

# Britain: Police want children routinely put on DNA database

Richard Tyler  
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Britain's police want to routinely put children as young as five on the National DNA Database (NDNAD), even when no crime has been committed.

Gary Pugh, the DNA spokesman for the Association of Chief Police Officers (ACPO) and director of forensic sciences at Scotland Yard, recently told the press, "The number of unsolved crimes says we are not sampling enough of the right people."

According to Pugh, who was interviewed by the *Observer*, "If we have a primary means of identifying people before they offend, then in the long-term the benefits of targeting younger people are extremely large."

Pugh's words are a sinister echo of the film *Minority Report*, in which a specialist "pre-crime" police department routinely arrests people who have not committed any offence.

Describing it as a "step towards a police state," National Primary Headteachers' Association representative Chris Davis said it was tantamount to condemning children "at a very young age for something they have not yet done. They may have the potential to do something, but we all have the potential to do things. To label children at that stage and put them on a register is going too far."

Action on Rights for Children and GeneWatch, a not-for-profit group that monitors developments in genetic technologies, have produced evidence to show that by March 2009, some 1.5 million children aged 10-17 will be recorded on the National DNA Database, a figure they say is far higher than admitted by government.

The organisations estimate that at least 1.1 million children have already had their DNA recorded between 1995 (when the NDNAD was established) and April 2007, with more than half a million being aged between 10 and 16.

Helen Wallace from GeneWatch said, "Unless there are exceptional circumstances, the police should not keep records of people, including 100,000 under 18s, who have been found not guilty or have had the charges dropped."

Terri Dowty from Action on Rights for Children said, "These children will be on the database for the rest of their lives. We are turning thousands of innocent children into lifelong suspects. No other country in Europe criminalises children at such a young age.

"The Home Office has shown repeated reluctance to release figures for children on the DNA database, presumably realising how shocked the public would be," Dowty said.

Pugh's call for the routine sampling of DNA from children as young as five is only the latest in a number of statements by senior police officers and judges advocating the extension of powers to take and keep DNA samples from wholly innocent individuals, setting up a system of mass genetic surveillance.

Following two recent high-profile murder convictions where the culprits had been implicated by DNA found at the scene, calls were again made to establish a national DNA register containing samples from everyone in the UK. Last year, one of Britain's most senior judges, Lord Justice Sedley, also called for DNA records to be kept on all UK residents.

The government has not ruled out such a move, merely saying that it would raise "significant practical and ethical issues."

Last year, the Home Office launched a consultation to examine the possible expansion of the DNA database to cover all those arrested, even for such minor offences as begging or speeding. According to the *Observer*, a Home Office document initiating the consultation had promoted the merits of massively expanding the database.

Home Office Minister Meg Hillier told the home affairs select committee in February that information on the identity register, which will underpin new biometric passports and the ID cards soon to be routinely issued, would be shared with authorities in the European Union and United States "in specific cases."

And at a recent pan-European conference on serious organised crime, London's Metropolitan Police Commissioner, Sir Ian Blair, said DNA records should be extended throughout the EU.

Roger Smith, director of human rights organisation Justice, said granting police the power to compel samples without having to show reasonable suspicion was "a substantial and unwarranted intrusion on the rights of personal privacy." He called for a return to the position prior to 1995, when police were only allowed to keep the samples of those convicted.

Under legislation introduced in 2001 and 2004, the Labour government has considerably extended police powers to take and keep DNA samples from anyone arrested on *suspicion* of

having committed a “recordable offence.” This includes any offence punishable by imprisonment, but also extends to relatively minor offences such as tampering with a motor vehicle, poaching and drunkenness.

Under the 2004 legislation, police can take a DNA sample from any person arrested aged 10 or more, in the case of a child, without the parent’s consent.

This legislation currently only applies to those arrested in England and Wales. In Scotland, which has a different judicial system, most samples are destroyed if the person is not charged or is later acquitted. However, senior Scottish police officers are lobbying hard for similar powers.

The UK now has the world’s largest DNA database, containing information on at least 4.5 million individuals, equivalent to some 7 percent of the population. According to the Parliamentary Office of Science and Technology, only 1.13 percent of the population in the EU have their DNA documented, with records being held on just 0.5 percent in the US.

In what constitutes a major breach of civil liberties—overturning the fundamental legal norm of the presumption of innocence—records can be kept indefinitely on NDNAD even if a person is never formally charged, or is later acquitted of the offence for which he or she was arrested.

The call for DNA samples to be routinely taken from those below the age of 18 continues a major escalation in the process of criminalising children ongoing since Labour came to power in 1997.

Labour’s 1998 Crime and Disorder Act reduced the age of criminal responsibility from 14 to 10. The act also introduced so-called ASBOs—Anti Social Behaviour Orders—a measure that has been largely aimed against young people. It means that once an ASBO has been granted, which can be for relatively minor misdemeanours or behaviour that is causing a nuisance, breaching the ASBO can result in a criminal record.

There is also strong evidence to show that such routine recording of DNA samples unfairly discriminates against individuals from ethnic minorities. According to Black Mental Health UK, black people are three time more likely to have their DNA recorded than white people.

The organisation says government figures show that 77 percent of young black men will soon have their details held on NDNAD, “despite evidence that black people are no more likely to have committed a crime than white people.”

Shami Chakrabarti, director of civil liberties group Liberty said establishing a DNA database for everyone in the UK “ignores the extremely intimate nature of DNA and the massive scope for error and abuse” — one report has revealed that serious flaws have been found in the data, with up to 14 percent of the entries being duplicates, stored under different names.

Such concerns are well founded in light of recent scandals in which government computer disks have been lost containing millions of sensitive personal records—in one case affecting 25

million people, covering 7.25 million families overall—including names, dates of birth, and bank and address details.

The European Court of Human Rights heard a case at the end of February in which two innocent people are seeking to have their records removed from the National DNA Database.

Legal representatives for the two—40-year-old Michael Marper and a youth named only as “S”—argue that retention of such records for innocent people is a breach of Articles 8 (respect for the privacy of the individual) and 14 (prohibiting discrimination) of the European Convention on Human Rights.

In both cases, the police have refused to destroy fingerprints and DNA records taken when the two individuals, one only a teenager, were originally arrested. The police subsequently dropped the case against Marper, while the youth “S” was acquitted.

It is thought that NDNAD could hold the records of up to 1 million innocent people, with GeneWatch estimating that up to 10 percent of these could be from children—records that would have to be destroyed should the legal challenge succeed.

In February, the *Economist* magazine reported a Home Office spokesperson saying that innocent people “have nothing to fear from providing a sample,” since retaining such evidence was “no different from recording other forms of information such as photographs and witness statements.”

However, DNA provides a wide range of other information about an individual, such as their parentage, or a susceptibility to particular diseases or disabilities. Some insurance companies have already raised the possibility of introducing “genetic screening” as a means of lowering premium charges since the information could be used to deny cover for individuals with certain genetic markers.

The body operating the NDNAD, the Forensic Science Service, a government-owned company, is a prime candidate for privatisation, which could open up the use of the database for purely commercial purposes.

It also allows an almost unlimited possibility of police frame-ups.

The thread-bare argument that if people have “nothing to hide, they have nothing to fear” is clearly not borne out by the record of Labour. The governments of Tony Blair and Gordon Brown have trampled on long-standing democratic and legal norms, constantly eroding the rights of the individual in favour of the right of the state to monitor and control its citizens.



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