



DNA SAMPLING AND RETENTION

Standard Operating Procedure

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CONTENTS

1. PURPOSE
2. LEGISLATIVE BACKGROUND
3. CRIMINAL JUSTICE (CJ) SAMPLING – GREEN ADMIN CARD (FORM DNA1)
4. EVIDENTIAL SAMPLING – WHITE ADMIN CARD (FORM DNA 2)
5. CJ SAMPLE FAILURES
6. OBTAINING SAMPLES FROM CONVICTED PERSONS
7. VOLUNTARY DNA DATABASE
8. POLICE ELIMINATIONS DATABASE
9. MISSING PERSONS DNA DATABASE

APPENDICES

	In Use
Appendix 'A' - 'C' Division	Y
Appendix 'B' - 'V' Division	Y
Appendix 'C' - 'P' Division	Y
Appendix 'D' - 'A' and 'B' Divisions	Y
Appendix 'E' - 'E' and 'J' Divisions	Y
Appendix 'F' - 'N' Division	Y
Appendix 'G' - 'G', 'K', 'L', 'Q' and 'U' Divisions	Y
Appendix 'H' - 'D' Division	Y
Appendix 'I' - List of Associated Legislation	Y
Appendix 'J' - List of Associated Reference Documents	Y
Appendix 'K' - List of Associated Generic PSoS Forms	Y
Appendix 'L' - Glossary of Terms	N

1. PURPOSE

- 1.1. It is recognised that DNA evidence can be a powerful investigative tool and, when used alongside other evidence, can help identify suspects, provide compelling evidence to secure a conviction or help eliminate individuals from enquiries.
- 1.2. This Standard Operating Procedure (SOP) provides guidance on when DNA sampling should occur and outlines procedures to be followed when obtaining and processing samples, be they:
 - (a) **Criminal Justice Samples**, taken for DNA database purposes;
 - (b) **Evidential Samples**, taken to facilitate comparison of case related DNA material.
- 1.3. This SOP will focus on police powers and procedures relating to the acquisition and retention of DNA samples and hyperlinks have been used to facilitate access to guidance on other DNA related matters.
- 1.4. Legislation provides the police with powers for taking and retaining forensic samples, including DNA, but before any forensic evidence is allowed by a Court it is necessary to demonstrate that all legal requirements were properly met and safe handling procedures were followed and recorded.

2. LEGISLATIVE BACKGROUND

- 2.1 The [Criminal Procedure \(Scotland\) Act 1995](#), Sections 18, 19 and 20, as amended, sets out the majority of the law relating to the taking, retention and use of forensic samples.
- 2.2 The aforementioned Act confers powers on Constables and on Police Custody or Security Officers (PCSOs) and the guidance within this procedure will apply when investigating crime and/or processing custodies.
- 2.3 Sections 18, 19 and 20, as amended, allow for non-intimate samples to be taken from certain categories of individuals and for the resulting DNA profiles to be retained on a DNA database.
- 2.4 The [Criminal Justice \(Scotland\) Act 2003](#), Section 56, facilitates the taking of DNA samples for recording on the National Volunteer DNA database.
- 2.5 The investigation of crime in Scotland is covered by Common Law and Legislative Acts. Police Officers and Police Staff should take relevant law into account when considering the use of forensic science, particularly with regard to powers to seize and examine articles.

2.6 THE EQUALITIES ACT 2010

- 2.6.1 Section 149 of the Act imposes a duty on public authorities and other bodies when exercising public functions to have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality or opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 2.6.2 Where there is a requirement to obtain a sample and a person is a member of a protected group, then there may be additional considerations around informing that person about why the sample is being taken.
- 2.6.3 The following examples are not exhaustive merely illustrative e.g.: - Where a person has a learning challenge, or is not a native English speaker or has an age related mental health condition.
- 2.6.4 However there are existing procedures that would be utilised to mitigate potential impacts such as the use of Appropriate Adults SOP, Interpreting and Translating SOP or Lay-Community Advisors SOP. It should be stressed that, where there are operational or geographical factors that precluded such additional provisions being made, it would not prevent the sample being legally obtained.

3. CRIMINAL JUSTICE (CJ) SAMPLING – (Green Admin Card - Form DNA 1)

- 3.1 Section 18 of the [Criminal Procedure \(Scotland\) Act 1995](#) relates to the taking of relevant physical samples, including DNA, and applies to individuals who have been arrested and are in custody or detained under Section 14(1) of said Act.
- 3.2 The legislation provides powers for the taking of samples from individuals who are compliant and the taking of certain samples from individuals who refuse to comply.
- 3.3 Section 18(6)(d) of the [Criminal Procedure \(Scotland\) Act 1995](#), allows a Constable, or at a Constable's direction, a Police Custody or Security Officer (PCSO), to take from the inside of a compliant person's mouth by means of swabbing, a sample of saliva or other material.
- 3.4 Section 18(6)(a), (b) and (c) allows a Constable (**NB**: no power for PCSO) with the authority of an Officer no lower than an Inspector, to take the following samples and, if necessary, authorises the use of reasonable force:
- from the hair of an external part of the body other than pubic hair, by means of cutting, combing or plucking, a sample of hair or other material;
 - from a fingernail or toenail, or from under any such nail, a sample of nail or other material;
 - from an external part of the body, by means of swabbing or rubbing, sample of blood or other body fluid, of body tissue or of other material.

- 3.5 Guidance on [Sampling Procedure for Hair Samples](#) can be accessed from this link.
- 3.6 It should be noted that there is no power to forcibly take a DNA mouth swab as this would be classed as an invasive procedure if applied to a non-compliant individual.
- 3.7 Where a person refuses to provide a sample in compliance of the aforementioned Act, consideration should be given to taking the relevant sample using reasonable force and charging the individual with obstruction if appropriate.
- 3.8 It is not necessary to take a DNA CJ sample from an individual who already has a profiled 'convicted' sample on the DNA database as this sample is retained indefinitely. A check of an individual's Criminal History Record will indicate if they are recorded as DNA 'C'. Be aware that any other marker other than DNA 'C' means that any DNA profile for this individual is only temporarily held and may subsequently be deleted; therefore unless record indicates DNA 'C', a further CJ sample must be taken if the subject has been arrested and charged.
- 3.9 Officers and staff within Strathclyde Police legacy area, with access to DEANNA Web, should as an alternative to checking CHS, follow local procedure and check DEANNA Web to ascertain whether individual is already recorded as DNA 'C' or whether a CJ sample needs to be taken from that individual. (For further guidance see Appendix 'G' herein).
- 3.10 When a DNA CJ sample is obtained, the green DNA Admin Card (Form DNA1) from within the sample kit must be completed.
- 3.11 Guidance on [Sampling Procedures for Mouth Swabs](#) can be accessed from this link.
- 3.12 **NB.** The stated case *HM Advocate v Cowie* (2011 SCCR 70), suggested that evidential DNA samples (used for case specific comparisons) must be taken before charge, however that ruling has been overturned in more recent appeal case *HM Advocate v Lukstins* (2012 SLT 167), which makes it clear that evidential DNA sampling can be carried out before or after an individual has been charged and or arrested.

4. **EVIDENTIAL DNA SAMPLING – (White Admin Card - Form DNA 2)**

- 4.1 It is imperative that an evidential DNA sample is obtained from a detained or arrested person where there is any likelihood of forensic examinations being a requirement of the investigation. Remember that the Procurator Fiscal may subsequently instruct forensic examination and unless an evidential sample has been obtained, there is a risk that the required forensic work will not proceed.
- 4.2 When obtaining an evidential DNA sample remember to give a statutory warning:

'In terms of the Criminal Procedure (Scotland) Act 1995, I require a sample for use in evidence. This will comprise of two mouth swabs which represent one sample. If you do not consent we have the power to obtain sample by force. Do you understand? Do you agree to provide the sample?'

- 4.3 Officers should record the fact that the warning has been given and the replies in their notebooks.
- 4.4 Where an Enquiry Officer receives notification that a crime scene stain has matched against an individual's DNA profile on the database, this notification is classed as 'intelligence only', and if that individual is subsequently detained for the crime then an evidential DNA sample must be obtained as it will be this evidential sample which the Scientist will use for comparison against the case samples. Even if the individual is DNA 'C' on the database an evidential DNA sample must be taken to facilitate any case related forensic examination.
- 4.5 Guidance on processing [DNA 'Match' or 'Hit' Reports](#) can be accessed from this link.
- 4.6 When an evidential DNA sample is obtained, the white DNA Admin Card (Form DNA 2) from within the sample kit must be completed. Guidance on [Sampling Procedures for Mouth Swabs](#) can be accessed from this link.
- 4.7 An evidential DNA sample can only be used for comparison purposes for the case it was originally taken for. It cannot be used for an unrelated crime. Where it is believed the subject is responsible for a linked series of crime and the evidential sample is being taken to facilitate possible examinations across the whole series, this fact must be made clear to the suspect and all the crimes under investigation should be recorded on the white DNA Admin Card (Form DNA 2).
- 4.8 When an evidential DNA sample is obtained, in addition to completing the white DNA Admin Card (Form DNA 2), a production label or the production section on the outside of a Tamper Evident Evidence Bag must also be completed and the evidential DNA sample handled and recorded as a case related production.

5. CJ SAMPLE FAILURES

- 5.1 A CJ DNA sample can be rejected by DNA Administration or subsequently by the DNA database. The most common reasons for rejections are:
- inaccurate or incomplete information on the green DNA Admin Card (Form DNA 1);
 - both swabs upside down within sample containers indicating they had been dropped or handled incorrectly and therefore exposed to cross contamination;
 - sample containers not closed properly/samples loose in bag/bags not sealed;
 - both swabs in one sample container;

- the unique barcode numbered labels/tubes not corresponding with the barcode detailed on the Form DNA 1, usually occurs when sampling more than one person simultaneously.

5.2 RE-SAMPLING FOLLOWING SAMPLE FAILURES

- 5.2.1 When the DNA database notifies PSoS that a sample has failed to profile, this will be done in writing in compliance with Section 19(1)(b) of the [Criminal Procedure \(Scotland\) Act 1995](#), and allows, within a period of one month from date notice is received, an opportunity to obtain a further DNA CJ sample from the individual provided he/she has been convicted of the offence for which the failed sample was taken.
- 5.2.2 This sample must be taken by a Constable for the original offence that the failed DNA CJ sample was taken. For guidance on [Re-Sampling Powers and Procedures](#) under Section 19 (1)(b) follow the link.
- 5.2.3 In many instances, at the time the failure notice under Section 19(1)(b) is received, the case will not yet have been disposed of and no conviction will have been secured. In these circumstances, consideration should be given to following procedures detailed in Section 6 below, which refers to a further re-sampling opportunity provided under Section 19(1) (a) of the Act.

6. OBTAINING SAMPLES FROM CONVICTED PERSONS

- 6.1 Section 19(1)(a) of the Act empowers Constables, within the permitted period, to take, or direct a PCSO to take, a DNA CJ Sample, from a person convicted of an offence who has not, since the conviction, provided or been required to provide a sample.
- 6.2 The permitted period for this sample to be taken is one month beginning on the date of conviction.
- 6.3 The powers under Section 19(1)(a) of the Act will be resorted to when:
- Section 19(1)(b) sample failure letter has been received but subject has not yet been convicted, i.e. wait until subsequent conviction and utilise the one month window under Section 19(1)(a);
 - A DNA CJ sample was not obtained whilst subject was in custody for offences subsequently convicted of.
- 6.4 For guidance on powers and procedures to [Obtain Samples from Convicted Persons](#) follow the link.

6.5 PERSONS DETAINED UNDER THE TERRORISM ACT 2000

- 6.5.1 Similar arrangements apply in relation to obtaining DNA samples from persons detained under Schedule 7 or Section 41 of the [Terrorism Act 2000](#), as would apply if that person had been arrested or detained under Section 14 of the [Criminal Procedure \(Scotland\) Act 1995](#), with a few minor amendments.

- 6.5.2 A Constable may take, or require to be taken, a DNA sample (or other relevant physical data) from persons detained under Section 41 of the [Terrorism Act 2000](#), if the Constable reasonably suspects that the person has been involved in an offence under any of the provisions mentioned in Section 40(1)(a) of that Act, **and** reasonably believes that the relevant physical data will tend to confirm or disprove the involvement, **or** in any case the Constable is satisfied that it is necessary in order to assist in determining whether the person falls within Section 40(1)(b) of that Act.
- 6.5.3 There is no requirement for samples obtained under this legislation to be destroyed even in circumstances where no criminal proceedings take place, or no conviction occurs. The samples once taken can be retained indefinitely provided the data derived therefrom is only used for the purposes of terrorist investigations.
- 6.5.4 Terrorism profiles are exported to the Terrorism database and thereafter removed from both the Scottish and the National DNA databases.

7. VOLUNTARY DNA DATABASE

- 7.1 The [Criminal Justice \(Scotland\) Act 2003](#), Section 56, allows for the establishment of a database of DNA profiles developed from persons who have supplied written consent to have their DNA profiles retained for specific purposes, namely the investigation and prosecution of one particular offence or more general retention which allows the volunteer's DNA profile to be examined for any other offences which may be investigated in the future.
- 7.2 Volunteers may withdraw such written consent, and have their DNA profile removed from the database, at any time providing such removal will not, at the time of the request, conflict with any evidential requirement concerning the sample, data or information derived from it.
- 7.3 For guidance on Volunteer DNA Swabbing and Retention follow the link to information on the [Eliminations Database](#).

8. POLICE ELIMINATIONS DATABASE

- 8.1 Section 56 of the [Criminal Justice \(Scotland\) Act 2003](#), provides for the creation of a National Volunteers Database to allow DNA profiles developed from persons who have supplied written consent to have their DNA profiles retained for specific purposes.
- 8.2 A Police Elimination Database has been established containing the profiles of Scottish Police Officers which will only be used for elimination purposes in connection with the investigation of a particular crime.
- 8.3 For information and guidance on [Eliminations Database](#) follow the link.

9. MISSING PERSONS DNA DATABASE

- 9.1 The Missing Persons Bureau within the National Police Improvements Agency (NPIA) manages the Missing Persons DNA Database. For guidance on the use of the [Missing Persons DNA Database](#) follow the link.

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APPENDIX 'A'**'C' DIVISION****3. CRIMINAL JUSTICE DNA SAMPLES**

CJ DNA kits (green card) are held in the Custody Suites. Once a week, staff from the Forensic Gateway attends at each of the Custody Suites to collect the CJ DNA samples.

The Samples are bundled into packages of ten (10) and recorded on a register. That register is then provided to the Records department.

The Forensic Gateway staff then conveys the CJ Samples to the Forensic Services Laboratory at Dundee.

The Records Dept. then cross-check the register of CJ DNA samples with CrimeFile and ensure CHS is appropriately updated.

Match Reports

When a notification is received from the Scottish or National DNA Database that a CJ DNA sample has matched a crime scene sample the Crime Management Unit check to ensure the CJ sample is held legally.

The Crime Management Unit then update the relevant Crimefile, prepare a briefing document and notify the relevant Detective Inspector who nominates an enquiry officer.

4. EVIDENTIAL DNA SAMPLES

Evidential DNA samples will be treated as case related productions and lodged through the CrimeFile production system. Should the Procurator Fiscal require laboratory examination of the evidential DNA sample they will notify the Forensic Gate Keeper directly who will make the necessary arrangements to physically move the sample to the Forensic Services Laboratory in Dundee during a routine weekly Wednesday run.

‘V’ DIVISION

3. CRIMINAL JUSTICE DNA SAMPLES

CJ DNA kits (DNA 1 kits - green admin card) are held at custody handling areas. CJ samples along with completed green admin card are conveyed by Civilian drivers to be stored within the freezer at the Scene Examination Unit, Loreburn Street Police Station, Dumfries.

CMS Specialist Services Admin staff accept the CJ samples and conduct a quality control check to ensure the sample has been packaged properly and the admin card properly completed.

CMS Specialist Services will forward a complete list of samples to Reports Bureau who will carry out checks details on CHS2 and if subject has been charged and is not shown as already having a convicted DNA sample on the DNA database (i.e. CHS shows 'DNAC') then the sample is sent to Forensic Services Laboratory, Dundee for profiling, again by Civilian driver, the first Wednesday of each month.

At this stage, when case against individual is pending, the CJ profile will be held on the database and CHS2 will show DNA status as 'DNAT' (Temporary retained). When case is finally disposed of the sample will be converted to 'DNAC' if convicted or destroyed if no conviction secured.

The CMS Specialist Services Admin staff will maintain a local record of DNA submissions.

Match Reports

When the Forensic Gateway receive notification, from the Scottish or the National DNA Database, that a crime scene sample has matched a CJ sample held on the database, the CMS Specialist Services Admin staff will have checks carried out to confirm whether the profile is legally held and if so create a hit package and forward this to the relevant Detective Inspector (Dumfries or Stranraer).

This information will be recorded on the appropriate IMAGE entry. The relevant Detective Inspector will then allocate the package to a suitable enquiry officer.

4. EVIDENTIAL DNA SAMPLES

Evidential DNA samples should be treated as case related productions and, in addition to completing the white admin card which is part of the kit, the DNA sample should be sealed in a tamperproof production bag and a production label completed. Details of the DNA sample should be immediately entered on to the production system and the item lodged with the divisional Custodier.

'P' DIVISION**3. CRIMINAL JUSTICE DNA SAMPLES**

All DNA CJ samples will be transported on a weekly basis to the Records Unit based at Glenrothes and stored within the freezer located there. Records Unit staff will thereafter quality check all DNA1 forms and also check the status of the case on CHS to confirm the sample still meets the criteria for onward transmission to the DNA Lab. The Health Field in the Descriptive Chapter of CHS is updated with DNAT and details of the sample.

Retained Samples

Records Unit staff identify DNA samples that meet the criteria to be retained for a period of 3 years as a result of the case being disposed of by non-conviction (these disposals are mainly recorded within Temporary Retention chapter on CHS, however in the case of ASB tickets, Fiscal Fines and Juveniles (Supervision Requirements), these will be recorded in the Antecedent chapter. All paperwork relating to these samples are passed to the Force Intelligence Bureau for various checks. It is the responsibility of the Director of Intelligence whether the sample is destroyed or the Force undertakes the Legal process of seeking a further retention period.

Confirmed Samples

Records Unit staff identify DNA samples that have resulted in a conviction and will update CHS to reflect this. This identifies to Police Officers and Police staff that there is no requirement for any future DNA samples to be taken. Notification will be sent electronically to the Forensic Lab informing them of the conviction so that the DNA Database can be updated to reflect this.

Destroyed Samples

Records Unit staff identify DNA samples that have resulted in a non-conviction and do not meet the criteria for retaining and will remove them from CHS. Notification will be sent electronically to the Forensic Lab informing them of the non-conviction so that the DNA Database can be updated to reflect this.

Pending Samples

The Forensic Lab send electronic notification (Gel Lists) to the Records Unit of DNA Samples that have been profiled and are held at the Lab. These lists will be researched against CHS and the status of the cases checked for a disposal. If the case is still pending, no update is made to either CHS or to the Forensic Lab, however if a final disposal has been added to CHS, the relevant update will be made to the DNA marker and notification sent to the Forensic Lab to allow for the relevant update to the DNA Database.

Match Reports

The Forensic Science Gateway is responsible for the administration of match reports received from the Scottish and National DNA Databases.

The Gateway Administrator ensures that relevant checks are carried out to confirm that the CJ sample is legally held and thereafter liaises with the appropriate Locality Crime Manager and generates notification of the 'DNA Hit' by way of the Crimefile Tasking process.

The identified person will then be investigated on the instructions of, and under the guidance of, the Locality Crime Manager and the Crimefile Task completed with details of the outcome.

4. EVIDENTIAL DNA SAMPLES

Evidential DNA samples should be treated as case related productions and, in addition to completing the white admin card which is part of the kit, the DNA sample should be sealed in a tamperproof production bag and a production label completed and attached. Details of the DNA sample should be immediately entered on to the production system and the item lodged with the relevant custodian responsible for the storage of productions at that locality area.

5. CJ SAMPLE FAILURES

The Forensic Lab will send electronic notification of DNA samples that have failed to be profiled as a result of either an Administration error/omission or problems with the DNA swabs. Records Unit staff will check the status of the case relating to the failed sample, if the case is still pending, no action will be taken at that time. On conclusion of the case resulting in a conviction, a task will be added to the relevant Crimefile informing the Reporting Officer of the failure and instructing the Officer to take a further sample within a 14-day period (although the time frame is 28 days, by reducing it to 14 days, ensures compliance within 28 days).

'A' AND 'B' DIVISIONS

3. CRIMINAL JUSTICE DNA SAMPLES

CJ DNA kits (DNA 1 kits - green admin card) are held at custody handling areas. CJ samples along with completed green admin card are conveyed by Civilian drivers to the DNA Admin Unit, Nelson Street, Aberdeen.

DNA Admin accept the CJ samples and conduct a quality control check to ensure sample has been packaged properly and the admin card properly completed.

DNA Admin also check details on Crimefile and CHS2 and if subject has been charged and is not shown as already having a convicted DNA sample on the DNA database (i.e. CHS shows 'DNAC') then the sample is sent to SPSA Dundee for profiling.

At this stage, when case against individual is pending, the CJ profile will be held on the database and CHS2 will show DNA status as 'DNAT' (Temporary retained). When case is finally disposed of the sample will be converted to 'DNAC' if convicted or destroyed if no conviction secured.

The DNA Admin Unit maintain a local record of DNA submissions using the DEANNA database.

Match Reports

When DNA Admin Unit receive notification, from the Scottish or the National DNA Database, that a crime scene sample has matched a CJ sample held on the database, the Admin Unit will carry out checks to ensure that the CJ sample on the database is lawfully held.

The information will then be entered onto the DEANNA system and a Hit Package with a unique number will be generated. The relevant Crimefile will also be updated by the Admin Unit at this time. The Hit Packages are sent to the Local Policing Area Crime Managers/Intelligence Office for allocation.

4. EVIDENTIAL DNA SAMPLES

Evidential DNA samples should be treated as case related productions and, in addition to completing the white admin card which is part of the kit, the DNA sample should be sealed in a tamperproof production bag and a production label completed. Details of the DNA sample should be immediately entered on to the production system and the item lodged with the divisional production keeper. The white admin card should be forwarded by internal mail to the DNA Admin Unit, at Nelson Street, Aberdeen.

'E' AND 'J' DIVISIONS

3. CRIMINAL JUSTICE DNA SAMPLES

Divisional drivers will transfer Criminal Justice (CJs) samples from custody suites to the Forensic Science Gateway at Howdenhall Police Station, Edinburgh. Gateway staff will process the samples checking the information on the green DNA 1 card and the packaging. They will also check the DNA status of each individual on CHS.

When the subject does not already have a profile on the DNA database the samples will be lodged with SPA Forensic Services for profiling and loading onto the Database.

If an individual already has a profile on the database but he / she is not DNA Confirmed the samples will be held in a freezer within the Gateway until the court case for which the first samples were taken is concluded.

In the event of a conviction for the first case the DNA status will be changed to 'Confirmed' and the second or subsequent samples taken will be destroyed. Where the court result is not a conviction, samples that have been held within the Gateway for other cases relating to that person will be forwarded to SPA Forensic Services for DNA profiling.

This process will continue until the subject is DNA Confirmed.

DNA Hits

DNA hits will undergo a 'legality check' at the Forensic Gateway before being forwarded to nominated departments who will in turn allocate them to enquiry officers.

5. CJ SAMPLE FAILURES

When a CJ sample is to be retaken under Section 19, notification will be sent to nominated individuals who will allocate the enquiry. The result of the enquiry should be fed back to the Forensic Gateway.

'N' DIVISION

3. CRIMINAL JUSTICE DNA SAMPLES

CJ DNA kits (DNA 1 kits - green admin card) are held at custody handling areas. CJ samples along with completed green admin card are conveyed to relevant SPSA premises by local production transfer arrangements.

This must be done on a weekly basis by the production staff.

Match Reports

When DNA Admin Unit receive notification, from the Scottish or the National DNA Database, that a crime scene sample has matched a CJ sample held on the database, the DNA Liaison Admin Unit at FIMU will carry out checks to ensure that the CJ sample on the database is lawfully held.

The information will then be passed to the Forensic Gateway and entered onto the 'Impact Crime Recording' system and a 'Hit Package' will be generated.

The 'Hit Packages' are sent to the incident Investigating Officer and the relevant Divisional Crime Managers/Divisional Intelligence Office for confirmation of allocation or for re-allocation, depending on the specific circumstances..

4. EVIDENTIAL DNA SAMPLES

Evidential DNA samples should be treated as case related productions. There is no requirement to complete the white admin card which is part of the kit. The DNA samples (2) should be sealed (devoid of any card and or bar codes) in a tamperproof production bag (double bagged) and a production label completed.

Details of the DNA sample should be immediately entered on to the production system and the item lodged with the divisional production keeper.

'G', 'K', 'L', 'Q' AND 'U' DIVISIONS

3. CRIMINAL JUSTICE DNA SAMPLES

It is not necessary to take a DNA CJ sample from an individual who already has a profiled 'convicted' sample on the DNA database as this sample is retained indefinitely.

Officers and staff within 'G', 'K', 'L', 'Q' and 'U' Divisions should, as an alternative to checking CHS to establish an individual's DNA status, check DEANNA Web to ascertain whether the individual is already recorded as DNA 'C' or whether a CJ sample needs to be taken from that individual.

Information on how to access and conduct a search can be found in the [DEANNA Guidance](#).

Civilian drivers convey CJ samples in a cool box from Local Policing Areas to DNA Admin on a regular basis. A submission sheet accompanies the samples

DNA Admin accepts the CJ samples from Local Policing Areas, check accuracy of information on form and quality of packaging. Receipt submission sheet.

Samples are sent to Tayside for profiling. (At this time they are couriered on a Wednesday)

A maximum of two CJ samples are taken from suspects. One is sent for profiling and the second sample is stored within DNA Admin. This decision was made purely for financial reasons.

The information from the DNA 1 card is recorded on the DEANNA system. The samples are then placed in a freezer within DNA Admin until they are sent on a weekly basis to Forensic Services Laboratory, Dundee for profiling.

Samples are stored under three criteria:

- Samples recently received as incoming samples
- Samples to be sent
- Second samples, held as pending samples. If the sample on the Scottish Database is profiled and convicted this second sample would be destroyed.

If the original sample sent for profiling is acquitted or fails profiling then the pending sample would be sent for profiling.

A weekly printout of samples entered onto the DEANNA system is sent to the records department on a Monday morning, they will add the DNAT and administration B or M markers to the case

Match Reports

When DNA Administration receive Match reports from the Scottish and National Database's the case must be checked on CHS to make sure the CJ sample is legally held. If there is no trace of the case on CHS the case will be checked on the PF PROMIS system.

The information will then be entered onto the DEANNA system and a Hit Package with a unique number will be generated.

The Hit Packages are sent to the Local Policing Area Crime Managers in secure bags for allocation.

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‘D’ DIVISION

3. CRIMINAL JUSTICE DNA SAMPLES

CJ DNA kits (DNA 1 kits - green admin card) are held at custody handling areas. CJ samples along with completed green admin card are conveyed by Civilian drivers to Information Processing, Dundee. Information Processing carry out the role of DNA Admin within their department.

Information Processing accept the CJ samples and conduct a quality control check to ensure sample admin card has been fully completed as required.

Information Processing also check details on CHS and if subject has been charged and is not shown as already having a convicted DNA sample on the DNA database (i.e. CHS shows 'DNAC') then sample details are added to CHS. A marker is added against case reference within pending chapter and DNAT (temporary sample) details added to descriptive chapter. Sample is then sent to Scottish DNA Database, Dundee for profiling.

At this stage, when case against individual is pending, the CJ profile will be held on the database and CHS will show DNA status as 'DNAT' (Temporary retained). When case is finally disposed CHS is updated as required to either show sample as Confirmed or Retained and details removed for samples to be destroyed.

Details of these amendments to samples are submitted on a weekly basis to Scottish DNA Database via email on spreadsheets headed as Confirmed, Retained and Destroyed samples. The Database then updates CJ profiles as instructed.

Match Reports

When the Gateway receive notification, from the Scottish or the National DNA Database, that a crime scene sample has matched a CJ sample held on the database, the Gateway will carry out checks to ensure that the CJ sample on the database is lawfully held

The information will then be added to the crime report and the match information will be sent electronically to the local CID Detective Inspectors for information/allocation.

4. EVIDENTIAL DNA SAMPLES

Evidential DNA samples should be treated as case related productions and, in addition, to completing the white admin card which is part of the kit, the DNA sample should be sealed in a tamperproof bag and a production label completed. This should be lodged with the Local Policing Area production keeper with the relevant paperwork.

LIST OF ASSOCIATED LEGISLATION

- [Criminal Procedure \(Scotland\) Act 1995](#) (Sections 18, 19 and 20)
- [Criminal Justice \(Scotland\) Act 2003](#) (Section 56)
- [Police and Fire Reform \(Scotland\) Act 2012](#)
- [Terrorism Act 2000](#) (Schedule 7 and Section 41)

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APPENDIX 'J'

LIST OF ASSOCIATED REFERENCE DOCUMENTS

- [Sampling Procedures for Mouth Swabs](#)
- [Sampling Procedures for Hair Samples](#)
- Guidance on [Processing DNA 'Match' or 'Hit' Reports](#)
- Guidance on [Re-Sampling Powers and Procedures](#) under Section 19 (1) (b)
- Guidance on powers and procedures to [Obtain Samples from Convicted Persons](#) under Section 19(1) (a)
- Guidance on [Eliminations Database](#)
- Guidance on the use of the [Missing Persons DNA Database](#)
- [Appropriate Adults SOP](#)
- [Interpreting and Translating SOP](#)
- [Lay-Community Advisors SOP](#)
- [DEANNA Web Guidance](#) (Divisions 'G', 'K', 'L', 'Q', 'U' only)

LIST OF ASSOCIATED GENERIC PSOS FORMS

- Criminal Justice (CJ) SAMPLING - Green Admin Card (**Form DNA 1**)
- Evidential DNA Sampling – White Admin Card (**Form DNA 2**)

(Copies of these forms are held locally)

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