2018-03-06

Guide to the Victims Index and Voluntary Donors Index of the National DNA Data Bank of Canada

Issued under the authority of
The Officer in Charge, National DNA Data Bank of Canada
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1 GENERAL

This guide contains general information regarding the collection and submission of biological samples from victims of crime and voluntary donors, as well as the entry of the resulting DNA profiles into the National DNA Data Bank.

2 BACKGROUND

The RCMP is the steward of the National DNA Data Bank (NDDB) on behalf of the Government of Canada. The NDDB operates for the benefit of the entire law enforcement community within Canada. In 2014, the Government of Canada amended the DNA Identification Act to establish five new DNA indexes in the NDDB: the Victims Index (VI), the Voluntary Donors Index (VDI), the Missing Persons Index (MPI), the Human Remains Index (HRI) and the Relatives of Missing Persons Index (RMI). The MPI, HRI and RMI were created for the humanitarian purposes of investigating missing persons and human remains (refer to the Investigator’s Guide to the National Missing Persons DNA Program). The VI may be used in the investigation of designated criminal offences, and the VDI may be used to assist in both criminal and humanitarian investigations.

The VI contains DNA profiles from victims of designated offences who have voluntarily provided biological samples for the purpose of having their DNA profile added to the VI. If victims of designated offences are unidentified, deceased or unable to consent to submitting their bodily substance, or if their whereabouts are unknown, their DNA profile may be obtained from their remains (if deceased), their personal effects, or from any place associated with the commission of the designated offence. In a situation where a body is found at one site when police know the murder took place at another site, an investigator might request to have the victim’s DNA profile entered into the VI in an attempt to link the body to the crime scene through the NDDB.

The VDI contains DNA profiles from individuals, other than victims of designated offences, who have voluntarily provided biological samples for the purpose of having their DNA profile added to the index, where their profile may be relevant to an investigation of a designated offence, a missing person, or human remains. For example, a police officer concerned that their personal profile may be present through contamination in the CSI of the NDDB may provide their biological sample to have their DNA profile entered into the VDI and compared to all other profiles in the NDDB.

3 VOLUNTARY PARTICIPATION

Submission of a biological sample for the VI or VDI is voluntary. There is no obligation for a victim of a designated offence or for any other individual to provide a biological sample for the development of a DNA profile for the NDDB. The NDDB will not accept a DNA profile for inclusion into the VI or VDI without the proper written consent from each person donating a sample for submission into either of these indexes. If a victim of a designated offence cannot be found, is unidentified, is deceased, or is otherwise unable to consent to submitting a biological sample, their DNA profile may be obtained by the investigator from their remains, their personal effects, or from any place associated with the commission of the designated offence.
Other general considerations:

- The investigator must assess whether the donor understands the purpose for providing a biological sample, as well as what will be done with that sample and the associated DNA profile developed from it.
- If the donor is under the age of 18, consent may be provided by a parent/legal guardian. The donor will have the opportunity to provide their own consent within one year after they reach the age of 18 if they decide to have their DNA profile remain in the NDDB.
- Investigators are encouraged to read and familiarize themselves with the appropriate consent forms.

4 SAMPLE COLLECTION AND CONSENT

A criminal investigation may lead to the submission of a DNA profile to the NDDB when a victim of a designated offence or an individual voluntarily donates their DNA. The developed VI or VDI profile will be submitted to the NDDB by a public forensic laboratory that has authorized access to CODIS (Combined DNA Index System), the software used to retain and compare DNA profiles. These authorized laboratories are: the Centre of Forensic Sciences in Toronto and Sault Ste. Marie; the Laboratoire de sciences judiciaires et de médecine légale in Montreal; and the RCMP’s National Forensic Laboratory Services in Vancouver, Edmonton and Ottawa.

Investigators must collect a biological sample and written consent for each voluntary donor. The consent may be obtained after the initial analysis of the biological samples by the public forensic laboratory, but the consent must be obtained before any DNA profile from a victim or voluntary donor is submitted to the NDDB. The consent must be obtained on the form entitled “National DNA Data Bank Consent to Provide Biological Samples – Consent for a Voluntary Donor” or “National DNA Data Bank Consent to Provide Biological Samples – Consent for a Victim”. Otherwise, the DNA profile derived from the collected biological sample will not be accepted for entry into the VI or VDI by the NDDB. If the victim of the designated offence is unidentified, deceased, unable to consent to submitting their bodily substance, or if their whereabouts are unknown, their DNA profile may be obtained from their remains, their personal effects, or from any place associated with the commission of the designated offence.

Circumstances may arise where a DNA profile has been previously developed from a victim or volunteer donor by a public forensic laboratory for a criminal investigation prior to the amendments to the DNA Identification Act and the establishment of the VI and VDI indexes in the NDDB. In such cases, an existing VI or VDI DNA profile can be entered into the NDDB so long as written consent is obtained from the donor. One of the above noted consent forms must be used.

5 THE PROCESSING OF BIOLOGICAL SAMPLES

A biological sample collected from a victim or a voluntary donor as part of a criminal investigation must be sent to one of the CODIS participating public forensic laboratories (as noted above) to develop the DNA profile. These submissions will follow the same protocols in place for the submission of DNA profiles derived from crime scene samples. The public forensic laboratories are accredited for this type of DNA analysis and will make the request to enter the resulting DNA profile into the VI or VDI index of the NDDB as appropriate.
VDI samples may also be relevant in humanitarian investigations of missing persons or human remains. These samples might not be processed by the public forensic laboratories. In these circumstances, contact the NDDB for advice (RCPMP-NDDB-PD-BNDG.GRC@rcmp-grc.gc.ca).

6 SUBMITTING DNA PROFILES TO THE NDDB

On behalf of the investigator, the public forensic laboratory that develops the DNA profile will send a copy of the required consent form, along with the relevant submission form, to the NDDB seeking approval to have the DNA profile entered into the VI or VDI of the NDDB. Once the NDDB has reviewed the documentation and granted approval, the public forensic laboratory can upload the DNA profile to the NDDB using CODIS software. The public forensic laboratory may retain a copy of the DNA profile in their local CODIS database.

7 DNA PROFILES RECEIVED AT THE NDDB

Each DNA profile submitted for entry into the VI or VDI by a public forensic laboratory must meet the following criteria:

- The “National DNA Data Bank - DNA Profile Submission and Notification of Removal” form for the Victims Index and Voluntary Donors Index is complete;
- The “National DNA Data Bank Consent to Provide Biological Samples – Consent for a Victim” or “National DNA Data Bank Consent to Provide Biological Samples – Consent for a Voluntary Donor” form is included and signed, where applicable; and
- DNA profiles meet the NDDB DNA Data Acceptance Standards.

If the submission fails to meet any of the above criteria, the NDDB will reject the DNA profile submission and provide a reason for the rejection. It is then the responsibility of the public forensic laboratory to advise the investigator whether the DNA profile has been accepted for entry into the NDDB or has been rejected.

8 ENTRY AND COMPARISON OF DNA PROFILES

The NDDB will document, track and monitor submissions of DNA profiles into the VI or VDI index using CODIS, the same software used to search and develop matches in the NDDB. The date of DNA profile entry that is recorded by CODIS is used for monitoring the date of automatic purging of the DNA profile from the NDDB in accordance with the DNA Identification Regulations and the DNA Identification Act. Further details regarding the removal of profiles from the VI and VDI are provided in Section 10.

DNA profiles entered into the VI and VDI will be compared to the Crime Scene Index (CSI), Convicted Offenders Index (COI), MPI, and HRI. DNA profiles in the VI and VDI will not be compared to the RMI.

Comparisons of DNA profiles in the NDDB are performed according to the DNA Identification Act. Comparisons are made when a DNA profile is entered for the first time and continuously thereafter as
other DNA profiles are entered. If CODIS finds a match between DNA profiles, it is first confirmed by the NDDB and/or a public forensic laboratory, after which the assigned investigator will be notified. Investigators will not be notified of negative search results unless the results are from a specific comparison request.

9 MATCH NOTIFICATION

If a DNA profile from the VI or VDI matches a DNA profile in the COI, the public forensic laboratory will receive specific identification information pertaining to the match from the Canadian Criminal Real Time Identification Services (CCRTIS). After receiving this information, the public forensic laboratory will be responsible for informing the investigator.

If a DNA profile in the VI or VDI matches a DNA profile in the CSI, VI, or VDI, the public forensic laboratories that submitted the DNA profiles will be notified of the match by the NDDB. Each public laboratory is responsible for contacting investigators.

When a DNA profile from the VI or VDI matches a DNA profile in the HRI or MPI, the investigator assigned to the human remains or missing person investigation will be contacted by the National Centre for Missing Persons and Unidentified Remains (NCMPUR). It is the responsibility of the human remains/missing person investigator to contact the investigator that submitted the VI or VDI samples, as needed.

The NDDB does not directly inform investigators of a match to a DNA profile in the VI or VDI. The public forensic laboratories or NCMPUR are responsible to relay match information received from CCRTIS or the NDDB. The specific case(s) and DNA profile(s) involved will be referenced in the match notification.

10 WITHDRAWAL AND EXPIRY OF DNA PROFILES

An investigator may, at any time, ask the submitting public forensic laboratory to have a DNA profile withdrawn from the VI or VDI within the NDDB. The investigator must request to have a DNA profile removed from the NDDB when: a) a donor wishes to not have their profile in the NDDB or b) it is no longer useful for the investigation for which the DNA profile was obtained. In both situations, the DNA profile must be removed from the NDDB in a timely manner. In the situation where the investigation is resolved but the victim is still missing or unidentified, then the DNA profile that was previously entered into the VI could be transferred to the MPI or HRI, as appropriate.

Investigators must contact the public forensic laboratory at least once every five years to confirm that the DNA profile submitted to the VI or VDI will assist the investigation for which it was obtained and that consent has not been withdrawn. There is no requirement to submit a new signed consent form after each five year period unless the original form was signed by the parent/legal guardian of a person who has now reached the age of 18. If there is no update from the investigator at the five year anniversary, or no consent within a year from a person attaining the age of 18, the DNA profile will be
removed from the NDDB. It is important that the investigating agency ensure the public forensic laboratory has valid contact information.

As noted in Section 8: Entry and Comparison of DNA Profiles, the date a DNA profile is entered into the VI or VDI is recorded and used for monitoring expiry dates for retention and purging. At least two months in advance of the expiry date, the NDDB will provide a list to the submitting public forensic laboratory of all VI or VDI DNA profiles due to expire (either because the retention period will be reached or because the original consent was on behalf of a minor who has reached the age of 18). This two month period is to allow time for the submitting laboratory to provide final notice to the investigator that the DNA profile will be removed from the NDDB unless there is confirmation that the investigation is still active and that consent has not been withdrawn.

The investigator and public forensic laboratory may decide to stop the automated purge of the DNA profile or allow it to be purged.

If the conditions exist for the DNA profile to be maintained for another retention period, the public forensic laboratory (on behalf of the investigator) must notify the NDDB. Once this notification is made, the expiry date for the DNA profile will be renewed for another five years. If NDDB does not receive such notification, the public forensic laboratory will be directed to remove the DNA profile and provide confirmation (via Section C of the original submission form) that it was done. Where the original consent was on behalf of a minor who has reached the age of 18, a new consent form must be signed by the donor within one year of their 18th birthday in order to remain in the Program. The completed form must be forwarded to the NDDB to maintain the DNA profile in the appropriate index.

11 COMMITMENT TO PRIVACY

The investigator’s commitment to the privacy of the individual donating a biological sample for inclusion in the VI or VDI includes:

- Treating all information from the donor as personal information protected under the agency’s privacy policy;
- Collecting only biological samples that are of benefit to the investigation and destroying any that are no longer needed;
- Responding quickly to a request by a donor to remove their DNA profile from an index; and
- Responding on a periodic basis (at least once every five years) to confirm that having the DNA profile in the VI or VDI remains useful to the investigation for which the DNA profile was obtained.