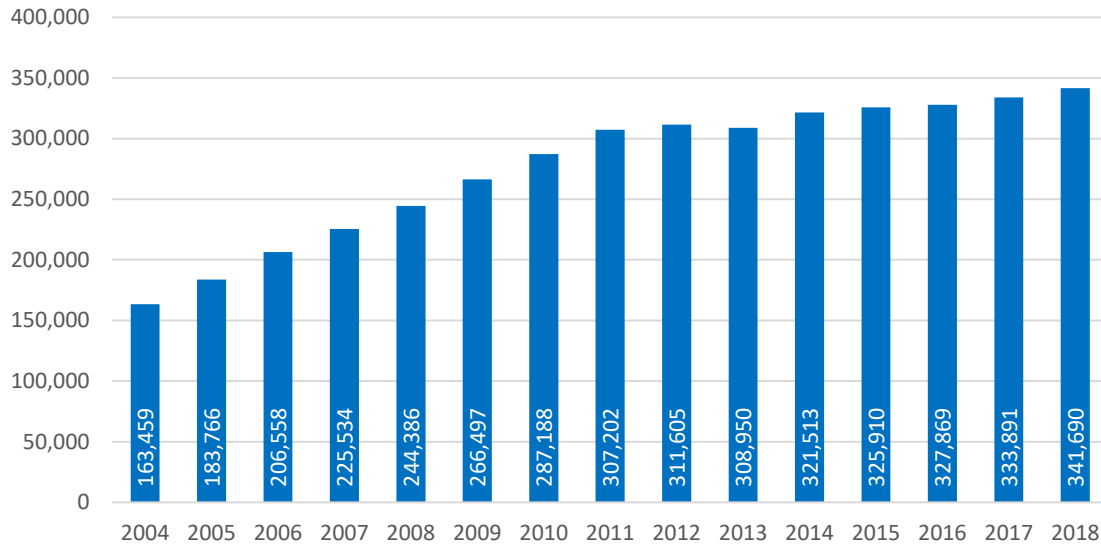


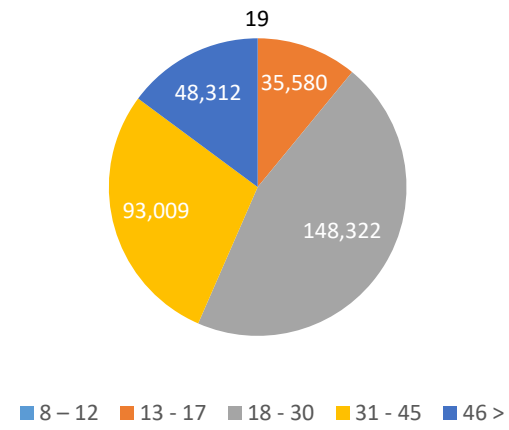


**CJ Profile Retention – Total**

CJ Profiles retained on the Scottish DNA Database



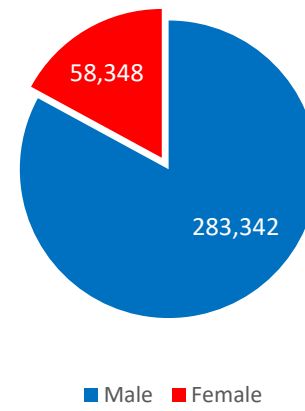
Breakdown on profiles retained by age when the sample was taken



CJ Profile Temporary Retention

S18A Retained	7707
S18B (sex/vio) Retained	788
S18B (non-sex/vio) Retained	1544
S18D Retained	722
S18E Retained	23
S18A Extensions Requested	3
S18B (sex/vio) Extensions Requested	0
S18E Extensions Requested	0

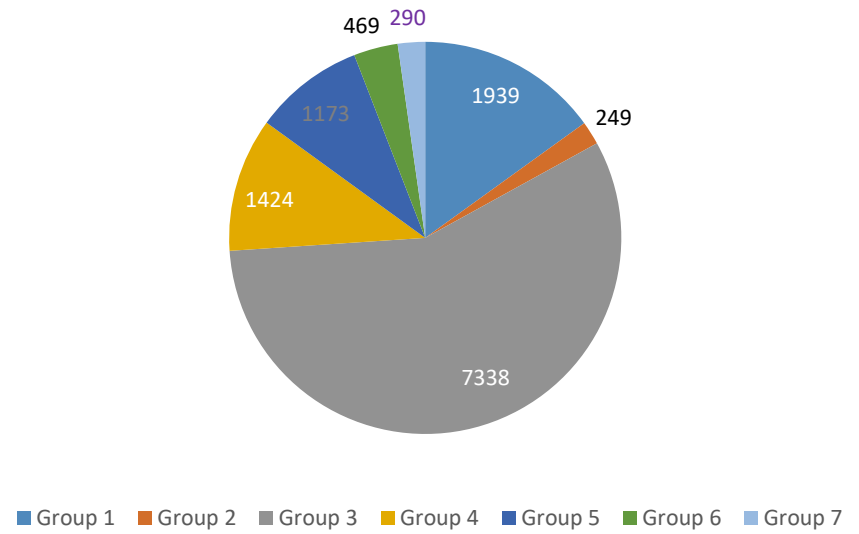
Breakdown on profiles retained by gender



**Crime Scenes – Total**

Unidentified Crime Scenes Profiles retained	22,521
Crime Scene Match Reports issued	41,234
Crime Scene Match Rate (since April 2011)	58%

Breakdown on crime scene matches by offence group (since 2011)



Crime Scene Match Reports against S18A CJ Profiles	175
Crime Scene Match Reports against S18B (sex/vio) CJ Profiles	15
Crime Scene Match Reports against S18B (non sex/vio) CJ Profiles	110
Crime Scene Match Reports against S18D CJ Profiles	98
Crime Scene Match Reports against S18E CJ Profiles	1

**Volunteers – Total**

Number of ILS Profiles Retained	5,010
Number of General Volunteers Retained	342
Total Number of Volunteer Matches	40

## **Further Information**

### **1. What is a CJ profile?**

Section 18 of the Criminal Procedure (Scotland) Act 1995 allows officers to obtain mouth/hair samples from arrested persons, or persons detained under Section 14 of the same act. These are commonly known as Criminal Justice (CJ) samples. From these samples, DNA profiles are extracted.

DNA is exactly the same for every person except for slight variations in the code which are responsible for different physical characteristics such as height, eye colour, skin tone and hair colour, for example. These differences are critical for the use of DNA in forensic science.

SPA Forensic Services profiling does not examine all variations between individuals. Instead, the technique is designed to target areas of DNA that are known to differ widely between individuals.

Other than gender, the areas of DNA targeted by Forensic Services' profiling do not contain information that could be attributed to physical characteristics – such as eye colour– or enable definitive determination of medical conditions.

It is possible to identify a person very precisely but the DNA area used to show a match contains virtually no genetic characteristic information.

The current DNA profiling method used for the Scottish DNA Database –known as DNA24 -analyses 23 areas of a person's DNA and the gender marker. The resulting DNA profile is a series of up to 46 numbers plus the gender marker.

This profile is then retained on the Scottish and National DNA Databases for the duration determined by current legislation. Profiles retained on these databases will routinely be searched against unidentified profiles from unsolved crime scenes.

### **2. CJ profile retention**

The retention of DNA is dependent on the outcome of the case for which it was taken for. Section 18 of the Criminal Procedure (Scotland) Act 1995 governs the retention rules. DNA data can be retained indefinitely upon a court conviction (Section 18) and destroyed for non-findings of guilt. The exceptions to these rules are outlined in Sections 18A-E of the Criminal Procedure (Scotland) Act 1995 which allows DNA to be retained for a short period of time depending on specific criteria.

### **3. What is S18A?**

Section 18A of the Criminal Procedure (Scotland) Act 1995 allows DNA data to be retained from individuals when criminal proceedings were initiated for specific sexual or violent offences but those proceedings end without a conviction. In such cases their DNA data can be retained for 3 years plus possible rolling 2 year extensions which can only be decided by a Court.

### **4. What is S18B?**

As an alternative to prosecuting an individual the Procurator Fiscal can offer a fixed penalty or other relevant offers. These are not classed as convictions. Section 18B of the Criminal Procedure (Scotland) Act 1995 allows DNA data to be retained from individuals who have been issued with and accepted a relevant offer or fixed penalty. In cases relating to specific sexual or violent offences the DNA data can be retained for 3 years plus possible rolling 2 year extensions which can only be decided by a Court. In cases relating to all other offences, DNA data can be retained for 2 years after which it must be destroyed. That period cannot be extended.

## **5. What is S18D?**

Police Scotland can offer fixed penalties as an alternative to prosecution for specific offences. These are not classed as convictions. Section 18D of the Criminal Procedure (Scotland) Act 1995 allows DNA data to be retained from individuals who have been issued with and accepted a fixed penalty notice. In such cases their DNA data can be retained for 2 years after which it must be destroyed. That period cannot be extended.

## **6. What is S18E?**

Section 18E of the Criminal Procedure (Scotland) Act 1995 allows DNA data to be retained from children who have been referred to a Children's Hearing. This only applies to those children who are referred for specific violent and sexual offences and either accept these grounds or grounds are established at the hearing. In such cases their DNA data can be retained for 3 years plus possible rolling 2 year extensions which can only be decided by a Court. It applies to children aged 8 years and above, as this is the age of criminal responsibility in Scotland.

## **7. Why would one profile be replaced by another?**

There is no requirement to hold more than one DNA profile per person on the DNA Database therefore once a sample can be retained indefinitely following a court conviction, all other surplus DNA data can be destroyed.

## **8. Age at date taken**

When a DNA sample is taken, the age at the time of the sample being taken is recorded to ensure any DNA data is retained lawfully and information about the range of age groups retained on the DNA Database is available upon request.

## **9. What is a crime scene profile?**

Scene of Crime Officers will attend and obtain production/sample lifts that could be of evidential value left at crime scenes. Forensic laboratory staff obtain DNA profiles from these items if possible and the profiles loaded onto the relevant databases for comparison. These are commonly known as Scene of Crime (SOC) profiles and any matches against subject DNA profiles are then reported to investigating officers.

## **10. How are profiles compared?**

Two profiles are compared using the individual components of a DNA profile known as "alleles". There is a minimum number of components that must be identical to consider the information to be a reliable match

## **11. What is a match reports?**

A match report is issued when two or more profiles loaded to the database have identical DNA profiles. This can be a person's DNA matching a undetected crime scene stain, or two undetected crime scene profiles matching each other.

## **12. What is a match rate and how is it calculated?**

The match rate is provided to highlight how effective DNA can be in detecting unresolved crimes. This figure is representative of the number of crime scene DNA profiles from unsolved crimes that provide an instant match against a subject DNA profile when loaded to the DNA Database.

### **13. What are offence groups?**

Crime in Scotland is recorded in specific categories, known as crime groups, namely:

#### **Group 1 – Non-Sexual Crimes of Violence**

This group includes murder, attempted murder, serious assault, robbery, cruelty to children, threats & extortion etc.

#### **Group 2 – Crimes of Indecency**

This group includes rape, indecent assault, lewd & libidinous practises, sexual offences, etc

#### **Group 3 – Crimes of Dishonesty**

This group includes theft, housebreaking, theft of and from motor vehicles, fraud, etc

#### **Group 4 – Fire and Malicious Damage**

This group includes – vandalism, malicious mischief, fire-raising, reckless conduct, etc

#### **Group 5 – Other crimes**

This group includes all drug offences, carrying offensive weapon (including knives), bail offences, crime against justice (e.g. perjury), etc

#### **Group 6 – Miscellaneous Offences**

This group includes breach of the peace, petty assault, racially aggravated conducted or harassment, alcohol related offences, etc

#### **Group 7 – Road Traffic Offences**

This group includes dangerous and careless driving, drink/drug driving, speeding, vehicle defect offences, etc

### **14. What is a Spec search?**

A speculative search of the database is requested when the crime scene profile quality does not meet the national criteria for loading and can be searched as a one-off in the hope of obtaining a match.

### **15. What is an Intelligence Led Screen?**

During major incidents for serious offences Police Scotland can request members of the public to voluntarily supply mouth swab samples in effort to identify the source of a crime scene profile. These operations are called Intelligence Led Screens (ILS). Volunteers can choose to have their DNA profile compared to all outstanding crime scene profiles (A class volunteer) or solely for the operation for which the sample was taken (B class volunteer). These samples are retained until permission is withdrawn (A class) or once the operation is finished (B class).

### **16. What is a volunteer profile?**

Section 56 of the Criminal Justice (Scotland) Act 2003 allows officers to obtain mouth/hair samples from persons willing to voluntarily supply their DNA profile. These profiles are compared to outstanding crime scene profiles and retained until the person withdraws their permission.