

# **A Citizens' Inquiry into the forensic use of DNA and the National DNA Database – Summary of conclusions**

## **OVERALL AIMS**

- The Human Genetics Commission feels strongly that the forensic use of DNA and genetic information has not yet been subject to significant public debate.
- The overall aim of the Inquiry was to provide a space in which an inclusive group of UK citizens – having considered key social and ethical issues involved – can effectively communicate their informed views on the current and future use of DNA for forensic purposes to policy makers.
- The Citizens' Inquiry was commissioned by the HGC in collaboration with the ESRC Genomics Policy and Research Forum and the Policy Ethics and Life Sciences (PEALS) Research Centre.
- The findings of the Citizens' Inquiry will help to focus the HGC's evidence gathering and further consultation, the results of which will be drawn together in a final report expected in early 2009.

## **KEY FINDINGS**

Below is a summary of some of the key outcomes of the Citizens' Inquiry. The full set of conclusions and recommendations can be found in the Citizens' Report.

## **Unanimous recommendations**

1. **There is a need for a nationwide public awareness campaign about the NDNAD that will reach all sections of the population.** The campaign should communicate facts about DNA, the powers of the police to take DNA samples and the consequences of having DNA samples taken. (1)
2. **Information about the police powers to take a DNA sample should be given to people from whom DNA samples are taken.** As a minimum this should involve the provision of an information leaflet. (1a)
3. **There should be an independent body with broad membership, constituted by statute specifically to oversee the NDNAD.** It should be a function of this body to keep the public informed about the NDNAD and it should produce an annual report. (3b)
4. **Independent guidance should be provided to juries in trials that involve DNA evidence before they hear from expert witnesses.** This should include information about the role of DNA evidence in determining a conviction, and the limitations of DNA evidence. (16)
5. **Education at school level should include learning about DNA and its potential uses.** In particular, there is a need for scientists to become involved in general education. (17)
6. **Where DNA is taken from children, a full explanation should be given in age-appropriate terms.** Police should ensure that parents or guardians are involved in the process. (25)

## Divided opinions

7. Whilst a majority of participants concluded that **there should not be an universal DNA database** (on grounds of cost, utility, difficulty, and data security among other considerations), a minority ended up favouring an universal database, pointing to a number of potential benefits. (7, 8)
8. Whilst the majority were opposed to this proposal, a minority of participants concluded that, to populate an universal DNA database, **DNA should be taken from everyone at birth.** (28, 29)
9. A majority of participants were opposed to the institution of an **international forensic DNA database or automatic data sharing between the UK and other countries**, although a minority supported such an initiative. (9, 10)
10. However, a majority of participants felt that it should be a condition of **international data sharing** that it should be subject to high level agreements between participating countries in relation to data security and other safeguards, and the sharing of database profiles should be overseen by an international body and considered on a case-by-case basis. (10a, 10b)
11. A majority of participants concluded that the **retention period for profiles on the database should be proportionate to the seriousness of the crime** for which the person to whom they relate was convicted. However, a minority concluded that once obtained, DNA profiles should be retained indefinitely or until the person's death (or a suitable period thereafter). (20, 21)
12. A majority of participants concluded that the **ethnic group of a person from whom a DNA sample was taken** should not be recorded as this could contribute to discrimination, whereas a minority concluded that recording ethnic background assisted with policing and was necessary to support the monitoring of arrest and sampling practices. (24, 23)

## Other findings and conclusions

13. A majority of participants concluded that **there should be harmonisation between approaches in Scotland, and England and Wales, and that the Scottish approach should be favoured.** (6)
14. A majority of participants concluded that **samples should be destroyed and profiles removed from the NDNAD** when a suspect is not proceeded against or an accused person is not convicted at the conclusion of criminal proceedings. (18)
15. A majority of participants concluded that **samples should not be retained after a DNA profile has been extracted** and recorded on the database but, if they are, they should be stored securely in laboratories and their use should be restricted by law. (19)
16. A majority of participants concluded that the **DNA profiles of those convicted of a serious crime should be recorded on the database regardless of their age.** A majority also concluded that the DNA profile of a child convicted of a minor offence should be retained for a limited period of time. A minority concluded, additionally, that if a child below the age of eight were convicted of a serious crime, profiles from both the child and their parents should be recorded and retained on the database. (26, 27)

17. The participants also reached conclusions relating to:
- funding and independent ownership of the database (3, 3A)
  - control of access to the database through legislation (4)
  - the role of the Home Office's NDNAD Ethics Group (5)
  - police training in relation to the NDNAD (11, 12)
  - the requirement for reasonable suspicion for compulsory sampling and the use of force to obtain samples (13, 13a, 13b)
  - the role of scientists in relation to the database, criminal proceedings and public education (14, 15, 17)
  - reliance on DNA evidence in criminal proceedings (22)

## **ONGOING HGC CONSULTATION**

- The publication of the Inquiry marks the beginning of a phase of broader consultation and evidence gathering for the HGC, leading to a report containing the Commission's advice to Ministers, to be published in early 2009.
- The HGC consultation questions and details of how to respond can be found on the HGC website at [www.hgc.gov.uk](http://www.hgc.gov.uk)