

HUMAN GENETICS

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The National DNA Database: an update.

The Nuffield Council on Bioethics is holding a consultation on the police use of DNA and fingerprints until 30th January 2007¹. The consultation is important because there has been no public debate about a series of significant changes in the law in England and Wales. Instead of only keeping the DNA of serious criminals, the National DNA Database has expanded rapidly and now includes about a million people who have not been convicted or cautioned for any offence².

The consultation is the first chance for people outside Scotland (where the law is different) to have a say about the DNA Database. The main issues are:

1. Whose DNA data should be on the National DNA Database?
2. How should it be controlled?

GeneWatch UK believes that the most important safeguards are **time limits** on how long people are kept on the Database – so that only DNA profiles from people convicted of serious violent or sexual offences are retained permanently - and the need for an **independent regulator**, to prevent abuses of the database.³ Also, DNA samples should be destroyed once the DNA profiles used for identification purposes have been obtained.

Who should be on the National DNA Database?

Time limits on how long people's DNA data are kept on the Database would provide an important safeguard to prevent excessive surveillance by future governments, without reducing the role of the Database in tackling crime.

Britain has the biggest DNA Database in the world, but making it bigger is not helping to solve more crimes. Collecting more DNA from crime scenes has made a significant difference to the number of crimes solved, but keeping DNA from more and more people who have been arrested – many of whom are innocent – has not. Since April 2003, about 1.5 million extra people have been added to the Database, but the chances of detecting a crime using DNA has remained constant, at about 0.36%.

Year	2002-03	2003-04	2004-05	2005-06
Number of individuals' DNA profiles on NDNAD†	2,099,964	2,371,120	2,802,849	3,534,956
DNA detections	21,098	20,489	19,873	20,349
Recorded crimes	5,920,156	6,042,991	5,623,263	5,556,513
DNA detection rate	0.36%	0.34%	0.35%	0.37%

† These figures include some repeat records (an estimated 10% of the total).

Sources: NDNAD Annual Report 2002-03⁴; Home Office^{5,6}; Hansard^{7,8}.

The Government often cites the number of DNA *matches* between crime scenes and individuals on the Database. Although they sound impressive, these figures include many matches with victims and innocent passers-by. Only some matches (called DNA detections) involve sufficient evidence to charge someone for a crime, and not all DNA detections lead to prosecutions or convictions.

The police often report the success of the Database in solving 'cold' cases (past unsolved cases of rape or murder). These cases have sometimes involved the DNA of someone arrested for a minor offence being matched with DNA from a serious past crime. These cases show how important it is to keep past crime scene DNA evidence and can perhaps be used to justify taking DNA from relatively large numbers of individuals. However, they do not justify keeping DNA profiles and samples from people whose DNA has not matched a past crime scene.

A smaller DNA Database, with DNA samples kept only temporarily and people's DNA profiles and other information removed after fixed time periods, could be introduced without reducing the effectiveness of the Database in tackling crime. It would also cost less because the police would not have to pay for the storage of DNA from so many innocent people. A recent poll has shown public support for the idea of time limits.⁹

How should the National DNA Database be controlled?

The Database has been used for controversial genetic research without consent and one of the companies involved also kept copies of people's genetic information. Before the law was changed to allow permanent retention, many people's DNA was not removed when it should have been. An independent regulator is therefore needed to make sure the Database is not misused and that new safeguards are implemented.

A regulator could also check that the police and courts understand the limitations of DNA evidence and ensure that people are consulted about new uses of the Database.¹⁰

References

- 1 State of the Nation 2006. Prepared for the Joseph Rowntree Reform Trust by ICM Research. <http://www.jrrt.org.uk> . Question 17.
- 2 GeneWatch UK (2007) Submission to the Home Office consultation on standard setting and quality regulation in forensic science. October 2006. http://www.genewatch.org/uploads/f03c6d66a9b354535738483c1c3d49e4/HO_consul2.doc
- 3 GeneWatch UK (2006) Submission to the Nuffield Council on Bioethics. Available on: [http://www.genewatch.org/sub.shtml?als\[cid\]=548276](http://www.genewatch.org/sub.shtml?als[cid]=548276)
- 4 The National DNA Database Annual Report 2002-03.
- 5 Home Office (2006) DNA Expansion Programme 2000-2005: Reporting achievement. Forensic Science and Pathology Unit.
- 6 Home Office (2006) Crime in England and Wales 2005/06.
- 7 Parliamentary Question, House of Commons, Hansard Column 1141W, 24th July 2006.
- 8 Parliamentary Question, House of Commons, Hansard Column 1790W, 4th Sept 2006.
- 9 State of the Nation 2006. Prepared for the Joseph Rowntree Reform Trust by ICM Research. <http://www.jrrt.org.uk> . Question 17.
- 10 GeneWatch UK (2007) Submission to the Home Office consultation on standard setting and quality regulation in forensic science. October 2006. http://www.genewatch.org/uploads/f03c6d66a9b354535738483c1c3d49e4/HO_consul2.doc