

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

COMMENTARY ON SECTIONS

Part 11: Policing etc

Independent Police Complaints Commission

Section 144: Power to take further fingerprints or non-intimate samples

419. *Subsection (1)* amends subsections (5A) and (5B) of section 61 of PACE which provide respectively that arrested and charged persons may be fingerprinted without their consent, but generally only if they have not previously been fingerprinted during the course of the investigation. It makes these subsections subject to new section 61(5C), which allows such persons to be fingerprinted again if the investigation was discontinued, the fingerprints were destroyed, and the investigation then resumed.
420. Similarly, *subsection (2)* amends section 63(3ZA) and 63(3A) of PACE which provide respectively that an arrested or charged person may have a non-intimate sample (such as a cheek swab taken for DNA profiling) taken without consent, but generally only if this has not already been done during the course of the investigation. This subsection is made subject to new section 63(3AA), which allows such a person to have a non-intimate sample taken without consent again if the investigation was discontinued, the DNA sample and profile destroyed, and the investigation then resumed.
421. Under Schedule 2A of PACE, if a person is charged or arrested then released without having had their DNA or fingerprints taken, the police may take them later, but only within the following six months. The consequential amendments to Schedule 2A, made by paragraph 86 of Schedule 11 to the Act, apply this principle to the scenario involving retaking above, putting a time limit of six months from the resumption of the investigation on the power to retake DNA or fingerprints.