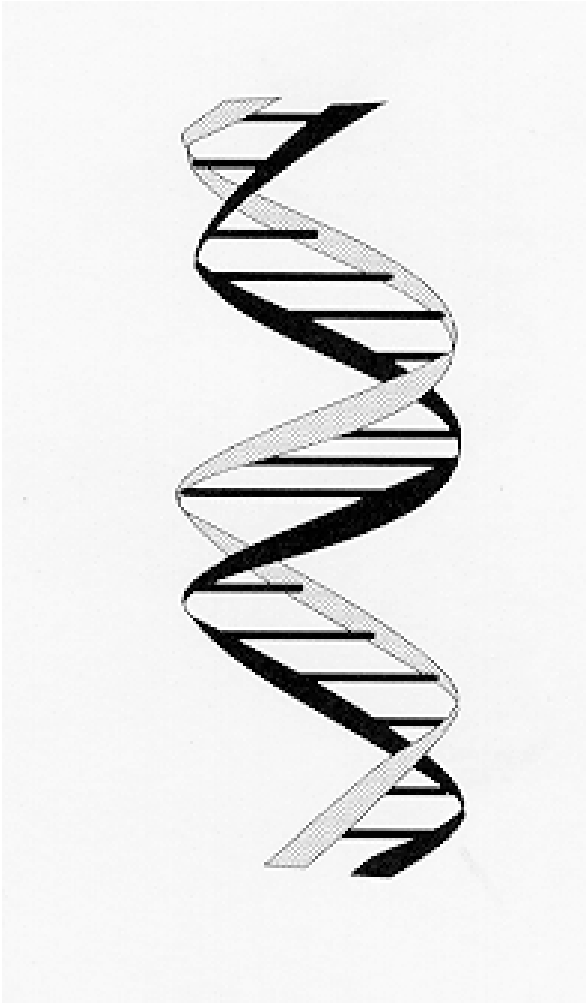
ESTABLISHING A NATIONAL DNA DATA BANK



SUMMARY OF CONSULTATIONS

Solicitor General Canada

Preface

On January 18, 1996, the Solicitor General of Canada, the Honourable Herb Gray, released the consultation paper *Establishing a National DNA Data Bank*, as part of Phase II of the federal government's DNA initiative.

This followed legislative amendments to the Criminal Code, introduced by the Minister of Justice, concerning the collection and the use of DNA evidence in criminal investigations, which came into effect in July 1995. These amendments enable a judge to issue a warrant allowing police to obtain DNA evidence for use in criminal investigations.

The consultation paper explored several key issues, including: who should be required to have their DNA data banked; when should biological samples be collected from convicted offenders and who should collect them; whether or not biological samples, in addition to the data, should be retained; and how DNA casework and data banking should be funded. It also provided background information on how the use of DNA can assist the police and the courts.

Consultations were carried out by Solicitor General Canada and the Royal Canadian Mounted Police, with the participation of the Department of Justice Canada and Correctional Services Canada. The views of provincial and territorial governments, police services and their associations, corrections officials, victims groups, privacy officials, civil liberties groups, the legal community, national voluntary organizations, women's organizations and medical and forensic science associations were sought. Solicitor General Canada mailed out over 750 letters and consultation documents and distributed a further 550 consultation documents upon request.

Solicitor General Canada would like to thank those who attended the consultation sessions and those who took the time to submit their comments in writing.

The report that follows attempts to summarize as accurately as possible the views and comments received throughout the consultation process. Should clarification or more detailed information on the views documented within be required, the reader should contact individual organizations directly. The views expressed within do not necessarily represent those of the Solicitor General of Canada.

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EXECUTIVE SUMMARY

I. INTRODUCTION

DNA evidence is a very powerful tool for both the police and the prosecution. Since its forensic introduction in Canada in 1988-89, DNA analysis has been instrumental in securing convictions in hundreds of violent crimes, ranging from assault to homicide. It has also helped to eliminate suspects and has led to the exoneration and release of wrongly convicted individuals.

The complex legal, scientific, and technological issues related to collection and use of DNA evidence and the establishment of a data bank have been under consideration for a number of years, and a great deal of consultation has taken place. In 1994, the Department of Justice released a consultation document entitled Obtaining and Banking DNA Forensic Evidence. It identified some of the main issues raised by DNA technology and sought views on the creation of a DNA warrant scheme, the regulation of DNA laboratories and the establishment of a DNA data bank. Following this, the federal government proceeded with the enactment, in July 1995, of Bill C-104, DNA warrant legislation. Work is currently underway with the Canadian Society of Forensic Science and the Standards Council of Canada to set up a system of accreditation for Canadian forensic DNA laboratories. While the responses to the document from the Department of Justice indicated support for the establishment of a DNA data bank, they also highlighted the fact that it is a complex undertaking requiring further review.

In January 1996, the Solicitor General of Canada, the Honourable Herb Gray, launched a series of consultations on DNA data banking with the release of the consultation document Establishing a National DNA Data Bank. The document, which served as the basis for discussion in cross-country meetings with interested parties, dealt with matters such as how DNA can assist the police and courts, how a DNA data bank would work, and the special privacy concerns associated with collecting bodily samples and banking genetic data. A wide range of views were canvassed to assist in the development of a data bank proposal that is effective and affordable.

The document was distributed to Members of Parliament, provincial and territorial governments, police services and their organizations, correctional institutions, privacy officials, women's organizations, the legal community, victims' groups and forensic science and genetic organizations. A series of cross-country meetings took place, in which police, provincial governments, and other interested groups and individuals in each province/territory presented their views on banking DNA data. Consultations were carried out by officials of Solicitor General Canada and the Royal Canadian Mounted Police, with the participation of the Department of Justice Canada and Correctional Services Canada. The attendance at the consultations (see Appendix III), along with the number of written submissions received (approx. 70 - see Appendix IV),

demonstrate the degree of interest in the issues surrounding the creation of a forensic DNA data bank, as well as the wide range of views and opinions on a number of complex and interrelated issues.

II. BACKGROUND

DNA is the acronym for a molecule called Deoxyribonucleic Acid. It has been described as the basic building block of life, the blueprint of the body. DNA analysis, in the forensic context, is a generic phrase which encompasses various molecular biological techniques that can be used for identification purposes by direct analysis of specific sites on the DNA molecule.

DNA analysis is an effective comparative identification tool. The most prominent application has been in identifying perpetrators of violent crime through the comparison of biological samples from suspects against specimens (semen, saliva, hair or blood) that perpetrators have directly or indirectly left at crime scenes.

Once a biological sample has been collected and its DNA analysed, the resulting data can be stored in a computer data bank. Forensic scientists can compare DNA profiles of biological evidence found at crime scenes with that of persons represented in a data bank to assist the police in detecting suspects. A national DNA data bank could also draw linkages between crime scenes and help in the identification of serial criminals both within and across jurisdictions.

DNA analysis reveals aspects of a person's genetic code and thus creates privacy concerns not relevant to other forms of forensic identification, such as fingerprinting. For example, there is a fear that the DNA data could be used for more than crime detection or that the technology could be used for purposes other than identification unless specific safeguards are incorporated into the legislation.

III. OVERVIEW OF RESPONSES

The consultations demonstrated, for the most part, strong support for the establishment of a national DNA data bank, although a number of concerns about the potential scope of the data bank, its effect on privacy, and how it would be funded were raised. Police services and related organizations, including the Canadian Association of Chiefs of Police and the Canadian Police Association favour this initiative. The creation of the data bank was also supported by the provinces/territories, although some premised their support on the federal government assuming all costs for the national data bank.

Concerns about the scope of the data bank, privacy and other issues, were raised primarily by the Privacy Commissioner of Canada, other privacy officials, the Canadian Human Rights Commission, the Canadian Bar Association and others in the legal community. Their support for a national DNA data bank would be contingent on ensuring adequate limits and protections are put in place.

A number of women's organizations registered their opposition to the establishment of a national DNA data bank. They are of the view that a data bank will not help victims of violence, particularly women, who most often know their attacker.

IV. CONSULTATION QUESTIONS

A) What should be included in the Data Bank?

At issue is the type of offences that should trigger the authority for a DNA sample to be obtained. There are two considerations: 1) the types of crimes most relevant to DNA analysis are those where bodily substances tend to be left at the crime scene and where the identification of the perpetrator is in question; and, 2) the banking of DNA evidence is based on the premise that certain kinds of offenders tend to re-offend.

⇒ *What type of offence should result in bodily samples being taken for DNA analysis? and*
⇒ *Should the list of designated offences be the same as for the DNA warrant legislation?*

The DNA warrant legislation contains a list of designated offences which are subject to the warrant scheme (s. 487.04 of the Criminal Code). The list consists, for the most part, of serious offences involving personal injury or other offences where it is likely that the perpetrator will leave bodily substances at the scene of the offence or on something associated with the commission of the offence. The designated list is broad enough to allow police to get warrants to collect biological samples in cases such as break and enter and arson where the potential or intent to injure exists.

While there was no consensus on which offences should require the collection and banking of DNA data, the police community, some provinces and some victims' groups were of the view that, at a minimum, the designated list of offences as per s. 487.04 of the Criminal Code be used.

On the other hand, it was suggested by the federal and provincial privacy commissioners, some provinces, some members of the police community, human rights groups and national voluntary organisations, that the data bank should include information relating only to those offenders convicted of the most serious personal injury offences.

Some women's organizations are of the view that the existing list of designated offences is too broad, and do not support the development of a DNA data bank containing information on persons convicted of serious and violent crimes.

There was also some support for judicial discretion, whereby a judge could order, on a case-by-case basis, that a sample be taken upon conviction if deemed advisable in the public interest.

Another option proposed by some provinces as well as the Privacy Commissioner of Canada was a two-tiered approach. This process would allow (1) mandatory collection of biological samples for the most serious personal injury offences with (2) judicial discretion to collect for other offences on the designated list of offences (s. 487.04 of the Criminal Code).

The majority of respondents were of the view that the DNA data bank provisions should apply to young offenders in the same way that they do for adults but that the retention of the data should be in accordance with the record-keeping provisions of the Young Offenders Act, except in cases of serious violent crime.

A number of respondents raised the issue of retrospective collection from currently sentenced offenders, while others questioned the vulnerability of this type of collection to challenges under the Charter of Rights And Freedoms. While it is felt that retrospective collection offers benefits since some convicted offenders may have committed unsolved crimes, concerns were expressed as to legal implications, resource considerations and who would be responsible for the collection.

There was also support for allowing DNA information obtained under a warrant to be included in the data bank, where a conviction resulted. It was proposed that an amendment to s. 487.08 of the Criminal Code, the DNA warrant legislation, be made to allow for the placement of DNA data obtained by warrant in the data bank (this section currently restricts the use of DNA evidence/data to the investigation of the offences for which it was obtained).

B) When should samples be collected from convicted offenders and who should collect them?

Views were sought on whether the collection should take place at (a) the time of conviction or sentencing; (b) upon arrival at a correctional institution; or (c) just prior to release from custody.

⇒ *At what stage in the processing of convicted offenders should this occur?*
⇒ *Who should be responsible for collecting samples? The local police, or federal or provincial/territorial corrections officials?*

Most police representatives, the Canadian Police Association, the Canadian Association of Chiefs of Police and some provincial officials are of the view that collection should occur at the *time of charge*, as is currently the practice with fingerprinting, rather than waiting until after conviction. However, human rights groups, the Canadian and some provincial Privacy Commissioners, the Canadian Bar Association as well as some provincial officials oppose this option due to the perceived intrusiveness of this method as well as for the potential Charter violation it represents. These groups, as well as a number of police and other officials, support collection following conviction.

Most police representatives, correctional staff and the Canadian Bar Association are of the view that the police should collect the samples, as they are used to handling exhibits and in giving evidence. However, the need for training and protection against health hazards was raised.

Some provinces are of the view that the legislation should be flexible in order to enable a *peace officer* with appropriate experience to collect biological samples, with the provinces determining who should have the authority to collect biological samples.

The collection of samples by correctional staff received little support, particularly from correctional officials. Other groups, however, including the St. Leonard's Society, the Canadian Association of Police Boards and some police representatives, supported the use of correctional staff to collect samples.

Lastly, a private laboratory suggested that collection be contracted out to private, non-unionised firms to ensure consistent and cost-effective service.

⇒ *What, if any, involvement should health care professionals have in the process?*

A majority of those consulted feel that health professionals could assist police or corrections officers. The Canadian Nurses Association is of the view, however, that unless the informed consent of the offender is obtained, the collection of biological samples itself could be construed as an assault. It was suggested that, in order to protect health care professionals from legal liability, the legislation should include a specific section giving them clear protection over and above s. 25 of the Criminal Code.

C) Should biological samples be retained?

This question raised a number of privacy issues, such as the potential for future testing which could reveal personal information contained in a person's genetic code (this could also affect family members). However, there is also an argument for retention, since future technological change could affect use of the data, possibly rendering it obsolete.

⇒ *Do you think that biological samples should be retained for use in the event of technological change, or, do you think that only the DNA data should be retained in order to reduce the possibility of abuse inherent to retaining biological samples?*

Some police and provinces support the retention of biological samples to ensure the maximum effectiveness and cost efficiency of the bank in the long run. If samples are not retained and technology changes, the data from previous years could be of no value and new samples may have to be taken, or two methods of testing may need to run in parallel.

The Privacy Commissioner of Canada and other privacy officials, women's organizations, the Canadian Bar Association, civil liberties organizations, and some police representatives have voiced concerns over the retention of biological samples. It is their view that once the genetic identification information is obtained, the sample

should be destroyed in order to ensure the security of genetic information as well as the long range protection of personal privacy. Instead of retaining samples in the event of new technology, they would prefer to have two systems run in parallel for a period of time.

The Privacy Commissioner of Canada further suggested that the legislation contain a provision for an automatic review after two or three years of operation. Should it be clearly demonstrated that not retaining biological samples presents an insurmountable obstacle to criminal investigators, the Privacy Commissioner will review his position on the matter at that time.

It was widely expressed that if it is decided to retain the biological samples, the legislation should lay out strict criminal sanctions on the use of the samples for any purpose other than forensic DNA identification.

Other comments included the need to destroy both the sample and the data derived from volunteered samples once the individual is exonerated. It was further suggested that data be eliminated after a period of ten years with the exception of data pertaining to individuals who are pardoned, in which case the data should be destroyed either automatically or upon application.

⇒ *Would you support the use of an independent agency to store and protect access to the biological samples and DNA data?*

The consultations indicated that there is no consensus on this question. Those who supported the retention of samples feel that the RCMP is the appropriate agency to store them while those who were opposed indicated that their opposition would not be affected by the "independence" factor of the agency charged with retention.

D) How should DNA Casework and Data Banking be Funded?

Forensic DNA services are funded in various ways in other countries. In the Canadian context, the two main options for casework (that is, DNA analysis and comparison for the purpose of criminal investigations) would appear to be a fee for service to be paid by users or federal-provincial/territorial cost-sharing. The establishment and the maintenance of the national data bank could then be funded by the federal government. The objective is a fair and equitable funding arrangement for both DNA casework and the data bank.

⇒ *What are your views on a fee for service system with individual police forces paying for DNA casework and the RCMP funding a national DNA data bank?*

A fee for service system with individual police forces appears to be the least favoured approach, particularly within the policing community. The main concern is that small police services would not be able to afford casework services because of budget considerations.

⇒ *What are your views on a cost-sharing approach which would see the provinces/territories paying for their DNA casework costs and the RCMP financing the establishment and operation of a national DNA data bank?*

Most of the provinces do not support a federal-provincial/territorial cost-sharing approach, as they consider both DNA data banking and casework to be the responsibility of the federal government. On the other hand, most of the police community, including the Canadian Association of Police Boards and the Canadian Association of Chiefs of Police, would prefer this option based on the fact that the administration of justice is a provincial responsibility.

⇒ *How should such a cost-sharing system be administered: through an assessment of actual use at year end, or at the beginning of the year based on historical usage data?*

Both models of assessment received some level of support; however, it was pointed out that DNA analysis is a relatively new procedure and historical usage data would not be complete and accurate, especially for smaller police organizations. As a result, most respondents supported a model based on actual use.

Even though this option was not included in the consultation document, many favour federal funding of the data bank under the National Police Services. The overall view of Ontario, Quebec, the Canadian Bar Association and the Canadian Police Association is that federal funding is essential to ensure consistent national standards. The RCMP is perceived as the most appropriate organisation to manage the national data bank efficiently and to ensure that the service will be cost-effective and of uniform high quality throughout the country.

Other sources of funding were suggested such as the assets seized from the proceeds of crime legislation and privatization.

V. OTHER ISSUES

Throughout the consultations, many other issues related to DNA were raised for the government to consider such as accreditation of laboratories, international cooperation, and use of reasonable force.

VI. CONCLUSION

While general support for the creation of a national DNA data bank was evident from the responses received, many expressed the need to strike a balance between providing police with additional investigative tools and respecting, to the fullest extent possible, the privacy of the individual.

Question 1 - What Should Be Included In The DNA Data Bank?

What type of offence should result in bodily samples being taken for DNA analysis? Should the list of designated offences be the same as for the DNA warrant legislation?

DNA Warrant List Plus Other Offences

Generally the police community and some provincial officials of Saskatchewan, Newfoundland and Prince Edward Island endorsed the list of offences of s. 487.04 of the Criminal Code, the DNA warrant legislation, for which bodily samples would be taken for the proposed DNA data bank. The Canadian Police Association and some victims' groups proposed that the list of offences include all hybrid offences (at the election of the Crown to prosecute as a summary or indictable offence) and indictable offences based on the rationale that some of the minor offences may lead to more violent offences. The following offences and dispositions were also proposed for the DNA data bank by some police and some provincial governments:

* use of a firearm in the commission of an indictable offence (s. 85(1)(a))
* use of firearm during flight (s. 85(1)(b))
* anal intercourse (s. 159)
* choking to overcome resistance to commission of an offence (s. 246)
* infanticide (s. 237)
* bestiality (s.160)
* indignity to a human body (s.182(b))
* threats to cause death or bodily harm (s. 264.1(a))
* criminal harassment (s. 264)
* administering noxious thing with intent to endanger life (s. 245)
* cause bodily harm (s. 245 (a))
* cruelty to animals (related to seal hunt) (s. 446)
* trespassing or prowling at night near a dwelling (s. 177)
* drug trafficking and importation (s. 5(1) of Narcotic Control Act)
* prohibition of possession of firearms, ammunition, or explosive substance (s. 100(12))
* aiding and abetting (s. 21(1))
* attempt to commit any of the above offences
* indecent acts/public exposure (s. 173)
* nudity in a public place (s. 174)
* breach recognizance (s. 811)
* conspiracy (s. 465)
* fraud (s. 380)
* extortion (s. 346)
* not criminally responsible on account of mental disorder (s. 672.34)
* Lieutenant Governor Warrants

Serious Personal Injury Offences

The Privacy Commissioners, some provinces, police and corrections officials, human rights groups and national voluntary organizations suggested reducing the list of offences to include only serious personal injury offences because of the gravity of these types of offences and the fact that evidence containing DNA is more likely to be left at the crime scene.

The Canadian Bar Association recommended that, in order to balance privacy issues and the need to protect society from crime, the data bank should include homicide and serious sexual assaults or violent offences, including break and enters, and committing a sexual offence.

Two-Tiered Approach

The governments of Ontario, Nova Scotia, Alberta, and the Northwest Territories as well as the Privacy Commissioner of Canada proposed a two-tiered approach. This approach would allow for (1) mandatory collection of biological samples for enumerated designated offences with (2) judicial discretion to collect for others.

The Federal Privacy Commissioner expanded this concept by proposing that the mandatory collection apply to those offences which, historically, have high rates of recidivism. The second list, of discretionary offences, such as break and enter, and failure to stop at the scene of an accident, are very broad in nature and could be left to the discretion of the trial judge.

This approach is similar to that of s.100 of the Criminal Code which provides for mandatory and discretionary firearms prohibition. The inclusion of break and enter offences for the purpose of the data bank was perceived by some provincial governments, police and special interest groups as being particularly problematic because of the high number of offences and the fact that these are qualitatively different from the other offences listed in the warrant scheme. The Privacy Commissioner indicated that criteria for the second list should include offences with low recidivism rates, and this could include physically violent offences such as murder.

Similarly Québec and Ontario indicated that break and enter, assault, and failure to stop at the scene of an accident should be included only if they resulted in physical injuries or death.

Judicial Discretion

Manitoba supports the inclusion of only offences of personal violence in the designated list. Police in Manitoba suggested that the legislation could include judicial discretion whereby the judge could order a sample to be taken upon conviction, if he/she deems it necessary. This could apply in cases where a suspect is charged with two offences but is convicted only of the one lesser offence which may not be on the designated list.

Judicial discretion, whereby the courts would determine on a case-by-case basis whether a bodily sample should be collected, is also supported by the Canadian Association of Police Boards.

Young Offenders

The provincial/territorial governments and police hold the position that collecting bodily samples from young offenders is desirable for designated offences based on the rationale that some young offenders will become adult offenders who may commit serious violent offences. The Canadian Bar Association, some national voluntary organizations and some police representatives support the taking of a biological sample from young offenders, but hold the view that the data should be kept only for a designated period of time, except in cases of serious violent crime, in accordance with the Young Offenders Act.

Retrospectivity

This issue was dealt with in some depth by Ontario, which, while recognizing that there could be serious resource considerations, supported retrospective collection for certain offenders. Ontario proposed that retrospectivity apply to those who were convicted prior to the enactment of the data bank legislation, specifically those who are currently incarcerated for the most serious designated offences (homicide and sexual offences). This is premised on the assumption that data bank collection will not be characterized by the courts as punishment for the purpose of s. 11(i) of the Canadian Charter of Rights and Freedoms (proceedings in criminal and penal matters). The Canadian Bar Association does not oppose the obtaining of bodily samples retrospectively from those offenders currently serving sentences for homicide or serious sexual or violent offences.

Federal corrections officials indicated conditional support for retrospective collection, based on the requirement that sampling be carried out by RCMP officers over a phased-in period of time. They raised concerns about offenders physically resisting the collection of a biological sample. Suggestions that DNA sampling be linked to parole eligibility, temporary absence eligibility and administrative sanctions were raised but received little support. However, some police representatives feel that DNA sampling should be a condition of conditional release.

Police representatives and some provincial officials supported retrospective sampling since it is likely that some convicted offenders may have committed unsolved crimes. Offenders who have been detained until their warrant expiry date are seen as a possible target population for retrospective collection.

Legal concerns have been expressed over the vulnerability of the legislation to Charter challenges if retrospectivity is included. Although it has been proposed that the DNA

data bank legislation be referred to the Supreme Court as a possible way to deal with this concern, an opposing view was expressed that this would delay implementation of the legislation because the Supreme Court would review all aspects of the legislation rather than just the issue of retrospectivity. Referring only certain sections of the legislation to the Supreme Court was seen as a possible solution by a Nova Scotia official.

Missing Persons Index

The policing community in Québec supported the inclusion of a missing persons index in the bank to facilitate their investigations in the area of organized crime. This could potentially be of help in linking evidence found at a crime scene to a person reported missing.

Women's organizations, the Salvation Army and privacy officials expressed opposition to the inclusion of a missing persons index because they view this as an expansion of the data bank beyond its intended purpose: a tool in the investigation and prosecution of designated criminal offences.

Plea Bargains/Acquittals/Appeals

Of particular concern is the treatment of break and enter offences where there is intent to commit a sexual assault, as these charges are often plea bargained down. Plea bargaining could eliminate the inclusion in the bank of some offenders who may have committed one of the more serious personal injury offences.

Should the accused be acquitted of the charge, some in the police community proposed that it should be the responsibility of the accused to request destruction of his/her biological sample. This would be similar to the existing process for the destruction of photographs and fingerprints as a result of an acquittal.

The Government of Ontario noted that it is not uncommon for appeals to be launched when offenders are convicted of the designated offences listed in s. 487.04 of the DNA warrant legislation. Therefore, Ontario recommended that the bodily sample be collected and registered in the bank upon conviction and destroyed only when the appeal is successful. In the eventuality that a two-tiered approach is adopted, the discretionary data bank order, although determined at the same time as the sentence, should not be viewed as an aspect of the offender's sentence. Ontario suggested that the legislation should provide for a separate right of appeal, independent of s. 687 (Powers of Court on Appeal Against Sentence) and s. 813 (Appeal by Defendant, Informant or Attorney General) of the Criminal Code. However, it should provide that such an appeal be heard at the same time and in the same court as the offender's appeal against conviction and/or sentence.

Amendment to DNA Warrant Provisions for Data Bank Purposes/ Matching

An amendment to s. 487.08 of the Criminal Code, the DNA warrant legislation, was proposed to allow for the placement of DNA data obtained by warrant in the data bank, since the section presently restricts the use of DNA evidence/data to the investigation of the offences for which it was obtained. Ontario further recommends that this section allow for cross-match comparisons of sample/test results obtained under DNA warrants at both the national and local levels. As well, should a comparison with DNA in the bank not result in a match, law enforcement agencies should be so advised in order to permit the exclusion of potential suspects; and law enforcement agencies should be authorized to query whether a person is represented in the data bank.

Concerns were expressed in Nova Scotia that the defence could ask for numerous biological samples to be taken from a crime scene in an effort to cast a reasonable doubt on the validity of the samples taken. The police indicated that this could result in a significant burden.

Some police officials anticipate that the courts will require DNA evidence in each case on the list of designated offences. This will exacerbate the workload for the police and the forensic laboratories.

In the event of a match, Ontario is of the view that the following information concerning the quality of the match should be provided to the submitting agency and may be provided to the defence upon request:

- the loci at which there was a match; and,

- the weight to be ascribed to the match (i.e., a statistical estimate of the observed frequency of the profile within the population).

The Canadian Bar Association opposes the use of a data bank match as evidence in court because of the difficulties associated with a large number of samples including contamination, human error and band shifting.

Most respondents did not support submitting the matching samples from the data bank as evidence to the courts. A match should simply provide grounds to obtain a warrant under the Bill C-104 provisions. Such a validation of the original sample would provide additional protection for the accused and would make it easier to establish continuity of possession (of the sample) by establishing more clearly the link between the sample and the accused. A major police service has indicated that the need for a second sample to be taken pursuant to a warrant is a strain on resources, since the DNA data does not change over time and a second sample could be considered an unnecessary and unwarranted intrusion. In their view, the preparation of documents to support an application for a search warrant has become increasingly complex and time consuming. They fear that the process to obtain a warrant for the purpose of a second biological sample could be as complex.

Opposition to the Bank

Women's organizations including the Feminist Alliance on New Reproductive and Genetic Technologies, the Canadian Association of Sexual Assault Centres, the Vancouver Rape Relief and Women's Shelter, the Canadian Association of Elizabeth Fry Societies and the National Action Committee on the Status of Women strongly opposed the establishment of a DNA data bank. They expressed the opinion that the data bank will not help women who are victims of violence and that the expenses incurred and the risks involved in genetic testing are not justified. Furthermore, they argued that a number of the offences listed in the warrant scheme are not relevant to DNA testing. They emphasized that in most sexual assaults the woman knows her attacker. At trials, the defence argues its case on the issue of consent. This does not require DNA evidence and a DNA data bank would, therefore, not be relevant. Women's organizations also argued that increasing reliance on DNA evidence may make convictions harder to obtain in cases where DNA evidence is unavailable.

Civil liberties groups in Québec, and the Church Council on Justice and Corrections also questioned the need for the data bank. They are concerned about the government or an independent agency holding such personal information on individuals because of ethical questions, the integrity of bodily samples and potential abuses.

The Privacy Commissioner of Alberta and the women's organizations believe that the moral and ethical concerns regarding DNA collection have not been thoroughly explored by the government. After information was provided at the consultation session on the general operations of the data bank, officials representing the Privacy Commissioner of Alberta indicated that they could see the value of a data bank as long as strong sanctions against misuse and abuse were incorporated into the legislation.

Question 2 - When should samples be taken from convicted offenders and who should collect them ?

At The Time Of Charge

Although this was not an option presented in the Consultation Document, most police representatives, the Canadian Police Association (CPA), the Canadian Association of Chiefs of Police (CACP) and some provincial officials from Newfoundland, Prince Edward Island and Saskatchewan propose the collection of a bodily sample from a suspect at the time of the charge, as is currently the practice with fingerprinting, rather than waiting until after conviction. They propose that modifications be made to the Identification of Criminals Act, arguing that waiting until conviction will be administratively burdensome as police no longer have jurisdiction over the offender. In addition, some people may slip through the system if collection does not occur immediately in the court house. Adequate facilities for sample collection, and police or other trained people will be required.

The collection of samples prior to conviction is opposed by human rights groups, the Canadian and Provincial Privacy Commissioners, the Canadian Bar Association as well as some provincial officials. Concerns have been expressed about the intrusiveness of this procedure, particularly with respect to collecting a bodily sample prior to conviction, because of the personal information which can be obtained through DNA analysis. The Canadian Bar Association took the position that a seizure prior to conviction without a warrant would constitute a clear violation of the Charter of Rights and Freedoms, and discussion regarding safeguards to protect the sample from analysis prior to conviction would consequently be irrelevant. It was also pointed out that requiring a suspect to provide a bodily sample without a warrant removes the safeguards found in the DNA warrant scheme.

Post-Conviction

Post-conviction collection of bodily samples is supported by some provincial officials, national voluntary organizations, the Canadian Bar Association and the Privacy Commissioners who support the concept of the bank. Again, the Canadian Bar Association indicated that, without a warrant, the invasion of individual privacy to obtain bodily samples for the purpose of retaining data in the bank could only be justified as a reasonable measure if taken after conviction.

Ontario suggested that there appears to be no cogent justification for postponing collection until the end of the offender's sentence. In fact, this approach would in many cases delay data collection for a number of years, thereby undermining the efficiency and utility of the data bank scheme.

Furthermore, should samples be taken post-conviction, Ontario proposed that the legislation provide for the collection of samples at the time of conviction or as soon as is practicable thereafter (period of less than 30 days) given that offenders may be transferred to federal custody within this timeframe. In Ontario's view, the legislation should authorize detention and/or transport of offenders for the purpose of facilitating sample collection.

If an offender is required to provide a bodily sample and does not present himself/herself to do so, it has been suggested that a penalty similar to s.145(5) of the Criminal Code (failure to appear) be legislated.

Who should take the samples?

The responsibility for collection of the samples for the purposes of the national DNA data bank is an issue which resulted in a number of proposals.

Police

Most police representatives and the Canadian Bar Association feel that the police should collect the samples because of their experience in handling exhibits and testifying in court. Issues such as the provision of appropriate training and protection against health hazards were mentioned by the police, provinces and civil liberties groups. The Canadian Association of Police Boards objected to the police taking samples, citing prohibitive training costs and the cost of specialized equipment.

Peace Officer

The governments of Ontario and Québec proposed that the legislation be worded to allow for flexibility in the designation of who could be responsible for collection. It was suggested that the legislation be consistent with the DNA warrant legislation, which directs that the sample be taken by either a peace officer or another person who is able, by virtue of training and experience, to obtain a bodily substance by means of the specified investigative procedures.

Québec and Newfoundland indicated that it would be helpful to incorporate into the process an affidavit attesting to the professional qualifications of the individual who collected the sample.

Health Professionals

The use of health professionals as agents to assist police in obtaining samples, if necessary, was also mentioned by the governments of Manitoba, Saskatchewan, Newfoundland and Québec, who suggested that a decision to use health care professionals should be left to the discretion of the provincial/territorial authorities. In Québec, provincial legislation exists which permits only health care professionals to take bodily samples. Provincial officials in British Columbia suggested that the classification of health care professionals as special constables would allow health care professionals to take the samples and reduce liability concerns.

The Canadian Nurses Association pointed out that informed consent of the offender would be necessary, otherwise the action of taking a sample could be considered an assault.

In an effort to protect health care professionals from legal liability, it was suggested that the legislation include a specific section giving them clear protection over and above s. 25 of the Criminal Code (protection of persons acting under authority).

Correctional Staff

The taking of samples by correctional staff received little support, particularly from correctional officials. Although generally corrections officials support the establishment of a data bank, they indicated that the sample-taking procedure was inconsistent with correctional treatment and programming, particularly the retrospective sample-taking. They would prefer that the police take the samples and that the RCMP collect the samples inside federal institutions. The Union of Solicitor General Canada Employees indicated that they did not support their members taking bodily samples. Although they currently take urine samples, they object to this procedure. Similarly, some provincial government correctional authorities felt that this was not the optimal approach for sample collection.

Exceptions to this were expressed by St. Leonard's Society, the Canadian Association of Police Boards (CAPB) and certain police representatives who noted that correctional institutions have the facilities to undertake such a process. The police did point out that, currently, they have limited jurisdictional authority over the offender when he/she is in federal or provincial custody. The Canadian Bar Association also indicated that, if the collection is done in the institutions, correctional health staff should undertake the collection of bodily samples from incarcerated offenders.

Private Sector

A proposal to contract out sample-taking to private laboratories was suggested by the firm Helix Biotech who indicated that their non-unionized environment would allow them to provide consistent and cost-effective service.

Question 3 - Should Biological Samples Be Retained?

Do you think that biological samples should be retained for use in the event of technological change? Or do you think that only the DNA data should be retained, in order to reduce the possibility of abuse inherent to retaining biological samples?

Would you support the use of an independent agency to store and protect access to the biological samples and DNA data?

Biological Samples Should Be Retained

Some police and provincial governments expressed the view that the biological samples be retained as a safeguard against future technological change. They pointed out that most American states and European countries who operate data banks do retain the biological samples.

With technology changing so rapidly, it is the general belief of law enforcement agencies that biological samples should be retained. This would ensure that future technological advances in forensic DNA analysis can be meaningfully integrated into the data bank scheme. If samples are not retained and technology changes, the data from previous years could be of no value and a new sample may be required. The cost of retaining samples must be weighed against the effectiveness of the bank. If samples are not retained, the bank may not be as effective and efficient and this may give rise to significant costs in the future. Proponents of retaining the samples hold the view that a number of mechanisms are available to ensure that privacy interests are given full recognition and protection within the legislative scheme. Suggestions have been put forward that the samples should only be accessed for re-testing in order to accommodate new data bank technologies.

The Saskatchewan Privacy Commissioner stated that the retention of biological samples does not pose a significant privacy issue. He believes the concerns should be focused on the security measures surrounding the maintenance and access to the data in the bank.

Biological Samples Should Not Be Retained; Only The Data Should Be Retained

The Privacy Commissioner of Canada and other privacy officials, women's organizations, the Canadian Bar Association and civil liberties organizations have expressed concern over the retention of biological samples. It is their view that once the genetic identification information is obtained, the sample should be destroyed. These intervenors argue that the complexities of ensuring the security of the information and the long range protection of personal privacy would overshadow the value of retaining the samples.

Some police representatives also expressed reservations about sample retention. Their view was that once the data is entered into the bank, there is no need to keep the sample because the defence could argue that its integrity has been compromised by cross-contamination, improper storage, etc.

Privacy groups argued that a collection of genetic samples will attract researchers who will want to analyze the samples for purposes other than forensic identification. New technology also brings with it an enhanced potential for abuse. They predict that pressure will develop over time to use banked samples to look at genetic traits among individuals convicted of crimes.

There is limited support for operating two different technological methods in order to alleviate the problem of sample retention due to changes in technology. Questions were raised as to whether or not the retention of the samples would be more cost-efficient than maintaining the current technology while introducing the latest method of analysis.

The Privacy Commissioner of Canada suggested that the legislation should contain a provision for automatic review after two or three years of operation. If it becomes clear that not keeping the samples presents insurmountable obstacles to criminal investigators, then the federal Privacy Commissioner's position could be reviewed and changes could be legislated in the future.

Maintaining only identification information, and not the actual sample, would resolve many of the federal Privacy Commissioner's concerns, and preoccupations of other groups as well, since the information on the database would be limited to forensic identification.

If Samples Are Retained, They Should Not Be Stored By An Independent Agency

Different views have been expressed depending on whether an independent or a government body would retain the sample.

The creation of an independent agency, separate from the holders of the data bank, is perceived as the start of a new bureaucracy, while the money involved could be better spent on improving and expanding existing facilities. An independent agency could be more vulnerable to pressure to use the bank for purposes other than those for which it was originally intended. It was also suggested that the use of a reputable provincial laboratory would simplify the inherent start-up problems associated with a new agency.

The police consensus is that the RCMP is the organization best suited to store biological samples. They currently have the expertise, facilities and experience. It was mentioned throughout the consultations that the RCMP are successfully administering and maintaining a national fingerprint system and they could do the same for the DNA data bank. Law enforcement agencies across the country are entrusted to store information which they consider to be much more sensitive than DNA data or biological samples.

Some indicated that the RCMP Central Forensic Laboratory should be responsible for the storage of and access to biological samples in one central location, provided privacy concerns are addressed. On the other hand, the Canadian Association of Chiefs of Police has suggested that the sample be retained by the laboratory which has done the analysis. They suggest that such an arrangement would provide for prompt analysis and verification as required.

Some national voluntary organizations also expressed opposition to having an independent agency store the samples. Their concerns regarding sample retention are compounded when the involvement of an independent agency outside of government is contemplated. The Canadian Bar Association is opposed to retention and would not support an independent agency maintaining the samples without further information.

There was general consensus that the stability of the data bank is important and that it must be operated by a reliable organization whose existence can be guaranteed well into the future.

If Samples Are Retained, They Should Be Stored By An Independent Agency

The argument against the RCMP storing the samples is that they, as the principal users, have a definite interest in any future uses of the samples - the users of the bank must not have access to the banked samples and resulting data. Some respondents have suggested that if the data bank were to be administered by law enforcement agencies there would be a higher probability that the integrity of use of the data bank information would be questioned.

The Ontario government supported the use of an independent agency to store and protect access to the biological samples and DNA profiles. The Québec government would prefer to keep the samples in their own laboratory.

An agency that would store the samples would have to comply with legislative provisions and prove that stringent physical and electronic security measures are in place. Other safeguards which must be included in the system are the use of bar codes to identify samples, and a mechanism which would allow the RCMP, as holders of the data bank, to obtain the samples only if there were legitimate reasons for re-analysis.

Control Of The Data Bank

If samples are retained, there is unanimous agreement that stringent security measures would be necessary.

It was widely expressed that if the government does decide to retain the samples, the legislation should lay out strict criminal sanctions on the use of the samples for any purpose other than forensic DNA identification. It was suggested that this could be dealt with in a manner similar to that provided by C-104, an Act to amend the Criminal Code and the Young Offenders Act (forensic DNA analysis), by legislating a criminal offence for any abuse or misuse of the data bank. This perspective is shared by police, provincial governments and other interested agencies.

The Privacy Act may require amendments to include guidelines to reflect the technological advances in the area of genetic science. It was suggested that an independent auditor be used to ensure that the information is used only for its legislated

purpose. It was also proposed that if the samples were to be used for reasons other than that for which the bank was originally intended, informed consent to use the samples should be obtained from the convicted offenders. It was recommended that the samples be stored separately from the data to avoid an incident where both the data and the samples could be destroyed.

The Québec Access to Information Commission recommended that a Code of Ethics be developed and applied by all those responsible for the collection and for the analysis of the bodily samples to prevent abuses.

Volunteered Samples

The federal Privacy Commissioner put forward the view that DNA information generated by the testing of volunteers should not, under any circumstances, be retained after it has been analyzed and the person who provided the sample is exonerated. Both the sample and the DNA data should be destroyed.

Length Of Retention

There was agreement that the legislation must outline a mechanism to allow for the disposal of biological samples and the DNA data. In the case of deaths, pardons, and young offenders, differing views were expressed on purging the biological sample and the DNA data. As in the case of the pardon application process, a person could apply to have his/her sample and DNA data removed from the data bank and destroyed. Another idea expressed was that, upon a pardon being granted, the biological sample and DNA data would automatically be removed and destroyed.

Québec officials noted that a specific timeframe could be legislated which would allow for the retention of the samples for 5 to 10 years.

Privacy representatives suggested that, should an offender receive a pardon for an offence for which the sample was taken, the information in the data bank should be destroyed. The policing community is of the view that once the information is entered into the data bank, there is no need to purge the information. The Canadian Police Association, however, suggests that the data be retained for ten (10) years although, if privacy concerns are to be satisfied to allow for the implementation of the DNA data bank legislation, their members could support purging the data from the bank.

There is strong consensus among police agencies and some provinces that young offenders should be treated the same as adult offenders and their bodily biological samples should be included in the data bank. Ontario officials justify retaining the data as well, since the information is accessible only to law enforcement agencies and the traditional concerns of the young offender's privacy would not arise. Some police agencies support a retention period of 10-15 years at which point the data would be purged on the condition that the offender had remained crime-free. There is also support from some police and provincial/territorial governments that the retention of the

DNA information should be consistent with the record-keeping provisions laid out in the Young Offenders Act.

The Canadian Bar Association is of the view that the information on young offenders should be retained for a designated time period; exceptions could, however, be made for serious or violent offences.

Question number 4 - FUNDING

What are your views on a fee for service system with individual police forces paying for DNA casework and the RCMP funding a national DNA data bank?

What are your views on a cost-sharing approach which would see the provinces/territories paying the DNA casework costs and the RCMP financing the establishment and operation of a national DNA data bank?

How should such a cost-sharing system be administered: through an assessment of actual use at year end, or at the beginning of the year based on historical usage data?

Funding Options Proposed In The Consultation Document

Fee For Service

A range of opinions in relation to the fee for service option were expressed. Most police services preferred the cost-sharing option; while certain provinces supported the fee for service option rather than the cost-sharing approach.

The consultations raised some concern about whether small police services would be able to afford casework services because of budget considerations; one investigation requiring DNA casework analysis could consume a large part of the operational budget of a small police service. Budget considerations could, therefore, have an adverse impact on the data bank and on investigations if it were to prevent the use of this investigative tool. There are concerns that the differing capacity to pay for casework could erode national standards by preventing access to this investigative technique.

Police indicated that even though the use of the DNA is expected to result in cost savings to the criminal justice system, these savings are difficult to quantify.

The view was also expressed that if individual police departments were required to fund their own casework, then disagreements could result in determining which jurisdiction should pay for the analysis where more than one police service is involved in an investigation.

St. Leonard's Society and the firm Helix Biotech indicated that a fee for service approach seems consistent with the trend towards direct accountability for

expenditures. Police forces would retain more direct control of their budgets if they were to pay for the service.

Cost-sharing between the federal government and the provinces/territories

While most of the provinces have concerns with a federal-provincial/territorial cost-sharing approach, most of the police community favours a cost-sharing arrangement between the federal and provincial governments.

Police representatives feel that since the administration of justice is a provincial responsibility, the provinces should enter into cost-sharing arrangements with the federal government. Due to the lack of resources in the territories, the police perspective was that cost-sharing between the federal government and the territories was unlikely.

The police would not like, however, to see police budgets reduced by the provinces to cover these expenditures. Police indicated that both fee for service and cost-sharing arrangements create administrative difficulties and result in increased paperwork.

The Canadian Association of Police Boards and the Canadian Association of Chiefs of Police expressed their preference for the cost-sharing option between the federal government and the provinces/territories. They believe this would accommodate police services of all sizes, and that an appropriate fee structure could be developed to prevent possible overuse.

If a fee for service or cost-sharing is to occur, there is general support for an arrangement in which the users or the provinces/territories would defray the costs of the casework and federal authorities would provide the funds for the establishment and the maintenance of the data bank.

Saskatchewan was of the view that the funding was a federal responsibility, and they were not prepared to discuss any of the proposed options**.** However, an RCMP official from the Regina laboratory suggested that a cost-sharing agreement, whereby the provinces would defray the costs of the data bank and the casework analysis would be absorbed by the federal authorities, might also be a viable option to be considered.

Many of the provinces rejected a cost-sharing approach to the funding issue because in their view DNA data banking and the casework is a federal responsibility. There is general reluctance to move forward on any discussion of cost-sharing for the DNA data bank.

Administration Of A Cost-Sharing System

For police, who agreed to a fee for service or to federal-provincial/territorial cost-sharing, both models of assessment for the administration of the system were supported, i.e., through actual use at year end or at the beginning of the year based on historical usage. It was pointed out, however, that DNA analysis is a relatively new procedure and historical usage data would not be complete and accurate, especially for smaller police organizations.

An additional option proposed was that an assessment be done at the end of each quarter of the fiscal year.

A suggestion was put forward that the cost-sharing agreement could be to share costs on the basis of the size of the police service or the size of the community. The concept would be based on the payment of a predetermined annual fee in case of eventual need.

Other Funding Options

National Police Services

The option of including the DNA data bank as part of the National Police Services was not proposed in the consultation document but was raised at most consultation sessions and many of the written submissions suggest this approach as well.

Overall, a national DNA data bank is perceived by those consulted to be a National Police Service and calls for cost-recovery are being viewed by the police and some provinces as the beginning of an erosion of National Police Services. It is felt that any cost-sharing agreements for this specific initiative will create a precedent for the funding of all other services being provided under the National Police Services.

Many discussions related to funding for the DNA data bank brought into question the current review of National Police Services being carried out by the RCMP and the Department of the Solicitor General of Canada. Concerns were also raised with respect to the five-year review of the RCMP contracts and the overall direction of federal and national policing. Concerns were expressed that the federal government may be distancing itself from the provision of national police services.

Both Québec and Ontario support federal funding for this national initiative. Québec indicated that under the current National Police Services scheme they absorb many expenses already because they have their own laboratory and they do not intend to absorb any costs associated with the national data bank. Québec and Ontario proposed that they collect, analyze and bank their own biological samples and that the federal government reimburse them for their costs. Both Québec and Ontario insisted that their support for the creation of the data bank is based on the premise that the funding should be provided by the federal government.

The Canadian Bar Association expressed the view that the federal government should provide the necessary funding for both the casework and the establishment of the data bank. In their view, federal funding is essential to ensure consistent national standards.

There was general consensus that the DNA data bank should be a federal service funded through National Police Services. The RCMP is perceived as the most appropriate organization to manage the data bank efficiently to ensure that the service will be cost-effective and of uniform high quality throughout the country.

Comments were made regarding the need to review all expenditures in the criminal justice system and to set the priorities accordingly. It was proposed that the review of National Police Services could help set the priorities by determining which services should be offered under the National Police Services umbrella and which ones should be removed or offered in a different manner.

The Canadian Police Association suggested that if the federal government can provide funds to register firearms, then they can do the same for registering criminals.

Phased-In Approach

Another idea which was brought forward by Saskatchewan provincial officials, as well as the police representatives who attended the session in Victoria, was that the federal government could provide the initial funding for the bank and then phase-in a cost-sharing arrangement. Suggestions on the timeframe for implementing cost-sharing varied from one to ten years. The rationale for this proposal is that the cost-savings to the criminal justice system are not evident at this time and that more work needs to be done to better evaluate the cost efficiencies and, therefore, to determine who should pay and how much it would cost.

Other Sources of Funding

It was suggested that other sources of funding be explored, i.e., assets seized under the proceeds of crime legislation, reductions in legal aid budgets be directed to the DNA data bank, victim fine surcharge, existing budgets, and charging the offender.

Some intervenors objected to the proposal that the accused or provincial legal aid pay for DNA testing, on the ground that provincial legal aid plans are in no position to pay for testing and that an accused should not be required to personally pay.

Newfoundland, Alberta and Manitoba suggested that privatization could be explored if it could prove to be more cost-effective than a publicly-funded arrangement .

Review of Costs

It was recommended that a review of the cost estimates included in the Consultation Document be undertaken. Saskatchewan officials and the Regina Economic Development Authority suggested that the RCMP laboratory in Regina could accommodate the analytical portion of a national DNA data bank. They were of the view that the use of the Regina laboratory would be more efficient because it could support other forensic investigations and research programs.

Review of Priorities

Some national voluntary organizations suggested that money be invested at the front-end of the system instead of in the creation of a data bank, i.e. in crime prevention activities. It is felt that there is a need to redistribute the current dollars available.

Some national women's organizations feel strongly that the focus should be on supporting women who are victims of violence, where in the vast majority of cases the attacker is known to the victim. They question the federal government's investment in a DNA data bank in these "socially regressive times, as expenditures on all social infrastructure and support for basic social justice are massively reduced ..."

Other Issues Raised

Accreditation of Laboratories

The Canadian Society of Forensic Science recommends that if Parliament decides to legislate laboratory requirements, these should be referred to as "laboratory accreditation" and quote the appropriate international standards. The Canadian Society also indicated that laboratory accreditation should be undertaken under the auspices of Canada's national laboratory accreditation program, operated by the Standards Council of Canada according to the specifications of the international document ISO/IEC guide 25 "General requirements for the competence of calibration and testing laboratories". The Canadian Society is also of the view that such accreditation should not be limited to DNA analysis, but should be applied to the entire range of forensic testing disciplines.

Ontario officials indicated that laboratory accreditation with the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) would be the optimal approach to ensuring standardization of laboratory services. The national DNA data bank legislation could stipulate that all laboratories would have to meet accreditation standards consistent with those of the ASCLD/LAB.

Backlog in Laboratories

Concerns were expressed over current backlogs for DNA testing/analysis in the laboratories. It was proposed that this issue should be looked at in the context of the establishment of the data bank.

International Cooperation

Provincial authorities suggested that the legislation make reference to the exchange of information on DNA samples with international law enforcement bodies.

Type/Number of DNA Samples

Ontario suggested that the legislation should specify the type and the number of samples to be taken, and require that blood extraction be one of the samples. There is a greater margin of error if hair samples or buccal swabs are used. The legislation should allow flexibility where the collection of a blood sample is impractical.

It also proposed that the legislation allow for the collection of a second bodily sample, upon application to a judge, in the rare eventuality that the initial sample is not in a suitable condition for analysis.

Use of Reasonable Force

A provision for the use of reasonable force was suggested for inclusion in the legislation. A similar provision to that used in the Identification of Criminals Act was proposed.

Individual Privacy

It was proposed that the legislation also stipulate that the collection of the sample be carried out in a way that respects the privacy of the person and in a manner which is reasonable under the circumstances.

Information Provided To Persons Who Were Subject to DNA Sampling

Another suggestion was that a provision similar to the DNA warrant legislation be included in the national DNA data bank legislation to ensure that certain information regarding the use of a bodily sample is provided to the person before the sample is collected for data bank purposes.

Conclusion

The consultations on DNA data banking provided an opportunity for the federal government to obtain input from interested parties in developing its policy in this area. Many participants in the process found the consultations useful in providing an opportunity for their input as well as providing further information concerning the purpose and the operation of a national DNA data bank for criminal identification.

While there is general support for the creation of a national DNA data bank, it is recognized that there is a need for balance. The data bank will be an additional investigative tool for police to use in solving crime and contributing to public safety. It is a tool that must be used in compliance with the Canadian Charter of Rights and Freedoms and with respect for individual privacy rights. The use of biological samples and DNA data for purposes other than that for which they were originally intended must be prevented and sanctions against misuse should be specifically included in the legislation.

Funding arrangements for a DNA data bank must be explored further, to ensure that the costs of the data bank are borne in an equitable manner.

APPENDIX I

MEMBERS OF THE CONSULTATION TEAM

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Solicitor General Canada

APPENDIX II

ITINERARY FOR CONSULTATIONS

February 6 and 14, 1996	-	Fredericton, New Brunswick
February 8, 1996	-	St. John's, Newfoundland
February 19, 1996	-	Charlottetown, Prince Edward Island
February 20, 1996	-	Halifax, Nova Scotia
February 22, 1996	-	Québec, Québec
March 4, 1996	-	Victoria, British Columbia
March 5, 1996	-	Vancouver, British Columbia
March 7, 1996	-	Whitehorse, Yukon
March 19, 1996	-	Regina, Saskatchewan
March 26, 1996	-	Montréal, Québec
April 12, 1996	-	Ottawa, Ontario
April 16, 1996	-	Toronto, Ontario
April 22, 1996	-	Edmonton, Alberta
April 24, 1996	-	Yellowknife, Northwest Territories
April 26, 1996	-	Winnipeg, Manitoba
April 30, 1996	-	Montréal, Québec
May 13, 1996	-	Vancouver, British Columbia
June 17, 1996	-	Ottawa, Ontario

APPENDIX III

ORGANIZATIONS REPRESENTED AT DNA CONSULTATION SESSIONS

NATIONAL

The Privacy Commissioner of Canada
Canadian Association of Chiefs of Police
Union of Solicitor General Employees
Canadian Police Association
St. Leonard's Society of Canada
National Associations Active in Criminal Justice
National Joint Committee of the Canadian Association of Chiefs of Police
and of Federal Correctional Services

NEWFOUNDLAND

Public Protection and Support Service, Department of Justice
Correctional Service of Canada, Atlantic Region
RCMP - "B" Division
Royal Newfoundland Constabulary

NOVA SCOTIA

Solicitor Services Section, Department of Justice
Correctional Services, Department of Justice
Cape Breton Regional Police
Truro Police Department
Halifax Regional Police Service
Amherst Police Department
RCMP - "H" Division

PRINCE EDWARD ISLAND

Corrections & Criminal Justice, Health & Community Services
Prosecutions, Department of Provincial Affairs and Attorney General
Human Rights Commission
Summerside Police Service
Charlottetown Police Department
RCMP "L" Division
Correctional Service of Canada, Atlantic Region

NEW BRUNSWICK

Policing, Department of the Solicitor General
Policy & Audit, Department of the Solicitor General
Victims Services, Department of the Solicitor General
Department of Justice
Correctional Service of Canada, Atlantic Region
New Brunswick Chiefs of Police Association

QUÉBEC

Ligue des droits et libertés
Société de recherche en orientation humaine
Commission d'accès à l'information
Ministère de la Justice
Service de police de la communauté urbaine de Montréal
Service de police de Laval
Association des directeurs de police et de pompiers du Québec
Ministère de la Sécurité publique
Sûreté du Québec
Service de police Gatineau-Métro
Service correctionnel du Canada, Région du Québec
GRC - Division "C"

ONTARIO

Police Services, Ministry of the Solicitor General & Correctional Services
Correctional Services, Ministry of the Solicitor General & Correctional Services
Corporate Policy, Ministry of the Solicitor General & Correctional Services
Chief Coroner, Ministry of the Solicitor General & Correctional Services
Ministry of the Attorney General
Information and Privacy Office
Centre of Forensic Sciences
Ontario Provincial Police
Metro Toronto Police
Belleville Police
Peel Regional Police
Durham Regional Police
Hamilton Regional Police
Halton Regional Police
Waterloo Regional Police
RCMP - "A" Division
National Action Committee on the Status of Women

MANITOBA

Department of Justice
RCMP - “D” Division
Brandon Police Service
Winnipeg Police Service
Dakota-Ojibway Police Service
RCMP Forensic Laboratory - Winnipeg

SASKATCHEWAN

Police Services, Department of Justice
Policy, Planning & Evaluation, Department of Justice
Corrections, Department of Justice
Information and Privacy Commission
Correctional Service of Canada, Prairie Region
RCMP - “F” Division
RCMP Forensic Laboratory - Regina

ALBERTA

Office of the Information & Privacy Commissioner
Department of Justice
Calgary Police Service
Edmonton Police Service
Camrose Police Service
RCMP - “K” Division
RCMP Forensic Laboratory - Edmonton

BRITISH COLUMBIA

Corrections Branch, Ministry of the Attorney General
Police Services Division, Ministry of the Attorney General
Criminal Justice Branch, Ministry of the Attorney General
Information and Privacy Commission
Correctional Service of Canada, Pacific Region
Vancouver Police
Victoria City Police
Saanich Police
RCMP - Victoria Sub-Division
RCMP - “E” Division
RCMP Forensic Laboratory - Vancouver
The Canadian Bar Association
Helix Biotech
Vancouver Rape Relief and Women’s Shelter

YUKON

Policy and Communications, Department of Justice
Youth Services, Department of Justice
Legal Services, Department of Justice
Corrections, Department of Justice
Policing & Community Development, Department of Justice
Family & Children's Services, Health & Social Services
RCMP - "M" Division

NORTHWEST TERRITORIES

Yellowknife Regional Office, Justice Canada
Canadian Mental Health Association
Policy & Planning, Department of Justice
Law Enforcement Division, Government of NWT
RCMP - "G" Division

APPENDIX IV

ORGANIZATIONS WHO PROVIDED WRITTEN SUBMISSIONS

PROVINCES

Ministries of the Attorney General and Solicitor General and Correctional Services, Ontario
Ministère de la Sécurité publique du Québec
Manitoba Justice
Saskatchewan Justice
Department of Provincial Affairs and Attorney General, Prince Edward Island

POLICE

Vancouver Police Department, British Columbia
Calgary Police Service, Alberta
Lethbridge City Police, Alberta
Medicine Hat Police Service, Alberta
Belleville Police Force, Ontario
Halton Regional Police Service, Ontario
London Police, Ontario
Metropolitan Toronto Police, Ontario
Niagara Regional Police, Ontario
Ontario Provincial Police
Windsor Police Service, Ontario
Service de police de la communauté urbaine de Montréal, Québec
Sécurité publique, Ville de Sainte-Julie, Québec
Service de police, Ville de Québec
Service de protection des citoyens, Québec
RCMP “A” Division, Ontario
RCMP “D” Division, Manitoba
RCMP “J” Division, New Brunswick
RCMP “K” Division, Alberta
RCMP “O” Division, Ontario

CORRECTIONS

Mountain Institution, British Columbia
Residents’ Committee, Mountain Institution, British Columbia
Regional Health Centre, British Columbia (CSC)*
Bowden Institution, Alberta (CSC)

CORRECTIONS (cont'd)

Collins Bay Institution, Ontario (CSC)*
The Grand Valley Institution for Women, Ontario (CSC)
Warkworth Institution, Ontario (CSC)
Administration régionale du SCC* au Québec
District Est/Ouest du Québec, St. Jerome (SCC)
Centre fédéral de formation, Québec (SCC)
Établissement Archambault, Québec (SCC)
Établissement Cowansville, Québec (SCC)
Établissement Donnaconna, Québec (SCC)
Établissement La Macaza, Québec (SCC)
Établissement Leclerc, Québec (SCC)
Atlantic Institution, New Brunswick (CSC)
Dorchester Penitentiary, New Brunswick (CSC)

* Correctional Service of Canada
* Service correctionnel du Canada

PRIVACY AND INFORMATION COMMISSIONERS AND HUMAN RIGHTS

The Privacy Commissioner of Canada
Canadian Human Rights Commission
Information and Privacy Commissioner of British Columbia
Office of the Information and Privacy Commissioner of Alberta
British Columbia Civil Liberties Association
Human Rights Commission of Prince Edward Island
Commission d'accès à l'information du Québec

NATIONAL ORGANIZATIONS/ASSOCIATIONS

Canadian Association of Chiefs of Police
Canadian Police Association
Canadian Association of Police Boards
Canadian Centre for Victims of Crime
Canadian Bar Association
The Salvation Army
St. Leonard's Society of Canada
The Church Council on Justice and Corrections

MEDICAL/SCIENTIFIC ORGANIZATIONS

Canadian Nurses Association
Helix Biotech, British Columbia
Canadian Mental Health Association, Northwest Territories Division

MEDICAL/SCIENTIFIC ORGANIZATIONS (cont'd)

Saskatchewan Penitentiary (CSC)
Canadian College of Medical Geneticists at the University of British Columbia
Canadian Society of Forensic Science

WOMEN'S ORGANIZATIONS

The Feminist Alliance on New Reproductive and Genetic Technologies
Women's Legal Education and Action Fund of Ontario
Vancouver Rape Relief and Women's Shelter
National Action Committee on the Status of Women