

To: Professional Standards Committee
From: Chief Constable
Date: 13th May 2009

EUROPEAN COURTS OF HUMAN RIGHTS – RETENTION OF DNA

1. Purpose

- 1.1 To inform the Authority of the Constabulary's position with regards to the recent media reports on the retention of DNA samples from persons suspected but not convicted and the ruling of the European Court of Human Rights. (Violation of Article 8 – the right to respect for private and family life).

2. Background

- 2.1 According to guidance received by the Constabulary (4/12/08) from the ACPO lead on Forensic, currently, the National DNA database holds 4.5 million profiles from individuals and approximately 20% would fall into the category that the court has ruled on.
- 2.2 The impact has to be considered carefully and ACPO nationally is engaged with Home Office colleagues as to the implications for Police Forces.
- 2.3 The direction received by ACPO is that although the judgement has gone against the UK it does not have impact until the law is changed by parliament, therefore no change should be made at present to police processes or procedures.

3. Recommendation

- 3.1 The Committee is recommended to note the report.

BIBLIOGRAPHY

Source Document(s)	Contact Officer	Location
ACPO intranet memo 4/12/08	Deputy Chief Constable John Feavour (01480 422532) (PA)	Cambridgeshire Constabulary Hinchingsbrooke Park Huntingdon Cambridgeshire PE29 6NP
<p>Originating Officer: Deputy Chief Constable John Feavour</p> <p>It is considered that this report contains 'exempt information' and should be considered in private? NO</p> <p>If the answer is "YES", please state the nature of the exempt information <u>and the relevant clause(s)</u> in Part 1 of Revised Schedule 12A to the Local Government Act 1972.</p> <p>The attached report has been cleared with the undermentioned Officers: Deputy Chief Constable, Chief Executive and Chairman of the Police Authority</p> <p>Submitted on: 17th February 2009</p> <p>A report will not be sent to the Authority unless this box has been satisfactorily completed and all necessary consultation carried out - the responsibility for which rests with the originator (except for consultation with the Chairman and this will be undertaken by the Chief Executive & Clerk's Office).</p>		