

# **Report into regional inconsistencies regarding retention of innocent children's DNA data across England & Wales**

*COND is the national campaign launched by Grant Shapps MP to have innocent\* children's DNA removed from the Police National DNA Database.*

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\* Innocent children are those whose DNA profiles have been stored, despite police not having either charged or cautioned the child. The campaign is specifically interested in those children who are on the Police National Database as a result of cases of mistaken identity.

# Regional inconsistencies in retention of innocent children's DNA data

## Introduction

Following the case of 14 year old Jack Saywood in his own Welwyn Hatfield constituency, Grant Shapps MP went on to discover that 24,000 children (aged 10 to 18) – who have never been cautioned or charged with any offence – have been added to the Police National DNA Database and will remain on it for life. Grant Shapps has launched a national campaign to have their details removed.

Initially the Home Office was cagey about providing detailed information, but answers to Parliamentary Questions, combined with research, have now revealed the true extent of the data retention inconsistencies across the nation.

## Huge Variations by Constabulary

In January 2006 Grant Shapps MP discovered that 24,168 children have been added to the database(1), despite never having been charged or cautioned, but new Parliamentary Questions – combined with desk-research – have revealed huge regional variations with some constabularies rarely adding innocent children to the National Database, whilst others are adding several hundred children's profiles per month.

The statistics below demonstrate that the Government has no effective control of the Police National DNA database and we suspect that some Police Forces are taking the lack of clear rules to build a database by stealth. This campaign aims to highlight the issue and calls for the removal of innocent children's DNA profiles.

The following figures and graphs expose the magnitude of the inconsistencies by Police Force.

*For ease of reference the figures on the table overleaf and used throughout the report have been rounded up/down to remove decimal places.*

- <sup>(1)</sup> As at 1<sup>st</sup> December 05, according to Parliamentary Answer of 16<sup>th</sup> January 06.

<b>Constabulary</b>	<b>Number of Innocent Children added to DNA database per month, per 100 000 of population, aged 10-18</b>
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Humberside	1
West Mercia	1
Thames Valley	3
Warwickshire	6
Avon and Somerset	7
Devon and Cornwall	9
Suffolk	9
Lincolnshire	19
Gwent	20
Wiltshire	24
Northumbria	27
Metropolitan police	27
Surrey	28
Leicestershire	28
Cleveland	28
Cheshire	31
Bedfordshire	32
North Wales	33
Sussex	35
Cambridgeshire	37
Lancashire	38
Staffordshire	38
Dorset	38
North Yorkshire	39
Hampshire	39
Gloucestershire	40
Dyfed-Powys	41
Norfolk	42
Nottinghamshire	42
Essex	43
Kent	43
South Wales	44
Hertfordshire	45
South Yorkshire	47
Derbyshire	48
Merseyside	52
Cumbria	55
Greater Manchester	56
West Midlands	68
West Yorkshire	81
Durham	92
Northamptonshire	182

## The ACPO Response

The Association of Chief Police Officers (ACPO) is responsible for providing clear guidelines to Police Chiefs about the circumstances in which data should be kept on file.

ACPO guidelines on data retention have recently been updated by Chairman of the National DNA Database Strategy Board and Lincolnshire Police Chief, Tony Lake<sup>(2)</sup>.

On reviewing our raw data, which showed Police Forces adding innocent children at widely varying rates, Mr Lake's response was to claim that the differential could be explained by varying start dates. In other words, it was argued that some forces had only recently taken advantage of changes to the law, which came into effect in April 2004 (following the Criminal Justice Act 2003) and meant that DNA profiles could be stored regardless of whether a caution had been issued or charges had been pursued.

However, in reality this argument does not stand up. Once the length of time that each Force has taken advantage of the new Act is factored in, this explanation clearly does not explain the wide regional variations. In fact in many cases "levelling out" the data by taking into account start date, actually increases the disparity.

- (2) Retention Guidelines – Exceptional Cases. Concerning operational discretion by individual chief officer. January 31<sup>st</sup> 2006.

## Examples of regional DNA retention variation

The inconsistencies are shocking and go further than simple regional differences or crime levels:

- Northamptonshire is the police force with the highest record of adding details of innocent children to the National Database, despite having only used the database for three months.
- If your child is innocent, but you happen to live in Tony Blair's constituency then he/she is 92 times more likely to be added to the National DNA database than if you live in Humberside or West Mercia. This is despite the fact that Durham's crime figures are significantly below the national average
- Innocent children in West Yorkshire are more than twice as likely to be placed on the database as those in North Yorkshire, while nearby Humberside is one of the lowest "offenders".
- West Mercia only places 1 innocent child on the database per month (out of every hundred thousand kids in its population) while neighbouring West Midlands' Police Force adds the details of 68 children each month.
- In Wales, the four separate Police Forces add vastly different numbers of innocent children to the database,

ranging from 20 per month in Gwent up to 44 in South Wales.

- Whilst in Derbyshire, which has lower crime figures than the national average, 48 innocent children per month are added per 100,000 the London Met police - who deal with far more crime than the national average – are only placing 27 children's details on the database.
- In Hertfordshire innocent children are far more likely to have their DNA retained than in next-door Bedfordshire even though Bedfordshire's crime figures are higher.

## Conclusions

The graph in the appendix illustrates the above information in graphical form, whilst the further chart provides full figures for England and Wales and illustrates the scale of inconsistencies across the nation. 24,168 children who have done nothing wrong have their details recorded for life and the figure is set to rise very rapidly. This is creating a database by stealth.

Both COND and Grant Shapps MP are keen proponents of the National Police DNA Database and recognise that DNA provides justice in many criminal cases.

The campaign believes that in order to achieve the maximum benefit from a national database, it is crucial that it maintains a high level of public confidence. We believe that the current anomaly of adding innocent children to the database and then refusing to remove them once their innocence has been established, degrades the public's confidence in the system.

If the Government wants to build a nationwide database incorporating the entire population and starting with children, then it should come to Parliament and pass laws to achieve this end.

Commenting on the report, Grant Shapps said: "What we have at the moment is the build up of an out of control stealth database with ineffective guidelines for use and Chief Constables apparently not exercising their discretion in a uniform manner to remove innocent children.

"These figures demonstrate that while some Police Forces are using the database more carefully than others there is no uniformity nationwide.

"This report puts further pressure on the Government and ACPO to act by removing innocent children's data and by providing strict guidelines to produce consistency across the country."

## Appendix

### 1. The Graph

The graph uses the data table published in the main report to illustrate the number of innocent children who have had their DNA stored, per hundred thousand of the child population (aged 10 – 18) and has been weighted to remove any inconsistency caused by various constabularies commencing collection any various moments from the start date of April 04.

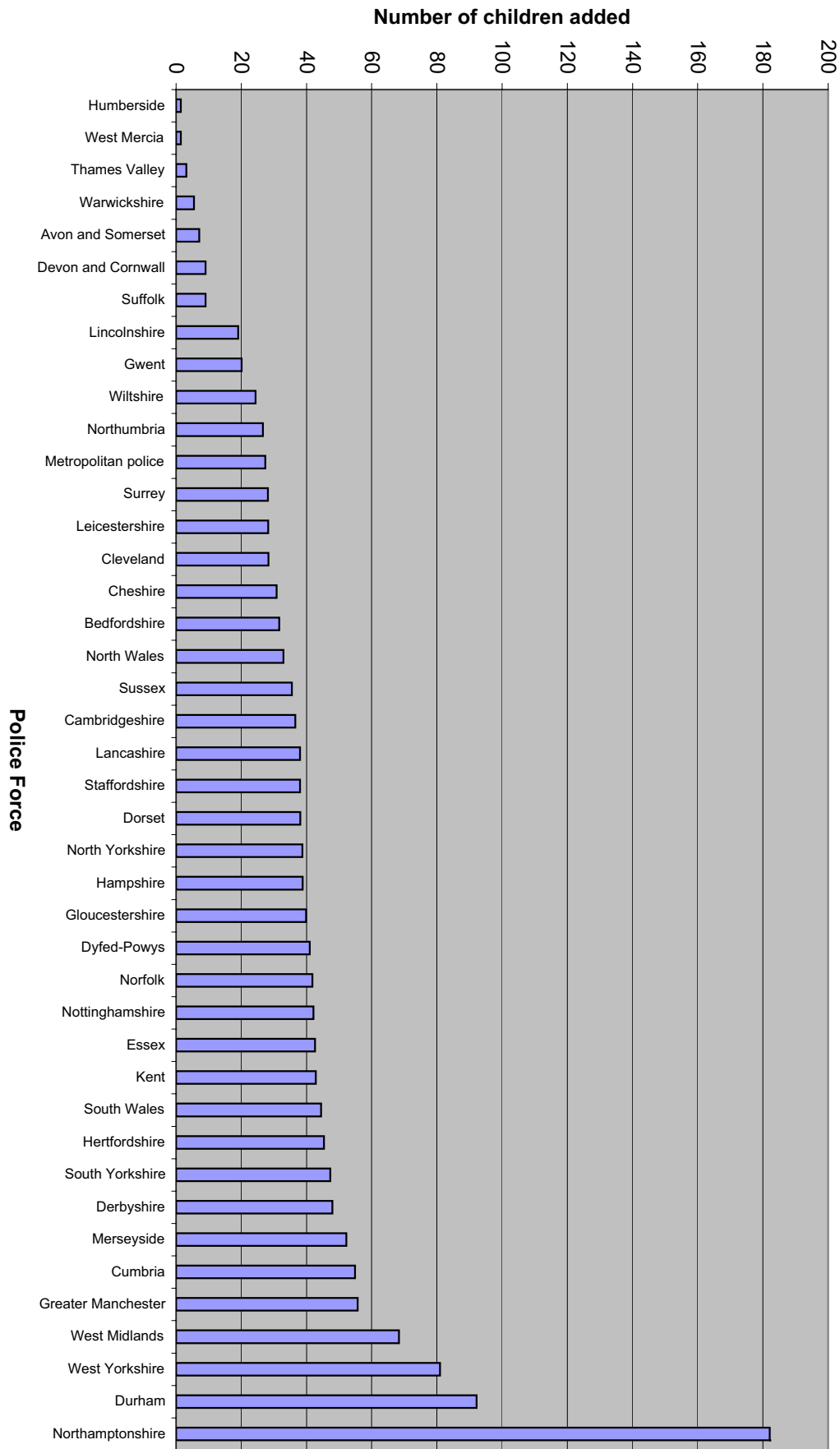
The graph proves that the huge variations in DNA retention between Police Forces cannot be accounted for by reference to when individual forces started retaining the DNA samples, because this information is already factored into the data.

### 2. The Table

The table publishes the complete data set and includes the following information:

- Column C: Taken directly from the Parliamentary Answer of Monday 16<sup>th</sup> January 2006.
- Column D: Census information which identifies the size of population aged 10 to 18 in each constabulary.
- Column B: The number of innocent children added by each constabulary, per 100,000 of the child population identified in Column D.
- Column G: The number of months since each constabulary began taking advantage of the April 2004 change in law to allow them to retain DNA profiles from innocent people. This column counters the argument that the wide variation between police forces might be caused by different start dates.

- Column H: Number of innocent children added per 100,000 of the population, added per month (since that individual police force started retaining DNA profiles for people who have never been charged or cautioned).



Innocent children added to DNA database per month per 100,000 of population aged 10-18

Complete data set for research into the number of innocent children being retained by individual police forces around the country

Constabulary	Innocent Children on DNA Database per 100,000	Total Number of Innocent Children on DNA Database	Population of Constabulary (Ages 10-18)	Months since start of data collection	Innocent children added to DNA database per month per 100,000 of population aged 10-18
Humberside	18	17	92,217	13	1
West Mercia	4	5	117,370	3	1
Thames Valley	47	102	215,376	15	3
Warwickshire	105	52	49,692	19	6
Avon and Somerset	50	74	149,083	7	7
Devon and Cornwall	18	28	154,979	2	9
Suffolk	36	24	66,294	4	9
Lincolnshire	362	234	64,573	19	19
Gwent	161	96	59,730	8	20
Wiltshire	438	265	60,450	18	24
Northumbria	320	458	143,188	12	27
Metropolitan police	519	3,538	681,468	19	27
Surrey	338	338	100,054	12	28
Leicestershire	508	503	99,062	18	28
Cleveland	255	156	61,262	9	28
Cheshire	339	339	99,895	11	31
Bedfordshire	95	58	61,058	3	32
North Wales	560	372	66,475	17	33
Sussex	461	644	139,620	13	35
Cambridgeshire	694	498	71,759	19	37
Lancashire	684	1,041	152,191	18	38
Staffordshire	722	789	109,227	19	38
Dorset	495	322	65,018	13	38
North Yorkshire	426	323	75,810	11	39
Hampshire	427	772	180,880	11	39
Gloucestershire	678	381	56,225	17	40
Dyfed-Powys	533	263	49,368	13	41
Norfolk	167	125	74,732	4	42
Nottinghamshire	379	400	105,476	9	42
Essex	767	1,217	158,757	18	43
Kent	814	1,338	164,458	19	43
South Wales	356	459	128,978	8	44
Hertfordshire	816	835	102,361	18	45
South Yorkshire	851	1,112	130,709	18	47
Derbyshire	623	597	95,827	13	48
Merseyside	52	80	153,272	1	52
Cumbria	934	444	47,555	17	55
Greater Manchester	779	2,099	269,289	14	56
West Midlands	752	2,152	286,100	11	68
West Yorkshire	324	733	226,454	4	81
Durham	830	504	60,742	9	92
Northamptonshire	546	364	66,650	3	182

**Total number of innocent children on DNA database = 24168**

**Average number added by each constabulary per month = 39**

## First published date

This report was first published on Monday 20<sup>th</sup> February 2006 and is available for free download at [www.cond.org.uk](http://www.cond.org.uk)

COND is the national campaign launched by Grant Shapps MP to have innocent\* children's DNA removed from the Police National DNA Database.

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