

FIND Strategy Board

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Open Minutes of Meeting

11th April 2019

11.00-13.30

Birmingham

Present:

CORE MEMBERS

ORGANISATION	MEMBER
NPCC	ACC Ben Snuggs (BS)
Home Office, representing the Home Secretary	Alex MacDonald (AMD) (teleconference)
Association of Police and Crime Commissioners	Martyn Underhill (MH) Rachel Goodwin (RG)

APPOINTED MEMBERS (as set out in the Governance Rules)

ORGANISATION	MEMBER
Commissioner of the Retention & Use of Biometric material representative	Paul Wiles (PW)
Forensic Science Regulator representative	June Guinness (JG)
Biometric and Forensic Ethics Group Chair	Chris Hughes (CH)
Information Commissioner's Office	Meagan Mirza (MM) (teleconference)

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Devolved Administration – Northern Ireland	Graham Kissock (GK)
Devolved Administration – Northern Ireland	Stephen Campbell (SC) (teleconferencing)
Devolved Administration – Scotland	Fiona Douglas (FD) (teleconferencing)

APPOINTED MEMBERS

ORGANISATION	MEMBER
NPCC – CT Forensic Database	Leigh Williams (LW)

SECRETARIAT

Home Office Forensic Information Databases Service (FINDS)	Kirsty Faulkner (KF)
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IN ATTENDANCE

ORGANISATION	MEMBER
Home Office, Interpol and International Biometric Exchange Team	Daniel Bayliss (DB)
Home Office, HOB Programme	Carrie Golding (CGold) (teleconferencing)
NPCC Transforming Forensics Programme	Joanne Ashworth (JA)
NPCC – Homicide Working Group	Martin Bottomley (MB)
NPCC - Fingerprints	Karen Stringer (deputising) (KS)

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APOLOGIES:

ORGANISATION	MEMBER
Forensic Science Regulator	Gillian Tully
Home Office Forensic Information Databases Service (FINDS)	Caroline Goryll
Commissioner of the Retention & Use of Biometric material representative	Lucy Bradshaw-Murrow

1.0 Welcome, Introduction and Strategic Developments

BS welcomed everyone to the meeting and gave a summary of the current landscape and developments:

- Transforming Forensics, Forensic Review,
- Annual Reports (FSR issued in March, FIND Strategy Board annual report in January with the Biometrics Commissioner and Biometric and Forensic ethics group coming soon) and the
- Fingerprint issue re the transposition of the EU framework into E&W law which came into force on 25th March. This will then mean that the bureaux and future data on IDENT1 will meet the core policy for the Strategy Board (the Access and Use policy).

3.0 Previous Minutes (0419/01)

3.1 Leigh Williams noted LF was used – to be amended. December to replace 27th September in top box. JG made reference to some inaccuracies in 5.4

Action 01/19 – CG to update minutes and publish

4.0 Action Review and rolling 12 month timetable.

Action Register (0419/02)

4.1 KF took the board through the outstanding actions.

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5.0 Operational Risks and performance

Risk Register (0419/03)

- 5.1 KF noted that one new risk will be raised this period – Brexit. Following a discussion there is the need to consider the policy position on deletion of records pertaining to EU nationals following any change in terms of Brexit.

Action 02/19 CJ to confirm the policy position with regards to records pertaining to EU nationals following any change in terms of Brexit.

Within the existing 7 risks, 4 remain static, one risk (ability to respond to SDNA development) is improving and two risks are increasing STRAT10 (international exchange due to the uncertainty relating to Brexit) and STRAT 15, (funding for development of databases).

Issues log

- 5.2 An issue has been raised to formalise the work that is being done to rectify the issue relating to the legal authority to access policing fingerprint collections (ie MoD issue accessing policing collections on IDENT1). This topic is at section 6 of the agenda.

Highlight report (0419/04)

- 5.4 All services are meeting the Statement of Requirements except for the security accreditation of the NDNAD and IDENT1. Both systems are working under exception. The other relevant area (as per risk description above) is the non-compliance to TickIT Plus, FSR codes stipulate this in version 5. To date HO have not provided a response to GT on this. As noted previously, compliance to international standards is a key way of providing public confidence that there are appropriate processes in place to provide the veracity of results into the CJS. Although this doesn't stop errors occurring it provides mechanisms to be transparent where non-conformities take place.

Performance Dashboard

- 5.5 The Board members had a good discussion with regards to the points raised by KF.

NDNAD

Number of subject loads have steadily decreased on NDNAD since July 18. Profiles from crime scene loads have fluctuated more. Crime scene match rate has decreased since August 18 and is now 65.1%, which will be looked at within FINDS as to what can be done to support improvements in this.

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Fingerprints - Mobile data

The number of strategic mobile fingerprint searches has increased significantly this quarter. This is a good example of technology that could be used to support the taking of samples/images outside the custody suite (i.e. Voluntary attendees).

International searches

The number of inbound searches has increased this quarter but % with matches/potential matches has decreased. The number of outbound searches have also increased but the number which we are still awaiting a result for has increased because we are reporting on a more up to date dataset so the outcome of the outbound searches have not yet been recorded. This does not include Prum data as this is not yet operational due to the delays in approval from the European Parliament. It should be noted that the technology is ready to go as soon as approval is given. If it is not given, Interpol searches is the route for request internationally, and this is likely to increase significantly if Prum exchange is not approved.

The Board gave some constructive feedback, particularly by JG and the Board agreed that one area per meeting would be featured. It was noted CED information will form part of the pack going forward. The timetable for this will be:

July meeting – error rates (force and FSP) and CED (CG to present)

Sept meeting – CT (LW to present)

December - Prum exchange (LW to present), assuming this service is live.

Action 03/19: Agenda of meetings to focus on the timetable for dashboard to look at one area in detail per meeting.

Action 04/19: CGold agreed to provide details of the evaluation of prisoner pilot in July meeting

Action 05/19: PW expressed his concern about the veracity of the data obtained from FP. KF to address concerns and to highlight mitigations at the next board.

6.0 Strategic change and delivery to Strategy Board timeline.

Strategy Board timeline (0419/05)

- 6.1 Research from Northumbria University has been published. It originates from a research group with a legal/social science background. This paper tries to examine the usefulness of the UK NDNAD. It concludes that “it is recommended that oversight bodies such as the Strategy Board develop ongoing programmes to assess the end-

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to-end probative value of NDNAD hits” and goes on to discuss the key indicators of the overall effectiveness of the NDNAD

The board considered this recommendation and thought it should fit within the overall approach to monitoring contribution – both in terms of the dashboard but also into the wider work for the impact of forensic science that forms part of the joint review.

Action 06/19: Consider how the dashboard can consider the usefulness of the NDNAD in terms of key indicators for the effectiveness of the NDNAD.

The NDNAD Annual report was published in February as stipulated in Protection of Freedoms Act, 2012.

- 6.2 Prüm DNA go-live: the board was informed that the technological and operational changes have been made to respond to Prüm DNA exchange, the approval to exchange is awaited from the European Parliament. It was noted that the final element will then be to finalise the amended Strategy Board International exchange policy. One of the core elements required for the operation of Prüm is for an oversight group to be established; in the spirit of reduction of duplication the Strategy Board will be approach to perform this function. DB, on behalf of NK resolved to take this forward and establish a meeting.
- 6.3 KF updated the Board in the current progress in developing measures to monitor the decline in arrestee data onto the Forensic Information Databases. The outcome from this analysis should be available to go through at the next Board in July.

Legislative updates (0419/06)

- 6.3 CJ took the Board through the paper. The position within the legislative update has not progressed greatly from the previous board.

Key points to note:

1) The Forensics Review

The draft review and implementation plan have been cleared by Home Office Ministers and a Whitehall write-round to seek agreement from other departments is under way at the time of writing. There is broad acknowledgment that there has been good progress towards stabilising forensics provision since the review was conducted. HO intention is to publish the Joint Forensics Review by the end of April.

2) Legislative and policy roadmap

The Private members bill for FSR statutory powers is still being pursued. The case with regards to Gaughan (NI case where the indefinite retention of biometrics from all convicted persons is contrary to Article 8 is anticipated to be handed down in the second half of 2019).

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3) Facial image governance

The paper notes the position in the live facial recognition challenges – South Wales and MPS.

Other points to note

To support the Home Office's strategic approach to data, and to build public trust, it has been agreed to extend the remit of the BFEG to include data ethics. The group will now also be asked to consider strategic issues relating to the use of large and complex data sets by the Home Office.

Position for access and use of policing fingerprint data for DSTL

- 6.4 BS updated the group through several workshops, fortnightly check-in meetings and a lot of work behind the scenes, there are now two principal options being considered which are designed to put this important activity on a secure legal footing. The first option would bring police oversight to aspects of DSTL's Fingerprint Bureau so that the interaction with policing databases by DSTL is undertaken by a law enforcement body. The second option has a number of sub-options which variously move the work, or the people to do the work, between the MPS Bureau and/ or DSTL so that, wherever so conducted, the interaction with policing collections can be properly said to be undertaken by a law enforcement body. There are a number of further actions to undertake in order to ensure that the options presented are properly costed and the risks articulated before we determine which the preferred solution is and why. Legal advice will be sought to ensure that the recommended option(s) are legally sound and are proper solutions to the specific legal problem. It is intended that a paper informing Chiefs Council will be prepared for the July meeting.

Transforming forensics.

- 6.5 JA and KF gave an update on the TF Programme and the creation of the Forensic Capability Network. Detail on the fingerprint comparison and DNA futures projects were also given to Board members.

Strategic direction of FINDS

- 6.6 KF gave an update on the future position of FINDS as noted at the December meeting. FINDS are consulting with senior stakeholders within HO and the forensic community, to align the services to the wider changes within the environment through the maturing of the wider HOB, DDaT and TF programmes. The strategic review is linking in with Transforming Forensics and the HO review into the governance of forensic science. KF agreed to keep the Board apprised of the progress.

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Genealogical Databases (0419/07)

6.7 The board had a detailed discussion on the paper presented to the Board with regards to genealogical databases. In recent months, Police Forces have received a number of queries around the potential for use of commercial ancestry databases for the searching of DNA profiles from crime stains relating to UK offences. There is consideration for the applicability of these genealogy DNA database searching techniques for UK cases.

The main points from the discussion is summarised below.

- The Board agreed that the operational and ethical considerations were at least significant, some even saying very significant. But noted that investigators could not be stopped from using the tool, but needed guidance and clear briefing notes for them to understand the health warnings.
- The future of this tactical response and how the NDNAD is developed and the implication of the tactical response on both the public perception but also progression of the NDNAD needs to be considered up front. This links to the need to ensure that databases used for other legal purposes, such as for medical are not considered and maintained separate through governance.
- The board noted that there should be a legislative framework that considers biometrics in the round to stipulate what data can be stored and who has access for what purpose, which would help to provide a future legislative framework to set the path for fast emerging biometric technology.
- JG suggested a framework to support decision making to make sure other options are considered and this would be the last resort and noted some technical considerations.
- The board noted that the information needed to be admissible at court – there would be questions raised by information being collected in this way.
- MM noted the paper needed more reference to DPA and what the legal basis was for this approach, what about the retention of records from these databases?
- LW noted that CT would be interested in this type of investigative tool.

Action 07/19: MB to draft some guidance with regards to the use of genealogical databases to go to forces.

6.8 Updates from Board members

CGold gave an update on HOB – she noted that the strategic replacement for IDENT 1 was at final bid stage and the award was likely to take place in the summer. 24 forces are using strategic mobile, with a further 6 due to go-live by the end of August. She noted the constructive engagement with Liberty and other interest groups.

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CH gave an update that new members and chair of the Biometrics and Forensic Ethics Group were due by the autumn.

JG gave an update on Forensic Science Regulator. Most notably:

- The FSR annual report was published in March.
- JG reiterated the concerns about TickIT Plus for NDNAD.
- PED reviews were outstanding for a small number of forces
- A visit to an FSP was taking place due to their slight increase in error rate.

MM noted that there were the following areas the ICO was looking into:

- Mobile phone data
- AFR – ICO are collaborating with the surveillance camera commissioner and Biometrics Commissioner on the issue
- A case relating to data from the victim in a sexual offence case
- Detail was given around a case relating to a wanted notice was posted by a force relating to fingerprint information identifying a person where no further action was taken.
- Facial imaging

MB asked on the progress of the near match review from a study that took place 5 years ago.

Action 08/19: EB/MB to present the operational approach to be taken to develop near matching information to be provided to investigating officers.

7.0 Communication, consultation and engagement

7.1 Under 18

KF updated the group on the concerns reported by the Biometrics Commissioner has about how under 18s are dealt with in terms of the provisions in section 63G of PACE.

Action 09/19: KF to provide the draft guidance for handling section 63G requests for under 18s for the Board to own, ensuring all board members have the opportunity to comment.

Any Other Business

7.1 A few small number of points were noted:

LW asked for a progress update of requests pertaining to fingerprints from deceased individuals.

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Action 10/19: KF to progress the issue of guidance for dealing with requests pertaining to fingerprints from deceased individuals.

CJ stated that there was a need to make people whose images were taken on arrest more aware of their right to request deletion of these images if they were not convicted, as laid down in the Custody Image Review published in 2017. The simplest way of doing this would probably be to expand the notice given to arrested persons about the use of their DNA and fingerprints so that it also covered their rights in relation to custody images. CJ asked whether the Board would support this step. KF said that CJ should write to her in more detail about the proposal.

Action 11/19: CJ to write to KF on the need to add custody image