

These notes refer to the Anti-Social Behaviour, Crime and Policing Act 2014 (c.12) which received Royal Assent on 13 March 2014

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

EXPLANATORY NOTES

BACKGROUND

Part 11: Policing etc

Power to take further fingerprints or non-intimate samples

61. The Police and Criminal Evidence Act 1984 (“PACE”) currently allows DNA sampling only once in an investigation. If the Crown Prosecution Service (“CPS”) decides not to proceed with a case where the accused person has not previously been convicted or charged with a qualifying offence, that person’s DNA must be deleted. However, the CPS has now introduced a new procedure, *Victims’ Right to Review*, under which an investigation may be restarted. A successful review of a decision not to prosecute will thus allow no way to retake DNA as it has already been taken during the investigation. The same considerations apply to fingerprinting as to DNA sampling. Section 144 therefore allows the taking of fingerprints and DNA in an investigation, if the previous prints, samples or profile taken during that investigation had been deleted.