**Police Scotland & SPA Forensic Services**

**Custody Biometric Reporting**

**July - September 2024**

The legal definition of biometric data in Scotland is outlined in Section 34 of the Scottish Biometrics Commissioner Act 2020 as “Information about an individual’s physical, biological, physiological, or behavioural characteristics which is capable of being used, on its own or in combination with other information to establish the identity of an individual”.

Forensics Services (FS), part of the Scottish Police Authority (SPA), are the Forensic Service Provider for Police Scotland (PS) and are joint-data controllers of relevant biometric data. PS and FS are bound by the powers and rules of Sections 18-19C of the Criminal Procedure (Scotland) Act 1995, the principles of the Scottish Biometrics Commissioner Code of Practice, in addition to existing Data Protection and Human Rights obligations.

This report is designed to provide information in relation to biometric data taken in custody, volumes of data held and, as far as possible, the value of retaining and using arrestee DNA, Fingerprint and Facial Image biometric data taken to support Police Scotland in ‘Keeping People Safe’.

The custody throughput for the reporting period was **26,659**, however not all arrested persons require their biometrics to be taken. Biometrics (DNA sample, fingerprints and facial image) should be taken for arrests that may lead to or result in a report for the consideration of the Procurator Fiscal, the issue of a Police Fixed Penalty Notice (FPN) or a Children’s Hearing, or if needed to verify the identity of the arrested person.

**Acquisition of Biometric DNA Samples, Fingerprints and Images**

**Retention of Biometric Data**

Biometric data derived from DNA samples, fingerprints & facial images taken in custody by Police Scotland are routinely uploaded to Scottish, UK or relevant international biometric and Law Enforcement Agency databases.

The current volumes within each database at the end of this quarter, are shown below:

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| --- | --- | --- | --- | --- |
| **643,875 Images, from 378,687 individuals are held on the Scottish Criminal History System**  352,674 people were over the age of 18, and 25,833 were under the age of 18, at the time of the image being taken\*  These images are shared to the UK Police National Database (PND), other Police Scotland systems and internationally (via Interpol), as necessary as part of a criminal investigation |  | **838,213 Fingerprint sets, taken from 462,721 individuals in Scotland are held on the UK National Fingerprint Database\***  These fingerprints are made available for searching by EU member states, as part of the UK-EU Trade and Cooperation Agreement (TCA), previously referred to as Prum, as well as shared internationally (via Interpol) as necessary as part of a criminal investigation |  | **382,352 DNA Profiles, from 378,949 individuals, are held on the Scottish DNA Database**  325,072 people were over the age of 18, and 36,027 were under the age of 18, at the time of samples being taken\*  DNA profiles are shared to UK National (NDNAD), UK TCA, and Counter Terrorism DNA databases, as well as being shared internationally (via Interpol) as necessary as part of a criminal investigation |

**Use of Biometric Data**

Biometric Data is used to verify the identity of a person, to assist in eliminating a person as a suspect, to identify the source of evidence as part of a criminal investigation and to establish links across offences. The value of gathering arrestee biometric data

cannot be determined by the nature of the arrest, as often biometric data from lower-level offence arrests provide matches for even the most serious of offences.

**Image Data**

It is not possible to evidence the value of facial images within policing, or the criminal justice community, via statistical information. Images can be used to evidence false details being provided, witness identification of perpetrators, officer identification of perpetrators, ensuring warrants are executed correctly, intelligence gathering, and so

on. During the reporting period, PS submitted **905** images, identified as part of an offence, for retrospective facial recognition (RFR) against UK arrestee images held on the Police National Database (PND). Searches were made to help identify individuals involved in economic crime as well as intelligence gathering for other serious crimes.

RFR is not real-time or Live Facial Matching, with probable matches returned for a human informed decision regarding any further action taken.

**Fingerprint Data**

At the time of reporting, there are **90,252** unidentified Fingerprint marks retained on the UK National Database (IDENT1) obtained from Scottish crime scenes. Marks removed from crime scenes are loaded and compared to custody fingerprints, assisting with criminal investigations and identifications. Unidentified scene marks can be compared against EU member state fingerprint databases as part of the UK’s searching quota, via the UK-EU Trade and Cooperation Agreement (TCA). During the reporting period, **1,572** new scene Fingerprint marks were uploaded to IDENT1. Due to the combination of existing and new crime scene marks and subject prints being loaded**, 267** intelligence matches were identified, including for crimes such as Abduction and Firearms Offences.

**225** matches were from persons known to be over 18 at the time of supplying their fingerprints, and **39** from those known to be under the age of 18\*.

**DNA Profile Data**

At the time of reporting, there are **25,256** unidentified DNA profiles retained on the Scottish, National and UK-EU Trade and Cooperation Agreement (TCA) DNA Databases, obtained from Scottish crime scenes. Scene data is loaded and compared to custody DNA profiles assisting with criminal investigations and identifications. During the reporting period, **465** crime scene DNA profiles were uploaded. Due to the combination of existing and new crime scene and subject DNA profiles being loaded, **646** scene-to-subject matches were identified, including crimes such as assault, forgery and offences under the Prisons Act (Scotland) 1989 (Bringing communications device into prisons). **470** intelligence matches were from persons known to be over 18 at the time of supplying a sample, and **173** from those known to be under the age of 18\*.

**Destruction of Biometrics**

The requirement to weed or retain custody biometric data is based on either, or a combination of both the offence for which the biometrics were taken, as well as the outcome of the investigation or prosecution. Detailed retention periods applied by both Police Scotland and SPA FS are published on the PS website.

The volumes of biometric data weeded during this quarter is displayed on the following page.

**Useful Information**

Links to more information in relation to data and privacy rights, as well as the role of the Scottish Biometrics Commissioner (and the statutory Code of Practice), are provided below.

[www.scotland.police.uk/access-to-information/policies-and-procedures/](http://www.scotland.police.uk/access-to-information/policies-and-procedures/)

[www.scotland.police.uk/access-to-information/data-protection](http://www.scotland.police.uk/access-to-information/data-protection)

[www.biometricscommissioner.scot](http://www.biometricscommissioner.scot)

[www.biometricscommissioner.scot/media/035latyc/code-of-practice.pdf](http://www.biometricscommissioner.scot/media/035latyc/code-of-practice.pdf)

**\***Due to legacy data recording processes, the figures of adults and children may not equal the overall number total. The Home Office, who own and manage IDENT1, are unable to provide the relevant data for Scottish fingerprints.