

National DNA Database (NDNAD)

Equality Impact Assessment

Stage One

ional **AGENCY** POLICING



Impact Assessment Template – Stage One

**For policies, procedures, products, services or key decisions
inc. projects**

Name of item being assessed: National DNA Database (NDNAD)

**Details of Meetings and documents reviewed as part of the
assessment (including version and release date where
applicable):**

Meeting with Mike Prior (NDNAD Custodian) 16 July 2007

NDNAD Annual Report 2004/05,

NDNAD Annual Report 2005/06

Notes of meetings between Joan Ryan, Lyn Fereday, Maqsood
Ahmad and Sue Mitchell 23 January 2007

Note of meeting between Lyn Fereday and Keith Jarrett 4 January
2007

Notes of FSPU meeting with CJS Race Unit 25 January 2007

NDNAD Strategy Board paper - Representation of BME Groups on
the National DNA Database, February 2007.

Note from Lyn Fereday to Tony McNulty re Disproportionality of BME
persons on the Database 29 January 2007.

Note from Lyn Fereday to Joan Ryan re Disproportionality of BME
persons on the Database 12 February 2007.

Liberty's response to Home Office consultation "Standard Setting
and Quality Regulation in Forensic Science" November 2006.

Parliamentary Office of Science & Technology "Postnote" February
2006 number 258

ACPO Exceptional Case Procedures for Removal DNA, Fingerprints

and PNC Records 24 April 2006	
Hansard records of questions re NDNAD May 2006, January 2007, May 2007	
Owner of item being assessed: Mike Prior	
Name of assessor: EDHR Unit	Contact Details: 01256 602100
Date of assessment: 18 June 2007 - 17 July 2007	

<p>1. What are the main aims of the item?</p> <p>To provide intelligence information to police forces linking crime scenes to suspects. The National DNA Database provides assistance to the police service in solving some of the most serious crimes committed.</p>
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2. What information is available to help you understand the affect this item has on people? (Please demonstrate consideration of all strands – Age, Disability, Gender, Race, Religion or Belief and Sexual Orientation.)

Pg	Comment	Groups Affected
34	Annual Report 2005/06 Ethnicity on the NDNAD is reported by ethnic appearance as assessed by the arresting officer, and not by the Home Office 16+1 self classification system. Ethnic appearance is used for operational reasons, for example so that searches of the NDNAD can be restricted against	Race

	<p>ethnic appearance group(s), so as to correlate with information on a suspect provided by a witness. The NDNAD currently has no facility to report against the 16+1 system. Future enhancements to the Management Information (MI) capability of the NDNAD should include the ability to record and report against the 16+1 ethnicity self classification system. However, given that a record of an individual held on the NDNAD is a sub-set of the wider record held on the Police National Computer (PNC), a better approach would be for this 16+1 self classification information to be captured within the PNC and also considered as part of the requirements specification for other programmes, e.g. IMPACT, PND and NSPIS.</p>	
<p>28</p> <p>34</p> <p>31</p>	<p>Annual Report 2005/06 – The NDNAD is limited in its capability to produce statistics. This could result in different methodologies being utilised to extract information.</p> <p>For example, the ethnic appearance figures from the NDNAD Annual Report 2005/06 use 6+1 categories, but figures provided by Lyn Fereday (see meeting with Keith Jarrett, NBPA 4/1/07) use only 3+ 2 ethnicity categories.</p> <p>Similarly, the figure given for subject sample records removed from the NDNAD in 2005/06 in the 2005/06 Annual Report were 22,132, of which 21,748 related to Scottish samples. This leaves 384 subject samples removed. However, the</p>	<p>Race, Gender, Age</p>

	<p>figure given in Hansard 17th May (2007) PQ was that 165 subject sample profiles were removed.</p> <p>There needs to be clear guidance to ensure that all statistics are gathered and reported in a consistent manner.</p>	
31	<p>Exceptional cases: Annual Report 2005/06 - Samples removed from the Database are low, and are not broken down by gender, age or ethnicity. We understand that it has been agreed that this information will be included in trend reports and should be analysed by the various equality strands.</p>	<p>Race, Age, Gender</p>
31	<p>Who is affected by DNA profiles being kept on the Database despite being acquitted or not being charged with a crime for which they were arrested? (Suspicion that this may affect ethnic minority men disproportionately, but requires evidence). This information cannot be extracted from the NDNAD currently. This facility should be considered for inclusion in any new MI package and should be consulted on to ensure transparency.</p>	<p>Race</p>
30	<p>Annual Report 2005/06- Estimated 12% of the 3,785,571 subject sample records on the NDNAD are Replicates. There is no record as to which diversity strand these relate to. They can currently only be identified after the event. Consideration should be given to including reporting on replicates in trend reports and</p>	<p>Race, Gender, Age</p>

	<p>analysing by the various equality strands.</p> <p>Consideration should also be given to identifying these as they occur, by exception reporting in any new MI package.</p>	
	<p>Familial searches: Figures reported on Hansard 9 May 2006 and 17 January 2007 show that the number of these searches is increasing and this trend is expected to continue. Figures reported were 73 searches in 2004, 78 in 2005 and 115 in 2006. However, there is no inclusion of these figures in the trend reports and no breakdown by equality strands.</p> <p>ACPO has produced voluntary best practice guidance on familial searches, but this is not publicly available.</p>	<p>Race, Age, Gender</p> <p>Disability</p>

Further Comments:

The ACPO DNA Good Practice Manual contains information to assist policing in the UK in relation to using DNA for the detection and prosecution of offenders. Adoption of this best practice advice is at the discretion of Chief Officers. Failure to ensure that it is mandatory to adopt this guidance increases the risk that DNA samples are not gathered in a fair and consistent manner, thereby increasing the risk of disproportionality.

The requirements of the NDNAD Custodian are set by the NDNAD Strategy Board in an 'ACPO Statement of Requirements'. This document is due for review, and this will provide an opportunity to check that current priorities and the need to ensure transparency and equality.

We understand that other countries, e.g. Canada, have structured their DNA database so that profile records are indexed only by unique identifier

numbers rather than including other 'demographics' – such as individuals' name, ethnic appearance and date of birth – which are currently used as part of records held on the NDNAD. Moving to this method of recording would increase the inherent level of privacy of the NDNAD, and such a change should be considered as part of new Database architecture for the future. In such a structure, information on Database distribution e.g. by age or ethnic appearance would be obtained from other information systems, currently the Police National Computer (PNC)

An Ethics Group to support the NDNAD Strategy Board is in the course of being established. However, it is unclear if membership of this Ethics Board will include representation from equality groups e.g. CEHR.

3. Result (please tick)	
	High Relevance This needs to undergo a Stage 2 Equality Impact Assessment within 1 month
	Medium Relevance This needs to undergo a Stage 2 Equality Impact Assessment within 3 months
	Low Relevance This needs to undergo a Stage 2 Equality Impact Assessment within 6 months
	No Relevance This does not need to undergo a Stage 2 Equality Impact Assessment
X	Unconfirmed Relevance – This does not need to undergo a Stage 2 Equality Impact Assessment until further information is gathered and reviewed.

4. Recommended Action to provide evidence for the future

1. Confirm whether the method of recording ethnicity (currently ethnic appearance) meets the duty under the Race Relations Act. All programmes relating to police information should include recording against the same classification system.
2. Clear guidance should be produced to ensure that all statistics are gathered and reported in a consistent manner to produce accurate measures of the race, age and gender of samples on the NDNAD.
3. Current trend reporting on the NDNAD should include:
 - familial searching reported by ethnicity strands
 - exceptional cases reported by ethnicity strands
 - replicates reported by ethnicity strands
4. Any new management information system for the NDNAD should include consideration of the need for:
 - reporting ethnicity by the 16+1 self classification system
 - exceptional case reporting of both applications and successful removals by ethnicity and other equality strands
 - familial searching reported by ethnicity and other equality strands
 - replicates reported by ethnicity and other equality strands
 - capability to analyse the DNA profiles on the NDNAD for people who have been acquitted or not charged to gain evidence to determine whether any disproportionality exists.
5. Compliance with the DNA Good Practice Manual should be mandatory for all Police Forces in England and Wales, backed up by performance monitoring for example by HMIC or PSU. Non-

compliance with best practice should be reviewed and reported on, .

6. The ACPO Statement of Requirements for the NDNAD should be reviewed, to check that Equality Impact issues are reflected.

7. ACPO should consider wider publication and/or consultation of the voluntary best practice guidance on familial searches with a view to it being published and made mandatory.

8. Consideration should be given to restructuring the NDNAD, and its interface with the Police National Computer, so that Database records are indexed only by unique identifier numbers.

9. The membership of the Ethics Group should be reviewed to ensure that it includes representation from equality organisations.

5. What date is the Equality Impact Assessment due for Review? (Please refer to the Relevance Assessment table)

12 Months