



## **Queries raised by Justice Committee**

### **The use of genealogical/familial DNA**

PSNI is aware of the use of commercial genealogical databases (such as 23and Me, AncestryDNA) in the investigation of crime in other jurisdictions such as the investigation into the so called Golden State Killer, Joseph James DeAngelo in the USA. However, PSNI has not used this technology/method in any criminal investigations and has been following the national Investigative Genetic Genealogy Project.

This project was Home Office sponsored, involved a number of UK police forces, and recognised the practical and ethical difficulties in using commercial genealogical databases for law enforcement purposes. A pilot project was launched in 2022 by the Home Office seeking to identify body parts that had been found where no crime was suspected, such as remains found at sea. No PSNI cases were selected for submission in this pilot and PSNI is unaware of any further developments in the potential use of these databases.

PSNI has however used familial DNA techniques in an attempt to identify potential parents and sibling DNA that may be held legally on law enforcement DNA databases. PSNI Legacy Investigation Branch are currently working with FSNI in using this technology in the investigation into the Baby Carrie and Baby Stewart murders. If unsuccessful against the NI DNA Database it is expected they will move to the National DNA Database.

### **If the PSNI has a Biometric Strategy**

A Biometric Strategy (2019 – 2024) does exist. This is in the process of being updated.



**How long it is expected to take to develop the required IT systems and databases.**

DOJ have indicated that PSNI will be granted a period of 18 months from Royal Assent to commencement. PSNI cannot say with certainty that this will be enough time for us to make the necessary IT changes for a number of reasons:

- PSNI cannot commence the software development work until the final retention rules are known. PSNI will not have this information until Royal Assent
- If the Review mechanism is not included in primary legislation and is brought in following Royal Assent by way of Regulation, this will further delay PSNI being given the full retention rules and this further limit PSNI's time to complete the IT work required.
- The complexity of finally agreed rules will impact the time required for IT changes; the more complex these rules, the more difficult software will be to write and test.
- PSNI's IT department (ICS) is under significant pressure and will face conflicting priorities when development and testing begins
- Dependency of CJO partners and their availability to make IT changes and conduct User Acceptance Testing during this 18 month period. PSNI and all CJO partners will need to be available at the same time for UAT and it is known that several have significant system upgrades planned.
- Timely access to NICHE Canada in the event that the BPC platform changes are required to be made at that level; only 2 time windows in any calendar year are available for Niche Canada changes to be made.

**The expected costs associated with the new processes and new systems.**

PSNI cannot estimate costs until the full suite of retention rules are known. Costs are likely to be heavily influenced by the complexity of the rules. Costs are likely to be substantial given previous Locard II costs and that the previous regime was much simpler than that proposed in the Justice Bill. PSNI is also likely to incur costs from FSNI and other CJO partners if new DNA DB functionality and IT costs are incurred by them as a result of the changes required by us. A more



accurate estimation of costs will only be possible once the full retention regime and review mechanism is known. At that point a Requirements Document can be produced and submitted to PSNI's software developers to ascertain costs and feasibility. There is also the possibility that the retention rules produced are so complex that the software will not be able to work out an accurate biometric retention date and in such cases the case will have to be handled manually. This will incur a permanent cost to PSNI beyond the life of the project.

**The current process for deleting biometric material and the role of the Biometric Ratification Committee.**

Applications can be made using the application form available via the PSNI website to the Biometric Ratification Committee for the deletion of biometrics taken under PACE. This committee was established in 2012 in recognition of the lack of local biometric retention legislation but with PSNI wishing to acknowledge its human rights and data protection obligations. The website lists the grounds under which an applicant can seek deletion and these include if the biometrics were taken unlawfully, if no crime was committed or if the arrest was unlawful, the need for police retention. All applications are assessed against the retention rules as found in the uncommenced provisions of the Criminal Justice Act 2013 in respect of non-conviction material and the DoJ 2020 public consultation proposals in respect of conviction material. Should the applicants PACE Biometric Retention Date have expired at the date of the application, the BRC will direct deletion unless the BRC considers that there are exceptional circumstances that justify retention.

From 2012 to date a total of 244 individuals have made application to the Biometric Ratification Committee and 117 of these have had their biometrics deleted (48%).

A decision to delete biometrics will result in the deletion of fingerprints, DNA profiles and custody photographs from all local and national biometric databases.



The workings of the BRC were further refined in 2023 after lengthy and in-depth legal consultation with Senior Counsel as to how best to address our ECHR obligations in the absence of legislation.

### **The 5 year review period for ongoing investigations at new Article 63T**

This relates to the police's wish to retain biometrics of those suspected in long term and ongoing investigation. An example of such a case would be a case where an individual has gone missing, is believed to have been murdered but no body has been recovered. An operational solution will be required to identify individual biometrics deemed 'under investigation' 5 years after sampling and to ensure policing is aware of its existence and potential deletion to ensure either its deletion if no longer required or continued retention. The operationalisation of such a process will form one part of the PSNI Justice Bill Project.

### **The power to specify a date of attendance at a police station for the taking of DNA samples, fingerprints and photographs**

The increased use of the voluntary attender process has resulted in fewer people being arrested and being taken into custody. The current powers to compel someone charged or convicted of an offence to come to a police station to have their biometrics taken are difficult for police to work with given that the offender has a 7 day window to appear at any time to comply. At commencement the new legislation will allow police to specify a date and a time for them to attend and have their fingerprints, DNA and photograph taken. Whilst some may question the impact this has on the charged convicted person, the following points are worth remembering

- Those concerned have been charged or convicted of offences, some of them serious.
- If their biometrics are not taken it is impossible to establish if they have committed offences previously or since their voluntary interview or conviction.
- Currently around 50% of person processed for recordable offences are not arrested and therefore, these individuals are not being added to forensic databases. This has a direct impact on the quality of the forensic databases and the opportunities for police to identify crime scene marks and DNA.



- With the commencement of a biometric retention regime in the future, biometrics will be weeded off the databases on a daily basis and it is therefore more important than ever that resampling of offenders takes place to ensure these databases are as accurate as possible and public safety is ensured.
- How the recall of individuals will occur post commencement will need to be operationalised by PSNI and a process found that is compatible for both police and those being recalled.

### **The Scottish Biometric Commissioners comments on Conversion rates**

The Scottish Biometric Commissioner has been quoted by NICCY in their evidence session as stating that DNA is only of use in solving a small percentage of cases (he quoted 0.34%, which I think might relate to Scotland). I am not sure how this statistic has been worked out but information from the PSNI Identification Bureau and Forensic Science Northern Ireland would confirm the following:

**2023** – 560 Fingerprint Identifications issued, 406 returns made, 258 led to a detection, this equates to 46%

**2024** – 550 Fingerprint Identification issued, 337 returns made, 229 led to a detection, this equates to 41%

**2023** – 391 DNA Identifications issued, 379 returns made, 229 led to a detection, this equates to 58%

**2024** – 373 DNA Identifications issued, 290 returns made, 169 led to a detection, this equates to 45

It would also be worth mentioning the following cases where DNA and fingerprint evidence was pivotal in securing a conviction;

- LIB have passed a total of 25 cases to ICRIR for investigation where there is fingerprint and DNA evidence. It is also the case that three of the convictions relating to HET



(Alfredo Fusco, Eileen Doherty and John Procter) were all made due to fingerprint and DNA identifications.

- Op Cunctitious - Attempted Murder of Police – Mount Carmel Heights Strabane – DNA identified the suspect of different location in crime scene
- Monog Road Arms Find – Crossmaglen Weapons and ammo recovery linked to Terrorism /OG – DNA from the weapons linked 5 suspects (and other items)
- Shandon Golf Club UCBT – two DNA profiles (same person) where obtained from two exhibits from the device. This led to the arrest and conviction of a suspect.
- NIRA meeting locations – with the use of DNA and fingerprint we were able to confirm who attended the meeting, leading to the arrest of 10 members of the NIRA
- 1989 murder of Annabella Symington in Belfast; person identified using DNA in 2011 following his arrest for drunk driving. Perhaps also worth pointing out that had he been treated as a Voluntary Attender and no samples taken, the case would remain unsolved and the guilty party would still be at large.

## **ICRIR**

Contact has been made with ICRIR on the potential capture of the Biometric Snapshots. Material previously protected by the Transitional Order (pre 13 October 2013 TACT non-convicted biometrics) remains on the PSNI fingerprint and DNA databases but is not available to PSNI searching. It is protected by the Legacy Act Regulations 2023.

## **Statistics/Numbers on Databases**

It is likely we will be asked about the number of people we have on the various forensic databases.

### *Fingerprints*

- Persons on Ident 1 (the Unified Collection)
  - 229,103 PSNI
  - 8,763,853 Total Nationally



- Number of fingerprint forms on Ident 1 (in the UC) and available for speculative searching.
  - 572,170 PSNI
  - 28,869,762 Total Nationally
- Number of fingerprint forms in the various special collections
  - Lawful Holding Tank – 36,044 sets of prints
  - Blacklist Holding Tank – 96,145 sets of prints
  - P Set collection – 14,067 sets of prints
  - HET (dead) collection – 5,589 sets of prints (dead persons rescanned for HET)
- Number of fingerprint forms we have in the MC (understand this will be approximate).
  - Approximately 1.5 million forms (does not include all palm forms as older palm sets are filed separately)

#### *DNA*

- Confirmed TACT and PACE profiles on the NI DNA Database
  - 231,989
- All of these will also be shared with the National DNA Database (PACE) and the National Counter Terrorist Database (TACT).

#### *Images*

- In the region of 182,000 on PND

Mitigate against loss of biometric data?

Mitigation of Risk





PSNI is in the early stages of assessing how the Justice Bills Biometric Provisions will be operationalised and we are also aware that we do not have the Bill at Royal Assent and with the accompanying regulations.

In its current form the Bill does give powers to the Biometric Commissioner to authorise the retention of biometrics for a period of 3 years (63G) or the Chief Constable may apply to a district judge for an extended retention period (63H). It is accepted that this will only happen in exceptional circumstances where there is a clear and accepted contemporaneous threat to public safety.

PSNI would also intend to put in place measures that will prevent the imminent deletion of an individual's biometrics should they be the subject of a biometric identification or if the individual is a suspect in an ongoing investigation. In both cases the further retention of these biometrics would be subject to ongoing and active review and as soon as the person is deemed no longer of interest, the automatic deletion of their biometrics would proceed.

But beyond this there needs to be an understanding that there is every possibility that the deletion of biometrics will result in individuals not being identified for crimes they have committed. Should an individual have their biometrics deleted from the fingerprint and DNA database on a Monday and go out and commit a rape on the following Friday, the culprit's DNA will not be identified when searched against the DNA database because their DNA profile was lawfully removed a week previous. Such a scenario is a natural consequence of removing biometrics from searchable databases and PSNI cannot mitigate this risk. PSNI understand the need to balance individuals' right to privacy (Article 8) against the right to life (Article 2) but it would be wrong to believe that the removal of biometrics from the searchable databases is risk free or that PSNI will be in a position to mitigate all of these risks.

However, PSNI does intend to make use of the amendment to PACE that will make the taking of biometrics post charge and post-conviction easier with the introduction of definable times for





**Police Service**  
of Northern Ireland

# Briefing

sampling. This will ensure that those charged or convicted with contemporaneous crime are added to the forensic databases and all crime scene samples are screened against them.



**NORTHERN IRELAND  
ASSEMBLY  
COMMITTEE FOR JUSTICE**

██████████  
Police Headquarters  
65 Knock Road  
Belfast  
BT5 6LE

26 March 2025

Dear ██████████

**Oral evidence on the Justice Bill**

I am writing to confirm the arrangements for you to attend a meeting of the Committee for Justice to provide oral evidence on [the Justice Bill](#) and the [proposed amendments](#) that the Minister of Justice intends to make at a later stage in the legislative process.

The oral evidence session will take place on **Thursday 10 April 2025 in Room 30, Parliament Buildings** and will begin at approximately **2.45pm**.

You will have an opportunity to make opening remarks regarding the provisions in the Bill and proposed amendments, which should last up to 15 minutes, and will be followed by a question-and-answer session. I would ask that your opening remarks remain focused on the key points that you wish to raise on the Bill and proposed amendments, drawing reference to the more detailed information included in your written submission, and cover whether any of the provisions can be improved or require amendment and what could be included in the Bill that is currently missing from it.

The Committee has received [oral evidence](#) on the Bill from a number of organisations to date and, in the course of these discussions, has identified a number of areas that it would wish to explore further with the PSNI, which are attached at Appendix A for information. These mainly relate to biometrics as that is the part of the Bill that has been the main focus of the Committee's scrutiny to date, though Members will also raise different issues on the day.

You may also wish to note that, at the Committee's meeting on 20 March, Members noted that many of the provisions in the Bill and the amendments will be relevant to or impact on the PSNI. It may therefore be necessary to arrange further evidence

Room 345, Parliament Buildings, Ballymiscaw, Stormont, Belfast, BT4 3XX

Telephone: (028) 905 21033

E-mail: [committee.justice@niassembly.gov.uk](mailto:committee.justice@niassembly.gov.uk)

sessions with relevant PSNI personnel at a later date to discuss some of the provisions in more detail.

I should be grateful if you would confirm with Committee staff the names of any PSNI officials who will attend with you to give evidence and forward the written briefing paper for the session to [committee.justice@niassembly.gov.uk](mailto:committee.justice@niassembly.gov.uk) by **noon on Thursday 3 April 2025**.

Attached is a copy of the 'Notes for the Guidance of Witnesses appearing before Committees' together with details of the membership of the Committee for your information.

If you require any further information please do not hesitate to contact me on 028 90 521033.

Yours sincerely

*Kathy O'Hanlon*

**Kathy O'Hanlon**  
**Clerk to the Committee for Justice**

Issues identified for discussion with the PSNI:

- the use of genealogical/familial DNA
- if the PSNI has a biometrics strategy
- how long it is expected to take to develop the required IT systems and databases
- the expected costs associated with the new processes and new systems
- the current process for deleting biometric material and the role of the Biometric Ratification Committee
- the 5-year review period for ongoing investigations at new Article 63T
- If the repeal of vagrancy legislation amendment will leave a gap; whether resourcing means that the PSNI will not [be able to] turn up to reported instances of begging etc. if those acts have been decriminalised; if, for example, the PSNI not responding could mean that the opportunity for someone who has been trafficked or forced to beg to ask for help is missed.