to know that their DNA has in fact been taken and they are subsequently found not guilty or no further action was taken. That is my understanding and that is what we have been told. My understanding also is that obviously the moment DNA is taken there is a flag on the PNC database that says that. That does not reappear on any enhanced CRB check. If subsequently you are able to get your DNA off the

system that flag is also removed, so there remains no trace on the PNC. That is my understanding.

The lady in the front row please.

**Sonoo Malkani (Chair, Harrow Police and Community Consultative Group):** My name is Sonoo Malkani, I am Chair of the Harrow Police and Community Consultative Group, so a member from the community really, rather than the organisation per se. I have been listening very carefully to all the things that people have said and obviously it is coming across loud and clear, things which I have heard in the past from time-to-time. The main problem we are experiencing as a community is people do not know how to get it removed once they know their son or daughter is innocent, and it is very upsetting. The number of people who are quite intimidated by just going to police stations anyway, sometimes it is cultural. There are lot of things that just associating with the police station some of us from different countries have this, "Oh you must be criminal to be going down there". It is not necessarily true but, therefore, this is something that has to be done in a very sensitive way. I think a lot of people who appreciate that they need the information removed, they are very worried. They sit there and mull over it for months and agonise over it. They do not know what to do and who to speak to because there is a lot of stigma attached to it as well, something that nobody probably realises here. A lot of the Black, Minority and Ethnic (BMA) groups, it is an additional burden to carry, because not only have you had something happen which you never thought would happen, especially if you know your young person who has been stopped is innocent, and you are very well aware, but there is the additional business of not knowing how to go about it and how to do it in a way that the rest of the community does not get to know about it. There is a great deal of worry there which could be eliminated quite sensitively.

On the other side we have to strike the right balance. I was listening to this lady about the rape case, and I think quite frankly, let us be realistic, we are going to have some police hiccups. We are also going to have other things happening. I mean we were listening to (inaudible) statements yesterday, which have made us think a little bit, there are going to be certain changes here and I think this is an extremely useful tool in the armoury of the Metropolitan Police Service which we should not really just pull out without thinking. We will have to do some really careful thinking on this one and put in some checks and balances into place, rather than just say, "All right, per se we will have everything just removed off.

I empathise with what you are saying because there are lots of young people, I have heard about from time-to-time, who have a similar experience, not necessarily that they were wrongly identified but that they are innocent. And it sounds like, to some extent, in some of the cases, you are guilty until proven innocent. I think maybe we want to make sure that it is done in such a way that the public get the message that no, the police are not



doing it to make you guilty, they are doing it because they are actually hoping that they will catch the wrongdoers in society, which is what we require them to do.

**Chair:** I think it is a very valid point. I think certainly we have had half-a-dozen or so meetings so far as a committee, and one of the things that has come up over and over again is the points that have been made particularly about people's nervousness about having their DNA taken, the fact it gives a stigma, and also if they are proved to be innocent what information are we giving them at the point of taking their DNA, as if they are then proved innocent, which may take a year, 18 months, we do accept that, to how to get it removed. That is of course on the basis that they are actually taking it from the right people, and of course that is another problem that has come up quite clearly this morning.

Yes?

**Matilda McAttram (Director, Black Mental Health UK):** Yeah, the lady's points just before me were very useful because another fact I would like to bring up about the DNA database is mental health service users. All mental health service users who were detained under the Mental Health Act and are arrested by the police are processed like anybody else who is a criminal basically. What has come to our attention is a large number of service users have been inadvertently criminalized while trying to access care, because when in crisis the police will pick somebody up, and it is only later that they are assessed, and then maybe referred to psychiatric services. During the process service users are in the system and we have had people contact us, and we know GeneWatch has had people contact them, who were quite traumatised by this whole thing, and its one group that are completely ill equipped to engage with the police service or try and get information as to how they get their innocent DNA off.

So that is a huge one for black mental health care, and it is a huge one for the mental health sector anyway.

**Chair:** Yes, everybody who has mental health who is sectioned has a problem. It is not a colour or race thing, it is the mental health.

**Matilda McAttram (Director, Black Mental Health UK):** : Completely, but like there is a census every year. It is called Count Me In that shows that this group of African-Caribbeans are 44% more likely to be sectioned than their white counterparts, so pathways into care are routinely via the police services. So for this group, if your services and you are black it is like a double whammy which has mental health implications, and so that is one thing we wanted to raise.

Also the DNA database, from the work we have done we have held a couple of meetings at Westminster and a public consultation when the Home Office put out to the public

what they wanted feedback on, the retention of instant DNA in response to the European Court ruling. What we found is that the DNA database is an issue that has really, really undermined community cohesion. We know that the police are doing a lot of work to engage young people especially, and encourage trust, but the disproportionality has meant that that has actually been shattered. I was just thinking this has come across our radar because we are very plugged in to all the networks and this is the sort of forum that would be so welcome within communities where there is a huge disproportionality. If you go to any urban area in the UK, or in the capital, everyone who comes to an event like this will be on the database so I do not know if it would be possible to consider tailoring this or at least publicising these sort of forums within minority press so that more people from the community who were affected by it can attend and maybe give feedback?

**Chair:** Yes, I mean certainly we have tried for the last few months to make this open. It is an open meeting, we have had publicity both on several radio stations, television stations, other coverage, and this is an open meeting. The thing is if you cannot come today, and I say this to people who are watching the weather, you cannot come today it is not too late to put in your submissions, either written or email or telephone. So go onto the MPA website, if you have access to the website, or through your community group I hope you may have access to a website. It is on the front page of the Metropolitan Police Association website, and it says, "Give us your views", and if you do not want to fill out a questionnaire, you just want to submit information, and for people like yourselves who can give us professional advice that is absolutely what we need. So please everybody go back and say, "You went to this meeting, but if you have got another comment that you want to raise, please make sure you send it in".

May I go to people who have not spoken before, and I will come back to you afterwards. Thank you.

**Laura Fox (Vice Chair of Richmond LGBT; Director, Delta Project):** Laura Fox, Vice Chair of Richmond Lesbian, Gay, Bisexual and Transgender (LGBT), and Director of the Delta Project. I have listened to what has been said so far and what I have read already. This is becoming an Orwellian nightmare. This is a **Stazy**(?) man's wet dream. There are all these organisations keeping separate databases. They are hiding behind Freedom of Information legislation and regulations to avoid giving out details of how they collect and keep this data, and of course a lot of this DNA collection goes exactly against the principle that you are innocent until you are proved guilty, which goes back to time immemorial. How dare they collect DNA from innocent people?

**Chair:** OK. Next one. This gentleman in the black shirt, yes?

**David Mery:** Yeah, to come back to your question about one database or two databases or several databases, there are two issues that have not been shown on that. One is the

potential for compounded mistakes. A practical example in my case the police national computer (PNC) recorded at some point stated the (inaudible) about the DNA so that the DNA statutes was profiled. A few months later when I asked for another PNC record extract under the official act, it was marked as being confirmed. The DNA Good Practice Manual mentioned that “DNA confirmed” means on the database and the condition has been achieved. I have not been charged. I have been eventually as the police said it meant that my arrest was (inaudible) so I am innocent. I have never been convicted even though the PNC listed (inaudible) of the DNA recorded it within the statutes indicating conviction. So you have in your hands and if I had been stopped from whatever a lot could be inferred from that, so that is one issue.

Another issue is the fact that currently under the very difficult exceptional case procedure, if you do succeed to get your DNA removed you also have your PNC record deleted. The present Government in the requirements under the Act (several inaudible words) tried to stop that happening. It is completely silent about the PNC record, and it seems after stating that the intention was to retain the PNC record even after the deletion of the DNA profile. The current Government says that is absolutely the Scottish (inaudible). My understanding is that in Scotland the PNC record is deleted, but I think we are waiting for more details on that point, but that is the point that is important I think to exploit further details.

On the points after what was made about the difficulty of getting your DNA off the database, this is very much a case, I mean in my experience it took me more than two years to get out of the database, and when I eventually succeeded it was in 2007 and in that year for the Metropolitan Police Service, it was the Metropolitan Police Service, I was only one of 18 persons who succeeded to get their DNA removed. Only 64 persons requested to have their DNA removed, and in that same year the Metropolitan Police Service added 88,938 DNA profiles, so that gives you kind of an idea of the difference.

**Chair:** If you have got some written notes that you want to submit to the panel that will be quite handy because then we can study them in detail and come back to you, because obviously today is not about resolving individual issues but about listening to people’s personal experiences and hoping we can then take those up in greater depth. So if you have got some written notes that you want to give us either now or later that would be really helpful.

**David Mery:** Thank you.

**Chair:** Clive [Lawton], I think you had a question.

**CL:** Yes, I am listening very carefully to what everybody is saying and it is really a question to you and the audience, just to understand more clearly or to get this on the record, there is clearly what one might call a purist civil liberties or human rights

positions, which is that officialdom should not collect information on us, that kind of general stance. There is a second position which I have heard expressed as well, which is about the apparent unfairness of the workings of the database. It collects too much information from certain groups and not enough from others, or it is disproportionate in its workings or whatever. What I have not heard yet, and I am wondering whether anybody wants to say that or people do not, is that there is something about collecting DNA which is different to collecting other information. Nobody has yet addressed that, and I do not know if anybody wants to.

**Chair:** Sorry, but I should have come back to you before, yes.

**Alfred John (Chair, Metropolitan Black Police Association):** It is a very good point that you actually make. It is extremely personal. It is extremely invasive. It is not like taking a fingerprint. These are from people that have actually gone through this experience when they have come and spoken to me. The fact is that they feel extremely violated that they have had to go through an extremely intrusive process and prove their innocence. I think it has been mentioned beforehand that this is a country that bases its justice system that you are innocent until proven guilty. The DNA database has absolutely nothing to do with that. Do not forget, to build our trust and confidence it is not just about the DNA database, it is about the other disproportionalities that actually take place. DNA database, stop and search, that is why the black community feels so oppressed by this particular issue.

We have to actually start looking at the legislation because in the end of it all, if you speak to the police they will turn round and say that they are operating within the guidelines of the law, and they are right. The truth is Criminal Evidence Act 1997, Criminal Justice and Police Act 2001 allow too much scope. From the police's perspective they are doing and they are operating within the law. It has to go back to the Acts. We actually have to start looking at those Acts to impose greater restriction and greater guidance for those officers to act upon.

**Chair:** Can I just quickly check? You talk about invasive, but in most cases we are talking about the saliva sample.

**Alfred John (Chair of the Metropolitan Black Police Association):** Yes, in most cases it is about saliva sample, but --

**Chair:** I am just concerned that for some of the people to hear the way you used invasive --

**Alfred John (Chair of the Metropolitan Black Police Association):** If I could qualify that. As an example in one of the operations that went place, they went for a what is called ancestral DNA testing. This is when they went to the Caribbean Islands to

basically take DNA so that they can match up, try and match up with the crimes back here. Now if anyone here is trying to tell me that that actually is not over the top, they should not actually be in here. That is ridiculous. This is where, in actual fact, DNA, I think is extremely important part of policing. I am not advocating the fact that DNA should go. We have heard examples of whereby serious crimes such as rape basically can be detected, but in actual fact if you do not put a leash around these issues that is when it starts to move over into things like broken windows and crimes that should not be on there.

Mental Health Act, one of the things that have been pointed out, they can go in there and take DNA. There are not enough boundaries around this, and the police, as I said beforehand, are not the ones to do this. It is about Government setting the legislation correctly, and that is not what is happening. It is too much scope. It needs to have better boundaries.

**Speaker 3:** Sorry, I just wanted to clarify something, that of course there is this issue of discretion around this, and actually of course what we have been told is that for an arrestable, recordable offence there is no discretion. The moment someone is arrested the DNA must be taken, so the interesting point is well, are you arresting the right people, so it is how people are coming into the process. Almost once you are in there is no issue. There is no police discretion around it.

**Alfred John (Chair of the Metropolitan Black Police Association):** Just to actually say as well, that is in relation to innocent people. Innocent people involved in an incident can also have their DNA taken, but in fact it can only be retained on that providing there is voluntary written consent from those people. That is not being followed and that is the part of the legislation that needs to be looked at, so even on the legislation that is there, that does have restrictions, who is monitoring that because that is not what is happening out there?

**Chair:** OK, now I have got a number of hands up. I am going to start with somebody who has not spoken before, so the lady next.

**Jo Poole (Founder, Jewish Police Association):** I am just following on from Alfred [John].

**Chair:** Could you just say your name?

**Jo Poole (Founder, Jewish Police Association):** My name is Jo Poole and I am the founder of Jewish Police Association. I just want to follow on what Alfred [John] said and relate the lady that works for mental health. The issue for me is that even if they volunteer, once you volunteer you cannot have it removed. Do they actually understand what they are volunteering? If you are going to volunteer should a solicitor not represent

you to ensure that you understand that? Because it is too late once you have done it. So it is the ability to understand what you are doing is my concern.

**Speaker 3:** Sorry, can I come back on that too? I mean, that is a question obviously in that respect around mental capacity. My understanding in this relationship in terms of volunteering is that you have to give written consent for it to go on the database, but I take your point entirely for certain groups of the population who may lack mental capacity that whole process is clearly not going to be understood, and clearly they could suffer as a consequence of that.

**Chair:** Thanks. OK, let us take a few questions and we can go to the people who have not spoken before first. Yes? Then there was a lady I think at the back.

**Samantha Avril (member of the public)** Hello, my name is Samantha Avril, I work for a local authority, crime reduction service, but I wanted to come back to the point that you made. From my past experience, being a mother of two young men, they have been arrested for quite minor things that actually you are saying, “Arrestable recordable offence”. I have got an 11-year-old son who was arrested for kicking a stone that happened to hit a police car. He was arrested on suspicion of criminal damage, taken to the police station and kept at the police station for six hours, and his DNA was taken, because anyone over the age of 11, they have the right to take your DNA. At that time, I am going back now five years, there were lots of young people that I was aware of that were being arrested for really minor things, playing in the street that was then charged with a public order, because public order offences are a bit, you know, difficult. You can get anyone really on something like that. So I can give you lots of examples where I believe that. In that case with my son being an 11-year-old I do truly believe that he was arrested for the purpose of getting his DNA, and I do believe that had he have been a white child doing exactly the same thing he might have got a telling off but he would not have been arrested.

**Speaker 4:** (several inaudible words)

**Samantha Avril (member of the public):** Well, in that case of the stone, I mean, you know, kicking it and it just happened.

**Speaker 4:** (several inaudible words)

**Samantha Effer:** No, OK, sorry.

**Chair:** OK. So a few people who have not spoken, yes?

**Chris Boothman (Independent Member, Metropolitan Police Authority):** Hi, I am Chris Boothman. I am an independent member of the Metropolitan Police Authority. I

just wanted to go back to the controversial issue of rape and DNA evidence. I was involved in a case a few months ago where a black diplomat was arrested and investigated for rape. His story was that he went out with a young woman. They went out for a meal, they had drinks, they went back to his place. His story was that she got drunk and passed out. She woke up in the morning, was disoriented, did not know where she was, went to the police and alleged that she had been raped. He was arrested, suspended from work, and what she alleged was that he must have put something in her drink which caused her to pass out, and thereafter she could not remember what happened. He was investigated, the investigation took some months. Eventually when the evidence was assessed there was nothing in the drinks in his house, there was nothing in her blood system that indicated that she had been subjected to any form of drug, there was no evidence of rape. So, in fact, he was not actually charged. He was arrested, investigated but not charged.

I find it difficult in that kind of scenario where one can understand that she may well have genuinely believed that something happened to her that should not have happened to her, but actually there was no evidence that the drinks were spiked, no evidence that she was interfered with in any way. There is no evidence they even slept together. Against that kind of background I wonder whether or not it can be justified to keep someone's DNA. So for me, even though there may well be terrible cases of rape, I am not sure the situation justifies the retaining of records where it cannot be established that something actually happened, if I can put it that way. It seems to me if there is evidence of rape and DNA is taken and there is a process, and it cannot be proved that someone has actually committed that offence, then in a modern society I am not sure you can justify keeping that evidence.

**Chair:** Now, we are shortly going to be breaking for coffee, but if we just take a couple more questions, obviously we are coming back. I just want people to have a break, stretch their legs, talk to panel members, talk to each, so we are coming back, so two more questions then we will go and have a coffee break and come back. Gentleman here.

**John Omotola (member of the public):** Thank you very much for this opportunity again. I have a question for you here and these are very, very (**inaudible**). question and I want everyone to think about this. As I said earlier, not only because I have had my DNA wrongly taken, or the fact that I just feel that some things are not really right and they need to be put in the right position. Now my question here is I want us to see the negative implication of taking an innocent man's DNA. I want us to look at that topic. One of the things that really one must look at is that if you have not had your DNA taken you would not understand the gravity much earlier when you are innocent. Like me, for example, when I had my DNA taken, first of all to me was a change of personality, because it was a damage to my good name and my record, because I am not a criminal and I have nothing to do with criminality. Then the second one is once you get your DNA taken how then do you live your life? Most of the time you live your life fearful

because you are afraid, and my top point here is that one of the fears is that you could be afraid of the police using that against you at any length. Because once they stop you, the first question they ask you, "Have you been arrested before?" If you say, "Yes" then they try to link up something that you do not even know about, trying to get you into one trouble or the other. These are my major fears and this is why I want the Metropolitan Police Authority to look into. It is a good thing to keep the DNA of somebody who is a convicted criminal, but if you are not, if you are not, you are an innocent man, I strongly believe that people's DNA should be removed automatically immediately. That is what I should understand by that. You can only have a chance to keep them if the person committed the offences then you have the right to keep it because then they can be subject to an intelligence watch list and you can watch them. But being an innocent person I think is totally wrong.

**Chair:** Sorry, I am going to keep to time, so we are going to have a coffee break now, but we are going to come back and keep going, but I do want people to have a break, stretch their legs and we will come back and take the other question then. So please have a tea and a coffee and we are back. We are going to start again at 11.00am, so please may I ask you to take your seats by 11.00am. Thank you.

Perhaps we can make a start to the second half of our session. We are due to finish at 12.00pm, so we have about an hour. I do want to take as many other points as possible and make sure that we cover all the various topics that haven't pre-submitted, including perhaps people's views on security. Also I think it has been quite clearly explained to us that the people who have given their DNA, or had it taken, are not sure what happens next and the procedures. Obviously part of our report is going to be recommending best practice. If you think there are any other topics that we have not covered, plus some other people who have spoken to me during the break and want to raise different issues, so if I can go back and ask you to give us the topic. If there is not enough detail to cover it now please send your submission in and we can cover it in more detail later, particularly if it is an individual incident. As I say, we would like to get as many speakers putting their views forward as possible, so we will pass over the floor to yourself. I think, Laura [Fox], you were going to start us off, if that is all right.  
Laura Fox.

**Laura Fox (Vice Chair of Richmond LGBT; Director, Delta Project):** There is a particular issue with transgendered and gender variant people about the retention of information which applies to all databases and all law enforcement, just as much as it applies to DNA. We have a problem in that records record our previous identity and our new identity when very often they do not need to. The courts and various ministries and agencies have very clear cut and simple methods for not connecting two identities in the same document. To my knowledge, let us say, the Metropolitan Police Service do not operate that policy.



The inclusion of two separate identities in a transgendered person's life, which then goes into some document somewhere, is a time bomb just waiting to go off. You could transition quite early in life and yet suddenly your life could be absolutely ruined 30 years down the line when suddenly it comes out of a document. I have to say with lots of organisations - I cannot point the finger at the Metropolitan Police Service - there is just a lack of care about how this information is recorded. People do not, I suggest, understand the problem with what we call the 'paper trail'. Your purpose when you transition is to have as little information about you in your previous identity in the public domain as possible. A lot of organisations if they just applied a bit more care, there is seldom any malicious intention in it, although the rabid red-top tabloids are always keen to receive this sort of information and presumably will continue to use it forever. The real thing comes down to the way data is recorded and retained. There are very simple procedures for making sure, because it does not just apply to transsexuals, it applies to battered wives. There are reasons why people do not want to be identified with their previous life, and transgendered people are possibly the largest group, but it does apply to other people as well.

**Chair:** Thank you very much for that point.

**CL:** This is a whole field I know next to nothing about. Just to be clear here, the DNA profile, as I understand it we have examples in the papers that you have received, is about 20 digits and the two chromosomes X and Y, or X and X, is somebody who has had gender reassignment and has changed from male to female --

**Laura Fox (Vice Chair of Richmond LGBT; Director, Delta Project):** Forget about gender reassignment, that is not the issue, it is your chromosome balance at birth which stays the same.

**CL:** That is what I was going to ask.

**Laura Fox (Vice Chair of Richmond LGBT; Director, Delta Project):** But also I noticed that there is only X and Y in that DNA example, of course a lot of people have chromosome balances which are much more complicated.

**CL:** That does not change for transgender folk?

**Laura Fox (Vice Chair of Richmond LGBT; Director, Delta Project):** No.

**CL:** All right, thank you.

**Chair:** Any other topics? People who have not spoken. Yes, gentleman at the back. Thank you.

**Zin Derfoufi (General Secretary, Federation of Student Islamic Societies):** My name is Zin and I am from the Federation of Students' Islamic Societies which is a union of student, Muslim students in both further and higher education.

**Chair:** Could you possibly speak a little slower, because it is the room that echoes a bit and we keep hearing echo.

**Zin Derfoufi (General Secretary, Federation of Student Islamic Societies):** Okay, sure. One topic I want to bring up is schedule 7 of the Terrorism Act 2000. Schedule 7 is the stop and detention power used at UK ports, that is airports, sea ports and international train stations and also border areas. It allows officers, usually counter terrorism officers, to detain a person for up to nine hours without needing reasonable suspicion to believe that they are engaged in acts of terrorism, so completely innocent people. One of the actual powers within that schedule 7, which extends their powers under schedule 7, and it just allows police officers to obtain the DNA and fingerprint information of people who have been detained, again without reasonable suspicion. There is a lot of people who have actually been detained under this power whom are completely innocent, they are never suspected of being involved in any crime whatsoever and yet they are having their DNA and fingerprint information taken away from them. So one thing which I would really like to ask the Metropolitan Police Association is to focus also on this and not shy away from the terrorism aspects of DNA retention.

We are doing some research into this. We are speaking to various students and non-students who have been stopped under this power. It has not happened for all of them. It seems that under some police forces, including the Metropolitan Police Service they get a bit more excited that they have this power in the first place and they are gathering absolutely everyone's DNA and fingerprints, whilst other police forces have at least some sort of judgement as to whether they want to take this person's DNA and fingerprints or not. So if you could please focus on this power as well. One of the common elements that comes up from these focus groups and questioning is that a lot of people feel criminalized having been stopped under this power, without suspicion, but also the fact that their DNA and fingerprint information has been taken just makes them feel a bit more criminalized.

**Chair:** I think that point was made by one of the other gentlemen here. Okay, I have a note of that, so when it is taken under the section. Yes, next question, or next example you want to give us.

**Zin Derfoufi (General Secretary, Federation of Student Islamic Societies):** Yes, the next issue there is, to what extent is that DNA and fingerprint information shared with intelligence agencies around the world? There is a danger here that, as far as I understand and I hope someone can clarify this, there is a specific terrorism database,

which contains the DNA and fingerprint information of people who have been detained under any terrorism law.

**Chair:** Okay, so you want us to investigate if your DNA is taken under the terrorism legislation whether different rules apply to when it is taken for other criminal offences?

**Zin Derfoufi (General Secretary, Federation of Student Islamic Societies):** Yes, and also whether it is shared with other intelligence agencies around the world.

**Chair:** We will certainly add that to our investigation. Thank you very much indeed. The lady on the right, and then yourself.

**Anita Jakhu (Brent Community Safety Board):** Good morning, I am Anita Jakhu from the Brent Community Safety Board. I just had quite a different question, which I am surprised that there has been no reference to this morning, which is about the cost implication of this. I have no idea what the cost implication of collecting a DNA sample is, and I am talking about right from collection to analysis to storage. Also what the hit rate is in terms of all crimes. So of the DNA samples collected how many of those result in a conviction. I think that is an important question to ask.

Also I wanted to ask about if the police are going to be responsible for leading on this who is going to fund this? Will some of these consequences be on frontline policing, which is one of the major concerns of the community, certainly where I work? Also if the police are being made to cut something in the region of £125 million, what impact of collecting this continuously going to have on that? I just wanted to ask questions around the cost of it.

**Chair:** Okay, we are certainly going to investigate the cost. I have to say quite interestingly I ask a question at Mayor's Question Time a few months back, because actually the cost of the database has halved. The only reason it has halved was because actually less people are on. I think we have all pointed out our examples that at the beginning there seems to be a blitz to be every single person on, which I think was identified by yourself, but actually the costs have halved. One of the questions I asked was, "Why has it halved?" Inevitably of course technology and other systems have moved on. I am reassured in the sense they are not spending more, but obviously what proportion would be spent to other frontline policing services. You are quite right, so we should make sure that we do analyse and get the full costs and we will put that in our report because that will be very useful information. Thank you for raising that.

There, and then we will come back. Yes?

**Matilda McAttram (Director, Black Mental Health UK):** Just in response to Clive Lawton's question earlier about the difference between collecting DNA and

fingerprinting and mug shots, the major difference is privacy. Your DNA is unique to you and your DNA samples contain not only your health history but any propensities you are going to have to any future health condition. So that is one huge thing. Your DNA can also be used for something called familial tracing. Your DNA is a little bit like your blood line, and like any sibling or child or parent can be traced through an individual's DNA, not a spouse. So technology allows currently anyone related to anyone on the DNA to be traced through their DNA. Like I was speaking to a police officer and they gave an example of if they were looking for somebody and they could not find that person they could go to a sibling's house. That is another consequence you would not get with fingerprinting maybe. Also another, I think huge thing, is the fact that the potential to do research on DNA, whether innocent or criminal is huge, and over the last ten years it came out through a Freedom of Information request, that the Home Office has been giving tranches of innocent and criminal DNA to private companies to do lots of research, including looking for a criminal gene. I think that is probably why people have that knee-jerk reaction to their DNA being on it, because they might not be informed about the consequences by they are huge.

Also as far as sharing information on DNA, or any criminal information, I think it kicks in this year that the UK has signed an agreement with all European crime fighting agencies to share data across borders. Currently your DNA could be shared by other crime fighting agencies within Europe. We do not know what is happening with America at the moment. That is how it currently stands.

As far as the lady's question about managing the DNA database and who is going to fund it, I think it was the Human Genetics Commission, they produced a report saying that public confidence with the police managing it is not that great and so there has been a recommendation that if the police continue to manage it there needs to be an independent monitoring agency to ensure that when innocent DNA is said it is going to be removed it is, because there is evidence from 2000 to show that over 50,000 samples they said had been removed have not been. That is my point.

**Chair:** Okay, fine. Lady in the white shirt.

**Elizabeth Harrison (Manager, The Haven, Whitechapel):** I am Elizabeth Harrison from The Haven, Whitechapel. I wanted to just raise again the issue of the victim's perspective, because rape is a very difficult crime to actually get a conviction for in court, and the large majority of people who are arrested for it will never actually get to court. We are talking about disproportionality and we need to bear that in minds for victims too. So we have a disproportionate number of people with a mental health history who are reporting rape, and a disproportionately high number, and the disproportionately low number of people with a mental health history who get the chance to go to court and see their alleged assailants be convicted. If the CPS decides this person with a mental health history is going to be a poor witness, they are not saying, "We do not believe that it

happened”, we are saying, “We do not believe we are going to get a conviction” and so they will never get the chance to test what they are saying. They will never get the chance to see that person convicted or found innocent, because it will never get to court. If that person’s DNA is then removed from the database because they are considered innocent, then you are removing a real tool from the police if that person offends again. We know from what we see at The Haven that people are raping people with mental health histories because they are easy victims, because they will not get to court, they will not get prosecuted for it, and if we are saying that DNA cannot even be kept because they are not going to court, we are giving people a license to do this, and it is a really vulnerable group in society that needs protection.

**Chair:** That is a really interesting point. OK, now can I just go back? Is there anybody else who has not spoken who would raise a point? Lady in the pink dress.

**Michelle Dibble (Executive Committee, Community Police Monitoring Group, Chair of the Independent Advisory Group):** I am Michelle Dibble of the Executive Committee of the Community Police Monitoring Group, and also the Chair of the Independent Advisory Group. I suppose I am a little bit unusual because I actually do believe in the database. I think it is a very good idea, and it is only another database. From birth we go onto these birth certificate records, we go onto Her Majesty’s Revenue and Customs records, the National Health System keep records of us, so it is only another record. I do believe that it actually needs to be monitored properly, and it should also be taken out of the hands of the police. They need to apply for information, as anyone else does.

**Chair:** OK, that is it.

**Michelle Dibble (Executive Committee, Community Police Monitoring Group, Chair of the Independent Advisory Group):** I do sympathise with the chap down the front there as well because I do not think it is so much as a DNA issue, I think it is the way the police dealt with his son, which I think is absolutely disgusting.

**Chair:** Absolutely. OK, can I just go back to two points that we have hardly touched on which is the security, because, as I say, we have talked about the database being held separately, for good or for ill. We also heard of the possibility the tranches are sent off for other analysis. If anybody has got any particular examples they want to give us of security that would be quite handy. Also particularly for those who have had their DNA taken, what information did you get, but more importantly what information would you like to receive? What would be good practice as far as you are concerned, as that when you give your DNA, or have your DNA taken, what information would you like to have about what it is kept for and how you get it removed? So could I also ask for those topics to be covered? First of all, one more call, anybody else who would like to speak and feel

they have not yet had the opportunity of doing so before I go back to other speakers? No, fine. We will start with you and then we will go back to Alfred [Johns].

**John Glover (member of the public):** Well, you have kind of moved on from the point I was trying to make. I was trying to raise a more general question about alienation. My experience is about a teenager that is found themselves in this position, and the taking of DNA samples fits in with a whole pattern with the way police deal with teenagers these days. We have heard from other people from other areas of London that the police have enough problems alienating sections of society, but we live in one of the leafiest, most affluent parts of London; we are lucky. Twickenham and Richmond is not exactly a crime hot bed.

The police are managing to alienate an entire generation of young people in our area too. The story of what happened to our son went through his school like wild fire. I would like to go back two years. Just two years ago being a police officer was a genuine career option for our son. Now I do not think it is an exaggeration to say he mistrusts, loathes and would never go near a policeman at all if he could avoid it. That is not a result of anything that we have said to him. He does not come from a police-hating family. He comes from a nice middleclass part of town. The police have managed to do this all on their own. I just think that they should, when they have these approaches to teenagers, when they have this lack of discretion and how they deal with people, they should ask whether it is counterproductive, because we govern and we police by consent in this country largely, and if you are alienating large sections of natural law-abiding citizens then you are doing something badly wrong.

**Chair:** Absolutely, so just to go back there, accepting that you believe that it should not have been taken in the first place, which I think we covered in the first half of this session, what information would you have liked to have been given about how to get the DNA removed? I mean, put aside for the minute the fact that you said that as Valerie [Brasse] very clearly explained to us that they do not have that option at the time, but what information would you have liked to have been given about the removal?

**John Glover (member of the public):** I think it is fair to say that we researched ourselves how to get the DNA removed --

**Chair:** No, what best practice for this committee to make a recommendation?

**John Glover (member of the public):** The best practice, of course, they would have given that information anyway.

**Chair:** Did they?

**John Glover (member of the public):** No.

**Chair:** No, quite, so we now know that no information was given to you. What information, if you were going to write the rule book, would you supply and that is the sort of information we want to go back to people with?

**John Glover (member of the public):** There were no charges in this case.

**Chair:** No.

**John Glover (member of the public):** Once an inquiry is dropped and they have taken DNA you would think the best practice would be automatically to issue a leaflet or an information sheet saying, "If you wish the DNA to be removed" you know, no guarantees, of course we know the system but, "This is how you go about it". You would think that that would be automatic if a case, particularly if a case is not proceeded with. I think there are slightly different issues if there is a not guilty verdict in court, I know where I stand, but I can understand counter arguments, but where a case is not even proceeded with I think you should be given information automatically about removing the DNA.

**Chair:** So that is very handy, thank you. Alfred and then obviously we will come back to your case, yes.

**Alfred John (Chair of the Metropolitan Black Police Association):** I think what the gentleman is saying is very right. A few years ago the BPA went and campaigned in a particular investigation to actually have just a simple form that actually said, "Delete", on the form, so if it turned out that in fact that it was not the suspect they were looking for they simply ticked the box, and then they received a letter from the Metropolitan Police Service confirming that their DNA had been removed. It is amazing that the law seems to be geared to deal with perpetrators but it does not actually cater for the innocent, and that is where it needs to go.

**Chair:** OK. Joanne [McCartney], you would like to ask a question.

**JMc:** Can I ask a question of the BPA? We have certainly heard that there may be different practices in different police forces up and down the country, and removal rates do vary between different police forces. I am just reading from the BPA perspective, if you have evidence of which forces are performing well, and whether they do in fact give out those information sheets, and whether they do exercise their discretion to grant removal more leniently than perhaps the Met do?

**Alfred John (Chair of the Metropolitan Black Police Association):** In relation to forces in England, no it does not differ. We actually had to hammer that out with the Metropolitan Police Service forensics, and they did comply, and they did put it on, but

when the legislation changed they took it off again. Now, all I am saying is that DNA I do believe is important to the police, I do believe it is an important ingredient to solving crimes, but the truth is, as I said beforehand, it is not just about going after the criminals. It is also about protecting the innocent, and therefore, as a due part of process, it should be in the fact that when you do collect DNA there is also the information available to actually take it off. If you buy something outside the shop or in a catalogue, you will find the information inside the same place that you order to get it back to them, and that is the difference. It is a simple thing here that we need to do, nothing complex about it.

**Chair:** OK, fine. Now, there are a couple of people, now do the National Policing Improvement Agency want to say anything in this debate this morning? All right. Any other new faces who want to add to the debate? Sir, no, fine. Lady.

**Jo Poole (Founder, Jewish Police Association):** We have already discussed the possible leaflet. On your email you sent out you said, "How do you think particular communities are impacted and what information is provided by police?" I really do think, like in stop and search there should be more information available to the public. Certainly, if you were to ask people out in the street, certainly where I work which is hot spots, violent boroughs, they really would not understand the implications of the DNA and how it is held and what they could do about it. I, like Alfred [John], believe in it being used and being held for sensible purposes, but certainly I do not think people truly understand that it can be held if they are not careful, and the implications of it all. Sorry, I am probably not putting this very well. I have been asking Alfred [John] to speak for me.

**Chair:** I think we have all understood that more information needs to be provided. Lady in the front row. Have we got a microphone for the lady in the front row?

**Sonoo Malkani (Chair, Harrow Police and Community Consultative Group):** Picking up the point the lady just made, I think it is very important that we do some education on this with the members of public. We already have your community engagement groups in each and every borough, and could do it quite easily if you like within the stop and search, because this is a contentious issue, and I think we have a duty there, if it can be done - it is not going to cost you anything but it is going to be very, very useful.

Second thing is we have not really looked into forming self help groups, voluntary groups to help people to actually understand, and perhaps help them to delete the information, or remove it or how to go about it. I think if there was some sort of a body set up, how we do it is a different matter and how we approach it, but it would be very useful for people to know that there is such a body. It does not have to be government owned. The community could take responsibility for it and say, "Right, we trust ourselves more than anybody else. You do not have to be suspicious of yourself". Sometimes, even if the



police are trying to help or the MPA or anybody else they might think, “Well, they are a government agencies” so in order to make people feel really safe and empowered, perhaps we could help them or guide them how they can set these up, and provide them with the proper information, what the law is about and perhaps if they speak to their local MPs to lobby if there is something that needs to happen. All this sort of thing. I think it is just that if there is something like that then the people will not feel isolated, you know. They will not feel that I am the only one, who do I approach, who do I go to, and it is all going to be confidential. The people have the same nature. It is like any self-help group, it could be very useful and empowering I think.

**Chair:** OK, thank, you, education more efficient. Lady at the back first, please, with the fair hair, and then I will come to you.

**Emma Norton:** Thank you. Sorry, Emma Norton from Liberty again. Just to say the points made by the gentleman at the front are very familiar and have been made by black parents for a very, very long time, and I have seen lots of police records where the kids of black parents have been described as anti-police. These are kids who have no criminal records at all, but because of this, exactly that sort of situation that has been described by that gentleman.

One of the gentlemen on the panel referred to the rather purist civil liberties and human rights lobby that believes the state should not collect data, and that may have been a flippant remark, but I just want to make the point that most of the people here do not believe that DNA is not a vital tool in the detection of crime. What we believe is that the system of retention must be proportionate and it must not be discriminatory, and that is the key point. We are not saying it is not relevant.

On a more specific point, just to finish off, the mechanism whereby somebody applies to have their DNA deleted is the Exceptional Cases Procedure. The policy that is given out to the police actually says that in the first instance they should always refuse a request. It said then somebody has to go back and argue why it is exceptional. Then in most of my experiences they are still refused, and it is only once somebody gets a lawyer and they get a letter before claim that the police are conceding, because they do not want the courts looking at this very thorny issue of race discrimination. That is what I believe anyway. So I just wanted to make that point about the Exceptional Cases Procedure and the problems with the way that it is formulated.

**Chair:** I think it is a case of innocence or guilt actually I feel, rather than just going back to sort of all the other topics as well. I think it is even more fundamental. It should be on innocent, and things are not proceeded with. It is certainly my view at the moment but we will see how the debate continues.

There are a few more people, I think, have joined us who may not have spoken yet. Did you want to add to the debate, sir? Yes, did want to.

**David Michael:** It is only that the National DNA Database went away from the original purpose of DNA samples being used in criminal investigations in the helpful way that many people have already described. What is not acceptable is then when people are exonerated that those samples should be kept on record indefinitely. Also we, as a country, as a police authority need to respond when legal decisions are made in the European Court, we ought to respond in a more appropriate way than we do. That is just my little bit.

**Chair:** The gentleman behind in the blue shirt, do you want to add to the debate if you have not spoken? Thank you, sir.

**Andy Morgan (Police Officer, Hounslow):** Andy Morgan, I am a serving police officer at Hounslow. I think you probably confuse me with NPIA, because I am wearing an NPIA pin.

**Chair:** No.

**Andy Morgan (Police Officer, Hounslow):** My views are interesting, listening to everybody. This is Andy Morgan speaking, not the Metropolitan Police Service. My view is taking DNA samples should take place. They should be checked against the outstanding records of crime scenes. I agree with everybody else in the room that if you are acquitted or certainly not charged, I am quite happy for the sample to be deleted automatically. I do not think it should be retained, but that is personally my view.

**Chair:** OK. We have got another police officer just near. Did you want to add to the debate?

**Speaker 9:** In defence of the police I am very concerned that DNA is only one portion of the problem. I believe under the last government 4,000 separate criminal offences were created in the space of 13 years. How can the police possibly be expected to stay on top of that and to use discretion, as was the case in my day when we had a lot of discretion, a lot of sensible decisions were made by very sensible people who were station commanders. There is far too much bureaucracy and far too much rigidity about the system. I think that is what is emerging from this discussion today.

On a personal level too, I am very concerned that private organisations have access to this information. What are the guarantees of safe guarding people's information? There have been so many database leaks already. I am very concerned about that. It is a contract between government and the citizen that we are concerned with here, not private

individuals, private corporations making money out of someone's misfortune. I am very against that.

**Chair:** Does anybody else have any security issues they want to raise?

**Laura Fox (Vice Chair of Richmond LGBT; Director, Delta Project):** There are two issues which have not really been discussed in depth yet. One is incompetence and the other one is misuse. In the early 1900s the Dutch Government began to collect information about the religion of people. It was done for the best of reasons but a mere 30-odd years later it was used to create death lists for the camps, to deport Jews to Auschwitz. Now that is obviously a very extreme example, but what I am really asking is what safeguard is going to be built in to allow for regime change? Politicians must not be allowed to control this whole operation because they have party-political views. Any authority which controls this should be as independent as the judiciary or something like that. You know, there is no place in this whole equation for politicians. I unfortunately have a universally low opinion of them having worked with them for many years, but I still think that people might agree to changes in DNA legislation from one regime which could then be completely misused by an incoming regime.

The other point is incompetence. In data terms we must surely have the most incompetent bureaucracy in the world. I mean all the recent examples of databases, memory sticks being lost, laptops being left on trains, we have a disgraceful record, and what safeguards are going to be put in to make sure. It probably requires quite a high level of monitoring to make sure that these databases are kept secure, but it is essential that they are because that is a savage assault on individual liberties if things are not controlled properly. I mean, we have heard stories of Criminal Investigation Bureau checks, they criminalize people who have never committed a crime in their life. This whole data issue is becoming more and more important as we collect all these databases together, becomes a much more powerful tool, but it is also a lethally powerful tool in the wrong hands, or in the hands of the incompetent.

**Chair:** I think that is a really good point. I have certainly made some notes about that. I am conscious now, panel members, were there any particular questions as we are coming to the sort of looking at the top clock, obviously I am inviting all of you to make sure that you keep writing in and contact us again if you think there are other point that have not been clearly made or identified.

Kirsten [Hearn]: were there any other questions you felt that you wanted to ask these good people while they are here?

**KH:** A range of issues that are coming up for me, which I will come back to later.

**Chair:** Did you want to say them now?

**KH:** Oh, OK. Here is my list. The first point I was struck by was actually about the whole issue about the uniqueness. This is a unique code, and the whole kind of feeling that we have, there is something rather visceral about how we feel about how it is being used. It kind of goes to the heart of our identity, and there is a lot of fear about its collection actually. A fear that it could be misused in ways which could be very unpleasant, and we might have seen in the past other nasty regimes in other parts of the world.

There is thing about disproportionality going on here actually, and in particular I have been noting the whole issue around how people with mental health issues, when in a place of safety, which happens to be a police station, and sometimes it still is although often it is somewhere else, may have their DNA taken,. That seems like a gross infringement of somebody in a very vulnerable situation. Obviously that young people are being targeted, the young black people in particular, and it is causing a huge problem with that.

There is lots of stuff around information misuse and the fear of information misuse, and what DNA might expose about somebody, like somebody's original gender for example. There is a lot of confusion about what happens to it, how to get it removed, and the belief that actually there should be an automatic removal of DNA when somebody is not charged or proved innocent, and that one has to jump through a thousand hoops to get to there, and that does not seem to be fair. People do not know how to do it or how it is used.

The final thing for me is about two things: one is about competency and about rules, and about how it is collected and that. I think we have rules and regulations about how it should happen, but I sometimes wonder if police officers are actually doing that very rigidly. It says, "Oh, suspect this crime's been committed therefore we have to take a DNA swab", when in fact there is an issue round discretion and judgement which I believe we should empower police officers to use better.

Finally, a small part of the discussion today, an issue about positive reasons for use of DNA. Now, I am very struck that a lot of people do not necessarily think that the collection of DNA is a bad thing. It is how it used, and there is recognition of its positive use too.

**Chair:** Thank you very much. Clive [Lawton], do you want to ask any other questions or make any other comments or observations?

**CL:** I have found this tremendously helpfully, so thank you to everybody. I have tried to listen very carefully. Quite a number of issues that people have raised seem to be subsets of other issues. I am trying to clear the ground in my own head about what is specific to

the DNA issue. I am not sure that I am altogether clear yet. I am still learning. One of the things I have heard, which seems to be blurred, and I take Kirsten's [Hearn] point that clearly this is something that goes right to the heart of people's sense of self, is something about the distinction between samples and profiles, which I still need to be clearer about in my own mind. That is the sample is the kind of total thing, tells you everything you ever wanted to know about somebody and a profile is quite an abbreviated identifier of somebody but you cannot read more behind it once you have that information. I want to be clear about that. There is clearly a lot to do with how people are treated in the process, just good customer relations and dealing with people decently, recognising that it is a very distressing and traumatic moment when you are arrested, let alone when you are having your DNA taken, when you are arrested and you feel you are innocent, and how that is done, and whether people have it explained to them and so forth.

Clearly the potency of the technique is intense. People are talking, quite rightly, that this is the deal breaker. Get it right and it is sorted. If this is the right piece of evidence you have the guy banged to rights and that is that. That is very powerful. The mirror image of that is equally powerful, which is that if I can demonstrate that my DNA is not the DNA you are holding I am exonerated. I am out. There is no more doubt about this, you do not have my DNA and that is that. It is very, very potent, both for good and for real. I am finding this very interesting. Clearly it is deeper than that for many people who have been through the process, but it is a very interesting and challenging conundrum. So, thank you for that.

**Chair:** Valerie [Brasse], questions?

**VB:** I have no more questions and I am not going to reiterate the points made by my colleagues. The balancing act here is so essential, is it not? As you say, it is a power for good and for bad and getting it wrong carries a very heavy price, whether it is for individuals, whether it is for individual's relationships within their own communities, whether it is between communities and the police, which can become self destructive. If we get it wrong this is a tremendous price to have paid. My concern is that we do so much more to move this along in the right direction. When I walk away from this, hearing your firsthand experiences, knowing what it means and has felt for you and then saying, when we go back to where we have to be at the MPA, "Okay, how are we going to make this better?" Can we come up with something that says there is going to be this DNA database, and no-one is telling me they do not want it, it is just how we apply the rules. It is, what are the governance arrangements that make this independent so that people have trust and confidence in the system? We have to change it for good and that is the job we will go away and do.

**Chair:** Joanne [McCartney] do you have any other question or topics or any points that you wanted to make?

**JMc:** Not really, because I would be repeating what my panel members have said, but just to thank you all for sharing your experiences, and it has been extremely useful. I think it is going to be useful as well in the coming months because we going to have some Government consultation, so we can use the information in some of the inquiries that we now need to go away and make and actually feed into that consultation and perhaps give a London perspective and perhaps be able to say that we can represent some of the concerns of the communities of London as well, so thank you for that.

**Chair:** I will do the panel members first then I will come back for some last questions.

**DD:** For me, again I will not repeat but there were two things in particular, one I suppose that I find very, very distressing, that even when the police agree that they have made a mistake and they are not going to proceed with any conviction of any description that it can take a year to get them to remove the DNA and then there is no guarantee that it will be removed, I just find that shocking, almost beyond description. With our debate today I think there have been many grey areas. I think the lady who made the points about the rape centres, I think that was very potent and as you were talking I was thinking, “Yes, absolutely” and then somebody else would say, “However, this happened to me” and I was being swayed backwards and forwards. But on that particular thing, about the police, “We have made a mistake, we are doing nothing about it” I find that extraordinary.

The second point that I suppose jumped out to me is the fact that if there is concern in the room about the database and security around the database, it has not come through today. I find that quite astonishing, because we are now talking about DNA that can not just identify individual members but it can also identify your family. The horror stories that you read about people losing stuff and selling it, I would like some very, very clear guidelines drawn up that then become, “This is what you shall do” rather than, “These are the guidelines you should work within”. I have real concerns over the database and who it could be sold to, what it could be used for, because as long as the police are just using the string of letters I am quite comfortable with that, it is everything else that could be taken from that that really does worry me and the hands that it could get into and the number of people who could use it for very, very inappropriate purposes.

**Chair:** Thank you. Now I think there are couple more questions before I send you all away, but please, please can they be points that we possibly have not covered, or things you want us to do? Alfred John we will go to first and we will work our way forward.

**Alfred John (Chair of the Metropolitan Black Police Association):** It is just a statement really on what has come through today. We cannot ignore the elephant in the room. Actually DNA is usually the second point of concern for the public. It starts with stop and search. Cannot get your DNA until you are stopped and searched and if there is

disproportionality in stop and search everything else follows. So basically I think that is important that we do not disengage from the two issues.

**Chair:** No, okay, fine. I am just doing to do really, really quick, because I know we have a timetable. The gentleman with the checked shirt.

**Alex Tomkins (Member of the public):** Thank you. I completely agree with what has just been said. I think that is a really, really important point, because it is the fluency through the whole system. The other thing that I wanted to go back to my point was what the gentleman said about terrorism. I would really urge that something you guys would look into because I think it is actually dealt with so differently. If you look at the retention guidelines in the Crime and Security Act terrorism is retained indefinitely, no questions, and it is quite a taboo subject almost. Almost another elephant in the room in that respect, and there are quite big dangers obviously with that, so I think that they have to be looked into. I do not want to get too broad but that has to be looked at, there is quite a level of importance in it.

**Chair:** Okay. Gentleman in the black shirt and then the lady in the front row.

**David Mery:** In the documentation to provide there is one aspect which is quite important is to ensure that people explain that the DNA is taken. I have met several people, especially in black community meetings that did not understand that their DNA had been taken. So in the first place there is an explanation that it has been taken and then explain that if they are innocent it can be removed. A good place to find information on that is the [reclaimyourdna.org](http://reclaimyourdna.org), which tries to do that.

On the security issues there has already been several documented cases of loss of equipment or papers that was in the initial DNA reports, annual reports of faxes sent by the **FSS**(Foresnsic Science Services) to incorrect numbers and now they are not faxed any more, so that is probably sorted. But samples incorrectly bagged in freezers, left to burn or was next to **ice-cream**(?) (several inaudible words) reporting on that. There has been an allegation of five civil servants that (inaudible) software of the database, part of it, one FFS contractor having access to it. **LGC**(?) created its own mini database in **2006**(?) and of course all the research projects that have been done on the DNA database have been done without the consent of the people whose DNA has been taken.

**Chair:** Thank you very much for those points. Lady at the back who has not spoken, Yes, with your pink shirt, we will do you first and then the gentleman near yourself in the front. Thank you, madam.

**Carol Atkinson:** I am by way of being an observer. I am Carol Atkinson from Richmond, and I was horrified to hear the gentleman at the front. As far as DNA goes, I do not care who keeps mine, as long as it is kept for proper purposes and secure, but I

have noticed everybody here is a practitioner. They are either a lawyer, or they work for an organisation or they come from a group that appear to be targeted somehow for DNA, and there have been some horrific stories. As a former scientist I am absolutely horrified at hearing what is going on, but I think we must not lose sight of this is a fantastic tool for the police but it has to be properly applied, so there needs to be really good processes and if necessary the law has to be changed so the police are not just slavishly following a law, which perhaps allows some of these things to happen. So I say keep it, but really control it. Okay.

**Chair:** Thank you very much indeed. Gentleman with the red tie and then the front and then perhaps we can finish because we are going to finish on time.

**John Omotola (member of the public):** : Once again thank you very much for this opportunity that has been given to us an individual. At this point I just want to say I really want the Metropolitan Police Authority to look into this as well, because this kind of person has a problem. I do not see the problem, I tried to look for the source of the problem. When I see a police officer **behaving**(?) anyhow on the street I try to ask myself, “Why do they do this?” You know, from the right source I got to find out the police are (inaudible) on their target. In one case they take the call, probably the level of their position, and that is why they want to try everything possible to when they know you are innocent they just want to put you into something and make sure the case has been tried, probably it is a gamble. So I would like the Metropolitan Police Authority to look into this issue as well, because I do not really think it is right, because I think this actually puts them under pressure to make sure actually, even when they know you are innocent, they just want to take you to court and thinking they are going to get something out of it.

**Chair:** Okay, we will make sure we include that. Thank you. I am now going to have the final word please to the lady in the front row. Thank you.

**Sonoo Malkani (Chair, Harrow Police and Community Consultative Group):** First of all, on behalf of the community I think I could say thank you very much for this consultation that you are having this morning, because it makes us feel more reassured really in a way that you are doing something about it and you are in a position to do something about it as well.

Secondly, you mentioned there is a consultation this will be feeding into. Are we talking about the Metropolitan Policing Plans with the Metropolitan Police Service?

**Chair:** Yes and also I have no doubt we are hoping also to talk with the new coalition Government who are also studying this, so we are hoping to be able to feed our views, or let us be more important, we are trying to represent your views and I think the point is the



advantage of today is we will have a lot of material and practical examples which always really brings it to life when we are trying to fight the corner.

**Sonoo Malkani (Chair, Harrow Police and Community Consultative Group:** I also want to ask, obviously this is going to take some time because all these consultations, one with the new Government and the other one that finishes at the end of November, if I am correct, when will we get some report or some sort of feedback from you as to what has actually transpired?

**Chair:** We are hoping to do a first draft by the end of the year, so realistically allowing for holiday and administration I would think probably December or January.

**Sonoo Malkani (Chair, Harrow Police and Community Consultative Group:** That sounds very good. At least we get some feedback.

**Chair:** We are trying to keep momentum going, because we think that it is a really important topic.

**Sonoo Malkani (Chair, Harrow Police and Community Consultative Group:** It is important, because the thing is if we do not get feedback we lose interest and people come up here and you want to really be able to call them for other things as well. Thank you very much.

**Chair:** If anybody wants to make sure that we have their name and address obviously when we do the report we will obviously email it or circulate it or if we do a printed copy we will send that off.

I think we are just about coming to the end so I just want to add my thanks. I think the point about the Civil Liberties Panel is that we are here because it is all about policing and confidence in the policing. The police cannot police without the support of the people. That has come out over and over again this morning. If we are going to get DNA, which many of you have used the phrase as well, a valuable tool to help actually protect the innocent and convict the guilty, we have to make sure that the process of taking it, whose DNA is on the system, why it is taken, that it is secure and that it is proceed correctly, and then how you can get your DNA removed, or maybe that it would all be removed anyway after three years, five years, ten years, that is another debate we could be having. In other words you do not need to worry because actually everyone's DNA would be taken off after a certain amount of time, unless of course you were actually convicted. So it is a great and long and complex debate and I think there are not too many easy answers, but I am very grateful to my committee members here. I promise you we are going to go and do a lot of scrutiny, a lot of questioning of police, their representatives and those people who want to talk to us in confidence. We are also going to study all the systems that are out there at the moment and hopefully, at the end of it,

bearing in mind the reservations that you have all expressed this morning, be able to come back with some good recommendations about best practice. Then hopefully we will gradually see some changes in the way the DNA is taken, is kept and also the ease with which innocent people can have their samples removed from the database.

So thank you very much. I think we have got some sandwiches, and please, please continue to write in. Go back to the people you represent or other friends you have, say you have been here today. This is not the end; this is the start of the process. We need you each to go back and continue to send in submissions. Any things you want us to follow up we would like to hear from you. Go to the top of the MPA website or talk to any of the people here who are from the MPA, hopefully they have some badges on, and if not you can take our cards here and will take your information and ask you to send it on.

Thank you again for coming this morning. Thank you. Please have a sandwich.