

## Ministers to trim DNA database

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Ministers are to trim up to 850,000 DNA profiles from the current total of 4.5m on a national database after a court ruled innocent people must be removed.

Those arrested, but later released or acquitted, will have their profiles wiped after between six and 12 years.

Officials warned the changes could reduce the number of crimes solved.

But opposition parties accused the government of "giving as little as possible" in response to the European Court of Human Rights judgement.

Last year the court ruled that the database in England and Wales' was illegal - unlike Scotland's which was deemed "fair and proportionate".

" Why does [the DNA profile] need to be held on file? That shouldn't be the case unless you've been convicted "

Dr Helen Wallace, Genewatch

The court said rules allowing police to keep everyone's profile on store were blanket and indiscriminate because they did not differentiate between criminals, the severity of their crimes and innocent people who had never been convicted of an offence.

Current practices in England, Wales and Northern Ireland allow police to retain a numeric genetic profile of everyone arrested for a recordable offence - regardless of whether they are charged or convicted.

The policy has led to protests from individuals, civil liberty groups and opposition parties that the distinction between the guilty and innocent is being "blurred".

In contrast, the rules relating to DNA profile retention in Scotland are much narrower.

### SCOTTISH SITUATION

DNA sample on arrest

If cleared, profile deleted

If cleared of serious sexual or violent offence, profile kept for maximum of five years

System praised by European Court on Human Rights

The current database for the rest of the UK has provided 400,000 crime scene matches over a decade.

Supporters say it has played a key role in some "cold case" crimes where serious offenders have been caught - or innocent people cleared - many years after the original investigation.

Launching its consultation on how to comply with the courts judgement, the Home Office said its proposals include:

- Destroying all original DNA samples, like mouth swabs, as soon as they are converted into a digital database profile

- Automatically deleting after 12 years the profiles of those arrested but not convicted of a serious violent or sexual crime

- Automatically deleting after six years the profiles of anyone arrested but not convicted of other offences.

- Retain indefinitely the DNA profiles and fingerprints of anyone convicted of a recordable offence.

- Remove the profiles of young people arrested but not convicted, or convicted of less serious offences, when they turn 18

While the DNA profiles of all children under 10-years-old have already been deleted, Home Secretary Jacqui Smith said the database would be expanded to include 30,000 serious offenders convicted before the database was established.

Fewer detections

Officials estimate that up to 850,000 of the 4.5m profiles on the database could be affected by the changes and it will take two years to sort through the cases.

In practice many of these profiles may be retained under the 12 and six year rules.

Under Scottish law, DNA profiles may only be kept for longer than three years if a chief constable obtains the permission of a court.

Prof Jim Fraser, of Strathclyde University, wrote a report addressing the issue and he said UK ministers ought to justify their time limits.

"The central question is: 'Is 12 years proportionate' and it's quite a difficult question to answer," he said.

"Most offences are committed by a relatively small number of people and they tend to reoffend and reoffend quite soon," he said, adding that he had concluded that most would do this within three years.

In its consultation, the Home Office says that removing profiles is "likely to reduce the number of detections that DNA delivers".

'Undignified action'

One official estimate suggests there will be 4,500 fewer crimes detected a year - rising to 26,000 if the

proposals are extended to the policies on retaining fingerprints.

Jacqui Smith said: "It is crucial that we do everything we can to protect the public by preventing crime and bringing offenders to justice.

"These new proposals will ensure that the right people are on it, as well as considering where people should come off.

"We will ensure that the most serious offenders are added to the database no matter when or where they were convicted.

But Shadow home secretary Chris Grayling said: "The government just doesn't get this.

"People in Britain should be innocent until proven guilty.

"Ministers are just trying to get away with as little as they possibly can instead of taking real action to remove innocent people from the DNA database. It's just not good enough."

And Liberal Democrat home affairs spokesman Chris Huhne said: "Once again, the Home Office is fighting an undignified rearguard action designed to give as little as possible in response to the ruling of the European Court of Human Rights."

Dr Helen Wallace from the charity Genewatch, told the BBC samples taken from people who turn out to be innocent should not be kept at all:

She said: "If you are a suspect for a crime you should be able to have your DNA taken during that investigation.

"But why does it need to be held on file - that shouldn't be the case unless you've been convicted."

Story from BBC NEWS:

[http://news.bbc.co.uk/go/pr/fr/-/2/hi/uk\\_news/8037042.stm](http://news.bbc.co.uk/go/pr/fr/-/2/hi/uk_news/8037042.stm)

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