

# ACPO DNA Good Practice Manual

Equality Impact Assessment

## Stage 1

ional **AGENCY** POLICING

## Impact Assessment Template – Stage One

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

<b>Name of item being assessed:</b> ACPO DNA Good Practice Manual Third Edition	
<b>Version and release date of item:</b> Third Edition - 2007	
<b>Owner of item being assessed:</b> ACPO	
<b>Name of assessor(s):</b> EDHR <b>Unit</b>	<b>Contact Details:</b> 01256 602100
<b>Date of assessment:</b> 1- 7 June 2007	

### 1. What are the main aims of the item?

The manual provides operational guidance in using DNA for the detection and prosecution of offenders. The guidance sets out current good practice for the use of police forces.

The guidance is for the use of members of police forces, and for the information of forensic science providers (FSPs) and the Crown Prosecution Service (CPS).

### 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
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		<b>Affected</b>
12 p1.12	Frequency Database - What was the basis for selecting these 3 categories of ethnic appearance for the frequency databases? How is ethnicity recorded on the main DNAD and how is this mapped to the relevant frequency databases. An incorrect assumption about a person's ethnic origin could result in the wrong frequency database being consulted with no opportunity to redress this.	<b>Race</b>
<p><b>Recommended Action: Consider revising this section of the manual to provide further information as to how to the frequency databases are mapped to the ethnicity classifications of the NDNAD. Confirm that the method of recording ethnicity meets the duty under the Race Relations Act and consider using the 16+1 Home Office self classification system.</b></p>		
13	Officers who joined the police service before 1 April 2003, and volunteered to provided samples to the PED, can request removal of their profiles at anytime without giving a reason. This contrasts with the position in respect of officers who joined after 1 April 2003 who are required to give samples and have no option to remove their profiles. This may adversely impact on grounds of age as it is likely those who joined pre 1 April 2003 are older than those who joined post 1 April 2003.	<b>Age</b>

<p><b>Recommended Action: Consider analysing the age profile of the PED to ensure that there is no impact relating to age discrimination.</b></p>		
37 p4.5	<p>The officer taking the volunteer sample makes an assessment of the individual's ethnic appearance and records this on the DNA form. How is this assessment raised, what categories are used?</p>	<p><b>Race</b></p>
<p><b>Recommended Action: Confirm that the method of recording ethnicity meets the duty under the Race Relations Act and consider using the 16+1 Home Office self classification system. Include guidance for Police officers and staff when recording ethnic appearance.</b></p>		
38 p4.8	<p>Police have powers to take non intimate samples without consent and defines these as samples of hair other than pubic hair. This may adversely impact certain religious groups e.g. Sikhs for whom head hair is sacred.</p>	<p><b>Religion / Belief</b></p>
<p><b>Recommended Action: Consider revising this section of the manual to make reference to the need to consider any adverse impact on the grounds of religion or belief when taking hair samples.</b></p>		
40 p4.9	<p>Police powers to take intimate samples, does not refer to the need to ensure that male/female doctors or dentists are available to take such samples. This may adversely impact certain ethnic groups or religion / belief.</p>	<p><b>Race</b> <b>Religion / Belief</b></p>

**Recommended Action: Include reference in this section to ensure that consideration is given to ensuring that male and female medical or health professionals are available to take such samples.**

<p>40 p4.9&amp; 41 p4.11 83 app4 65 p9.4</p>	<p>How is it ensured that officers take every precaution to ensure that information given to individuals is properly understood?</p> <p>Written consent is required both for samples to be taken and separately for the profile to be loaded and retained on the NDNAD,</p> <p>Intelligence led screens, where DNA samples are taken for the purpose of elimination, these samples may be loaded to the DNAD with the consent of the individual concerned, how is it ensured that this is fully understood.</p> <p>All the above potentially discriminate against those with learning and other disabilities or for whom English is not their first language, especially as once consent is given it cannot be withdrawn.</p>	<p><b>Disability</b></p> <p><b>Race</b></p>
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**Recommended Action: Revise guidance to include the provision of an appropriate adult to witness the consent and reconfirm that consent has been given during interview. Ensure that consent forms are available in languages other than English.**

<p>41 p4.13</p>	<p>Applications by individuals to have their DNA profiles removed from the NDNAD are dealt with on a case by case basis under ACPO Exceptional Case Procedure.</p> <p>This could adversely affect individuals in all</p>	<p><b>Age</b></p> <p><b>Disability</b></p> <p><b>Race</b></p> <p><b>Gender</b></p>
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	<p>groups in terms of who makes the decision to take names off the database and how is it ensured that there is no bias against any particular group.</p>	<p><b>Religion &amp; Belief</b></p> <p><b>Sexual Orientation</b></p>
<p><b>Recommended Action: Each request should be reviewed by a panel which included members of diverse groups rather than one individual. Records should be kept of requests by group and analysed by those accepted/rejected for removal</b></p>		
<p>46 p5.5</p>	<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).</p>	<p><b>Race</b></p>
<p><b>Recommended Action: Undertake research 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.</b></p>		
<p>46 p5.6</p>	<p>As the DNA Good Practice Manual is not mandatory failure to follow best practice may result in disproportionate outcomes as some forces may not take samples in all possible cases. Also, if samples are rejected it may not be possible or lawful to take another sample from an individual.</p>	<p><b>Age</b></p> <p><b>Disability</b></p> <p><b>Gender</b></p> <p><b>Race</b></p> <p><b>Religion &amp; Belief</b></p> <p><b>Sexual Orientation</b></p>

**Recommended Action: Undertake research to analyse the submissions to the NDNAD by Force and population to identify any areas of disproportionate samples being submitted.**

**Further Comments relating to the policy:**

P13. Potential discrimination between police officers and police staff and members of the public, reference page 36 volunteers who give their samples cannot have them removed.

The manual makes reference to other guidance, all further guidance referred to needs to be reviewed in order to conduct a full assessment.

Throughout: This document constitutes guidance and good practice, not a set of definitive instructions. What monitoring is undertaken to ensure that the guidance is being applied equitably and fairly in relation to diversity across all police forces? (This particularly in relation to the collection of DNA samples and explanations given at this time.)

Page 11 p1.6 Governance – This states the governance is provided by the NDNAD Strategy Board it does not indicate who sits on this board or with whom consultation on this guidance was held?

Did this take into account any particular diversity groups? If so which ones? Was this a formal consultation?

Page 13 p1.10 Why are police records kept separately?

**3 Result (please tick)**

✓	<b>High Relevance</b> This needs to undergo a Stage 2 Equality Impact Assessment within 3 month
	<b>Medium Relevance</b> This needs to undergo a Stage 2 Equality Impact Assessment within 6 months

	<p><b>Low Relevance</b> This needs to undergo a Stage 2 Equality Impact Assessment within 1 year</p>
	<p><b>No Relevance</b> This does not need to undergo a Stage 2 Equality Impact Assessment</p>
	<p><b>Unconfirmed Relevance</b> – This does not need to undergo a Stage 2 Equality Impact Assessment until further information is gathered and reviewed.</p>

**4 What measures are or will be put in place to provide evidence for the future?**

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