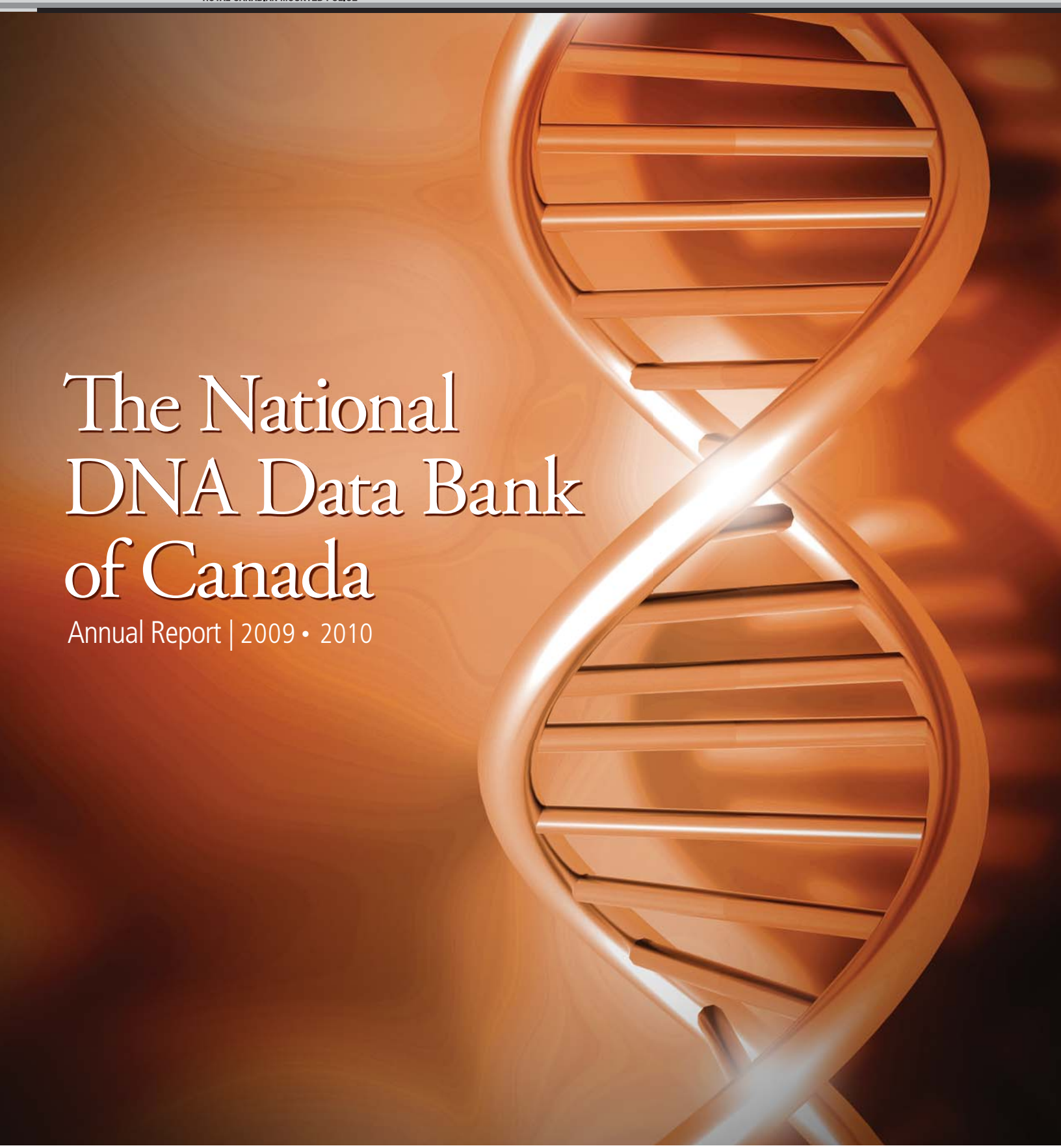
RCMP
ROYAL CANADIAN MOUNTED POLICE



The National DNA Data Bank of Canada

Annual Report | 2009 • 2010

Royal Canadian Mounted Police | Gendarmerie royale du Canada

Canada

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Table of Contents

Message from the Commissioner, Royal Canadian Mounted Police

It is my pleasure to present the 2009-2010 Annual Report of Canada's National DNA Data Bank (NDDB).

A few months shy of its tenth anniversary, the NDDB has become an invaluable Canadian law enforcement tool and has demonstrated its effectiveness in assisting law enforcement to investigate and solve crimes as well as to exonerate the innocent, while respecting the privacy rights of individuals.

The NDDB continues to receive an increase in the number of samples obtained from police services across the country. Since January 1, 2008, the Convicted Offenders Index has increased by 54 percent, and the Crime Scene Index has increased by 41 percent. During this time, the number of Offender Hits has increased by 74 percent and the number of Forensic Hits by 67 percent. A portion of the increase in samples can be attributed to the full proclamation of Bills C-13 and C-18 in 2008 that expanded the list of crimes for which convicted offenders could be ordered to submit a DNA sample.

The RCMP is proud to manage the National DNA Data Bank on behalf of the Canadian law enforcement community. The NDDB contributes to public safety and is an excellent example of collaboration and integration among partners in the criminal justice system.

We look forward to continuing to improve our service delivery and business processes and to enhancing services provided to all clients across Canada.

William J.S. Elliott
Commissioner

Message from the Assistant Commissioner, Forensic Science & Identification Services

It is my privilege to comment on the success of the National DNA Data Bank (NDDB) in this tenth Annual Report. As Assistant Commissioner, Forensic Science and Identification Services (FS&IS), I am proud of the NDDB's accomplishments in providing vital investigative leads in thousands of criminal investigations.

The NDDB continues to demonstrate its effectiveness in providing assistance to criminal investigations. This year, the comparison of the DNA profiles contained in the Convicted Offenders Index to profiles from the Crime Scene Index has led to 3,095 matches between convicted offenders and crime scenes, an increase of approximately 19% over the last reporting period. Forty-three percent of these matches provided assistance in the investigation of crimes against persons, such as homicides, sexual offences, robberies and assaults while the majority of the remaining matches provided a lead in break and enter investigations.

As we near the NDDB's tenth anniversary, I would like to acknowledge the work of our many partners in the criminal justice system, who play important roles in the national effort to solve crime and to protect the innocent. This year's Annual Report contains a special section that gives a brief overview and description of a few individuals who are committed to bringing criminals to justice and enhancing the safety of all Canadians. Without their support, the NDDB would not be the effective tool it is today. I would also like to thank the NDDB Advisory Committee for its continued valuable contribution to the Data Bank.

In the coming year, we look forward to the recommendations from the Parliamentary review of the DNA Identification Act and potential changes in legislation. FS&IS remains committed to providing quality forensic services to meet the needs of the Canadian law enforcement community while respecting the privacy rights of individuals and ensuring the protection of information.

Peter Henschel
Assistant Commissioner

Success Stories

Two-decade-old Cold Case Comes Back to Life

An act of self-defence is breathing new life into one of Edmonton's most shocking cold cases.

Last November, Edmonton Police Service charged a British Columbia man in connection with the 1987 homicide of an 83-year-old woman.

A DNA hit in the National DNA Data Bank resurrected a grisly 20-year-old murder after the DNA profile derived from a clump of hair that the victim tore from her attacker's head in self-defence, matched a DNA profile which had been entered into the National DNA Data Bank as a result of a recent conviction for Break and Enter.

"In this case, the DNA was pivotal," said Edmonton Police Detective Howie Antoniuk of the Historical Homicide Unit.

A 41-year-old man has now been charged with second-degree murder as well as "break and enter and commit." The case is now before the courts.

The 83-year-old widow, who lived alone, had been attacked on August 28, 1987, by a person who broke into her bungalow located in Edmonton's north end. Standing five-foot-four, the woman had fought against her assailant in her kitchen and had managed to rip out a clump of hair. The intruder ran off with several items including jewellery, leaving the victim wounded on her kitchen floor. Despite suffering from serious injuries to her head, jaw and ribs, she had managed to drag herself across the room to let her neighbour in the next day. She died in hospital six days later.

The former chairman of the Edmonton Police Commission, John Butler, dubbed the incident as an "abhorrent crime." A $5,000 reward was offered for information, which later rose to $43,500 but efforts to advance the case went cold.

While forensic testing was in its infancy at the time of the attack, investigators retained the samples of hair they found in the home.

The hair was re-submitted to the Edmonton Forensic Laboratory about 10 years ago. The resulting DNA profile obtained from the hair was then uploaded to the Data Bank's Crime Scene Index (CSI), an electronic DNA profile database composed of DNA profiles obtained from unsolved crimes. DNA profiles entered in the CSI are compared against profiles in the Convicted Offenders Index (COI) as well as other profiles in the CSI in an effort to link convicted offenders to crime scene samples and link crime scenes to one another.

It was the match between the Crime Scene Index and the Convicted Offenders' Index that identified the suspect, who is now charged. The match occurred, when in late 2008 the suspect was convicted of break and enter and ordered to submit a sample of his DNA to the Convicted Offenders Index.

"DNA is a life saver, that's all I can say," said Antoniuk who was one of the primary investigators on the file.

Antoniuk said the age of the victim and the random nature of the crime disturbed the community in 1987. "People feel safe in their homes," the 33-year police veteran said. "When something like this happens it shocks the community."

Dangerous Offender Gets Added Jail Time for 21-year-old Cold Case

More than 20 years after she was victimized by a violent sexual predator, a Toronto woman finally saw justice served.

In June 2009, a 49-year-old man was sentenced to 18 years in prison for the violent crimes he committed against the then teenager.

At the time of the sentencing, the perpetrator was already behind bars, having been designated a Dangerous Offender in 2007 for sexually abusing and terrorizing women throughout a quarter century in Toronto, Ottawa and Peterborough.

A Dangerous Offender designation is one of the most severe sentences that a person can be subjected to in Canada. Dangerous Offender provisions are intended to detain offenders who are deemed too dangerous to be released into society because of their violent tendencies. In the judgment declaring the man a Dangerous Offender, Ontario Superior Court Justice J. Molloy wrote: "(He) has been given many, many chances in the past. He has continued to repeat his criminal conduct. Many women and their families have suffered terrible and long-lasting harm as a result. Enough is enough." Molloy sentenced the man and designated him as a Dangerous Offender, subject to an indefinite term of imprisonment. The man was also ordered to provide a DNA sample to the National DNA Data Bank.

Toronto Police Service Detective Brad Hoover said the order to submit a DNA sample to the NDDB's Convicted Offenders Index came toward the end of January 2007, and by February that same year, a DNA match was made between the same offender and an unsolved Toronto crime from 1988.

The 1988 incident happened when the teen was rushing home – late for her midnight curfew. As she passed through a dark Toronto street, she was attacked, sexually assaulted and threatened. The man reportedly held a knife to her neck and told her that if she screamed, he would kill her.

At the time of the attack, the man was on parole for another violent sexual assault. "This is a very violent person who has quite a history," said Hoover, who works for the Toronto Police Services' Sex Crimes Unit, Investigative Support Section. Hoover, who was the lead police investigator for the trial, said DNA is an "integral" part of the work of the Toronto's Sex Crimes Unit. "Sometimes it's the only physical evidence we have," said Hoover, who has worked with the Toronto Police Service for 24 years. "In one sense, DNA has become standard of what we do."

Charges being laid after so many years are due, in large part, to the Toronto Police Service's efforts to solve this crime. By sending old biological evidence for analysis and the subsequent inclusion of the DNA profile in the National DNA Data Bank's Crime Scene Index (CSI), a match was made to a convicted offender.

The case would still be open had the DNA link not been made, Hoover said. "It is things like the DNA Data Bank that has allowed us to be sure he'll be in jail forever and there will be no more victims."


"The case would still be
open had the DNA link
not been made"

DNA Keeps Winnipeg Offender Behind Bars

DNA evidence was used to send a serial sex offender to jail – and then it was used again to keep him there even longer.

In late August 2009, Kenton Richard Bryer, 45, was convicted of an assault that dated back a decade. Back in 1999, Bryer had grabbed a 28-year-old woman from the street as she was walking home from a party. He drove her to a secluded area near a shopping centre and raped her at knife point.

At the time of his conviction, Bryer was already serving a sentence for two other similar assaults against teenage girls in Winnipeg in 1997. Those cases had remained a mystery for six years until the police suspected Bryer and placed him under surveillance, said Winnipeg Police Detective Sergeant John Stevenson.

During the investigation, police recovered new evidence from which a DNA profile was derived. The profile matched the evidence recovered from the 1997 crime scenes.

Bryer was arrested and, in 2003, pled guilty to both 1997 crimes. He was sentenced to seven years incarceration and ordered to submit a DNA sample to the Convicted Offenders Index of the National DNA Data Bank.

Stevenson said that in 2006, the Winnipeg Police Service re-examined cold cases and sent exhibits for DNA testing. Included in those submissions was the cold case from the 1999 attack against the 28-year-old woman.

Forensic analysts extracted DNA from biological material that had been seized at the time of the 1999 crime and kept as evidence, and a DNA profile was obtained. This DNA profile matched that of convicted offender Bryer.

Bryer, who had been serving his seven-year sentence and was scheduled to be released in January 2010, was subsequently charged and sentenced to an additional three years.

Bryer has also been designated a long-term offender. This designation is given to individuals convicted of a "serious personal injury offence" who are likely to re-offend. These offenders receive a regular sentence of imprisonment and are managed and supervised in the community for a specific period of time up to 10 years. Any breach of the strict conditions set on long-term offenders sends them back to police custody, said Stevenson.

In this case, like most that Stevenson deals with, DNA is often used to solve crimes. "It's our smoking gun for sure," said Stevenson. "It doesn't get any better than that." "With the DNA Data Bank we get hits on files that have grown cold. You still need good old fashioned police work, but DNA's a crucial piece as well."

Guilty Plea in 1984 Killing of Quebec Actress

Denise Morelle was a woman who loved to entertain. Best known for her role in a children's television program in Quebec, Morelle was a popular theatre performer when her life was brought to an abrupt and tragic end.

On July 17, 1984, Morelle was found strangled in a vacant apartment in Montréal. The 59-year-old actress was looking for a new place to live and her search brought her to a ground-floor apartment on Sanguinet Street in Montréal's east end. The owner had told her that the doors were unlocked and she could visit any time.

The next day, her battered body was found with small burn marks on it. Police assumed vagrants had entered the apartment and that Morelle had just happened to be in the wrong place at the wrong time.

The death shocked the community and the search for suspects eventually went cold. Morelle's death remained unsolved for 23 years.

On August 9, 2007, the story of Denise Morelle's sad demise once again made headlines when Montréal Police announced that they had charged 49-year-old Gaétan Bissonnette with first-degree murder.

In 2006, Bissonnette was convicted for break and enter and with this conviction came an order to submit a DNA sample to the Convicted Offenders Index of the National DNA Data Bank. Not long after, police were informed of a match to the DNA that had been found on Morelle that fateful day in 1984.

"He was interviewed and denied everything," said Quebec Crown Prosecutor Jacques Dagenais. However, the DNA evidence found on Morelle's body was compelling enough for Bissonnette to reconsider. Bissonnette later negotiated with the Crown and pled guilty to a lesser charge of second-degree murder.

Morelle's death remained unsolved for 23 years.

Dagenais said Morelle's family and friends were pleased with the result and relieved that they didn't have to go through a lengthy trial. "They were extremely happy with the outcome and with the guilty plea," he said. "There's always a great sense of closure following a conviction," said Dagenais, noting that family members often feel "liberated" when someone is charged and convicted following a crime, no matter how much time has elapsed.

A conviction of second-degree murder carries a life sentence with no eligibility for parole for at least 10 years. Bissonnette is currently serving his sentence and is ineligible for parole for 20 years.

A small park in le Plateau Mont-Royal, Montréal is named in Morelle's memory.

Harnessing the Power of DNA Analysis

DNA analysis was first used by the RCMP in 1989 in an investigation in which a suspect denied any involvement in a sexual assault, but the victim identified him as the attacker. DNA analysis later confirmed the victim's version of events. After the DNA test results were presented in court, the suspect reversed his plea to guilty.

Back then, there was no central coordination at the national level that could help police take full advantage of the unfolding advances in DNA technology. In 1995, the Canadian *Criminal Code* was amended to add DNA warrant provisions. Under these provisions, a provincial court judge could authorize the collection of a DNA sample from a suspect for the purpose of forensic DNA analysis in the course of the police investigation of a designated *Criminal Code* offence.

In order for this new tool to be used to its full potential, there was a need to coordinate DNA profiling data from investigations across the country. With support from all levels of government, the general public and police agencies throughout Canada, decisive steps were taken to create the National DNA Data Bank.

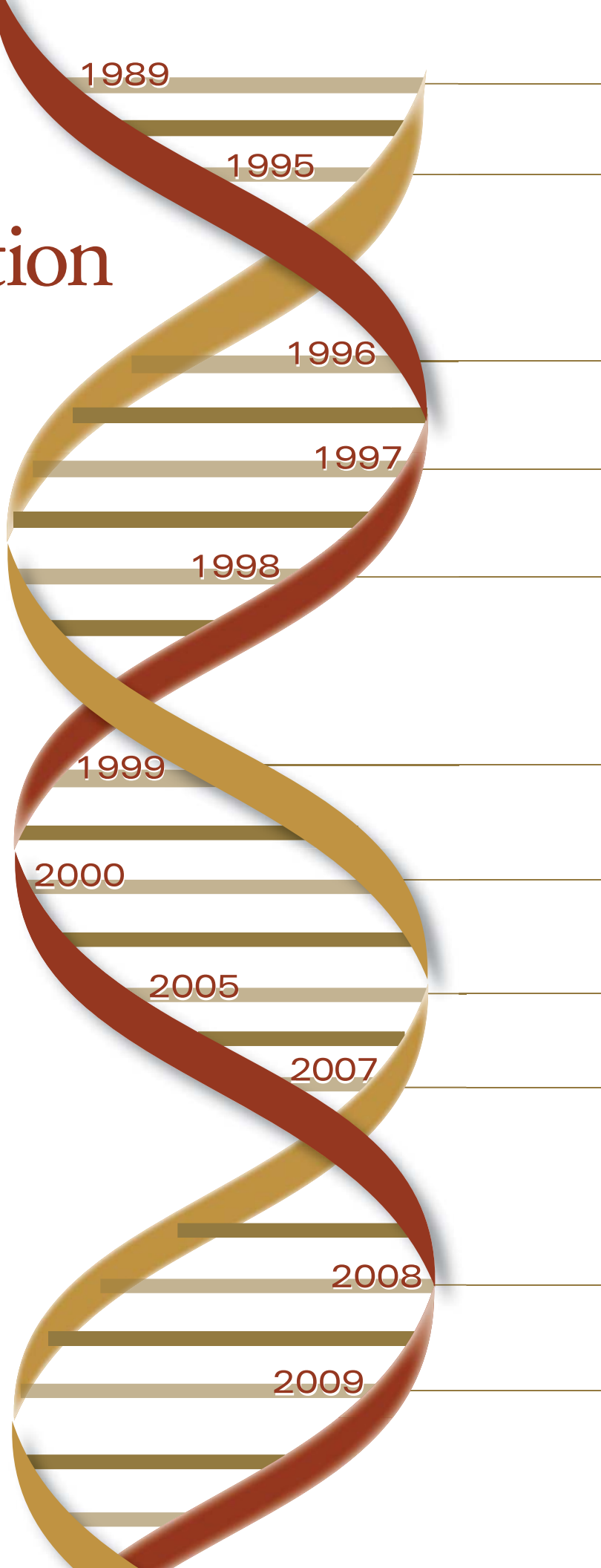
In 1996, the Department of the Solicitor General (as it was then known) and the Department of Justice undertook Canada-wide consultations regarding the establishment of a national DNA data bank.

The following groups participated in the consultations:
- Provinces and territories;
- Police associations;
- Privacy officials;
- Bar associations;
- Victim advocates;
- Women's groups;
- Correctional officials;
- Medical and scientific organizations.

Confirming the Government of Canada's commitment to combat crime and especially violent crime, Bill C-3, the *DNA Identification Act* (S.C. 1998 c.37) received Royal Assent on December 10, 1998 and was proclaimed on June 30, 2000.

That same year, Parliament enacted Bill S-10, *An Act to Amend the National Defence Act*, the *DNA Identification Act* and the *Criminal Code* (S.C. 2000, c.10). The RCMP then built the NDDB after Bill C-3 received Royal Assent. The project was completed on time and under budget and the National DNA Data Bank became operational on June 30, 2000.

History of DNA Legislation in Canada



First RCMP DNA case.

July

Bill C-104 receives Royal Assent. The bill amends the *Criminal Code* and the *Young Offenders Act* to enable judges to issue a warrant allowing police to obtain DNA evidence from suspects in criminal investigations. This is Phase I of the Government of Canada's DNA Strategy which provided the legislative framework for the use of DNA evidence in criminal proceedings.

August

The Canadian Association of Chiefs of Police (CACP) joins hundreds of organizations across the country in urging the government to create a National DNA Data Bank.

January

Phase II of the Government of Canada's DNA Strategy begins with nation-wide consultations for the establishment of a National DNA Data Bank.

April

Bill C-94 receives first reading and died on the Order Paper.

September

Bill C-94 is re-introduced in the House of Commons under the number C-3 on September 25, 1997.

September

Bill C-3 receives third reading.

December

Bill C-3 (Statutes of Canada 1998, c.37) receives Royal Assent. Work begins with an aggressive 18 month schedule to establish the NDDB.

November

Bill S-10 is tabled in the Senate. Based on Senate recommendations, the bill contains amendments to Bill C-3 including: the taking of fingerprints for identification purposes, the inclusion of offenders convicted of designated offences in the military justice system, and a full legislative review of the DNA legislation and NDDB to be conducted by the Senate and House of Commons after five years.

May

Partial proclamation of Bill C-3 which established of the DNA Data Bank Advisory Committee by Regulations.

June

Full proclamation of Bills C-3 and S-10. DNA sample collections are expected to commence immediately following proclamation.

May

Royal Assent to Bill C-13 (Statutes of Canada, 2005, c.25). Amendments to expand the retroactive scheme; to clarify the NDDB DNA profile sharing procedures with forensic laboratories; and to establish procedures to confirm the validity of DNA Data Bank orders come into force on Royal Assent. Other provisions of the Bill will come into force on proclamation.

June

Royal Assent to Bill C-18 (Statutes of Canada 2007, c.22). Amendments to facilitate the implementation of Bill C-13, and:

- further expand the retroactive scheme to include attempted murder and conspiracy, and replace the "two year serving of sentence" requirement with "is on the date of the application serving a sentence of imprisonment" for that offence;
- allow for DNA Data Bank orders to be made within 90 days after the person is sentenced or found not criminally responsible on account of mental disorder;
- allow a person to be summoned for the execution of a DNA Data Bank order and penalties for failure to appear;
- clarify international NDDB DNA profile sharing procedures; and,
- clarify destruction procedures for defective orders.

January

Full proclamation of Bills C-13 and C-18

February – October

Parliamentary Statutory Review of the DNA legislation and NDDB by the House of Commons Standing Committee on Public Safety and National Security (SECU, June 2009) and government acceptance of the SECU Report's recommendations in principle in October 2009.

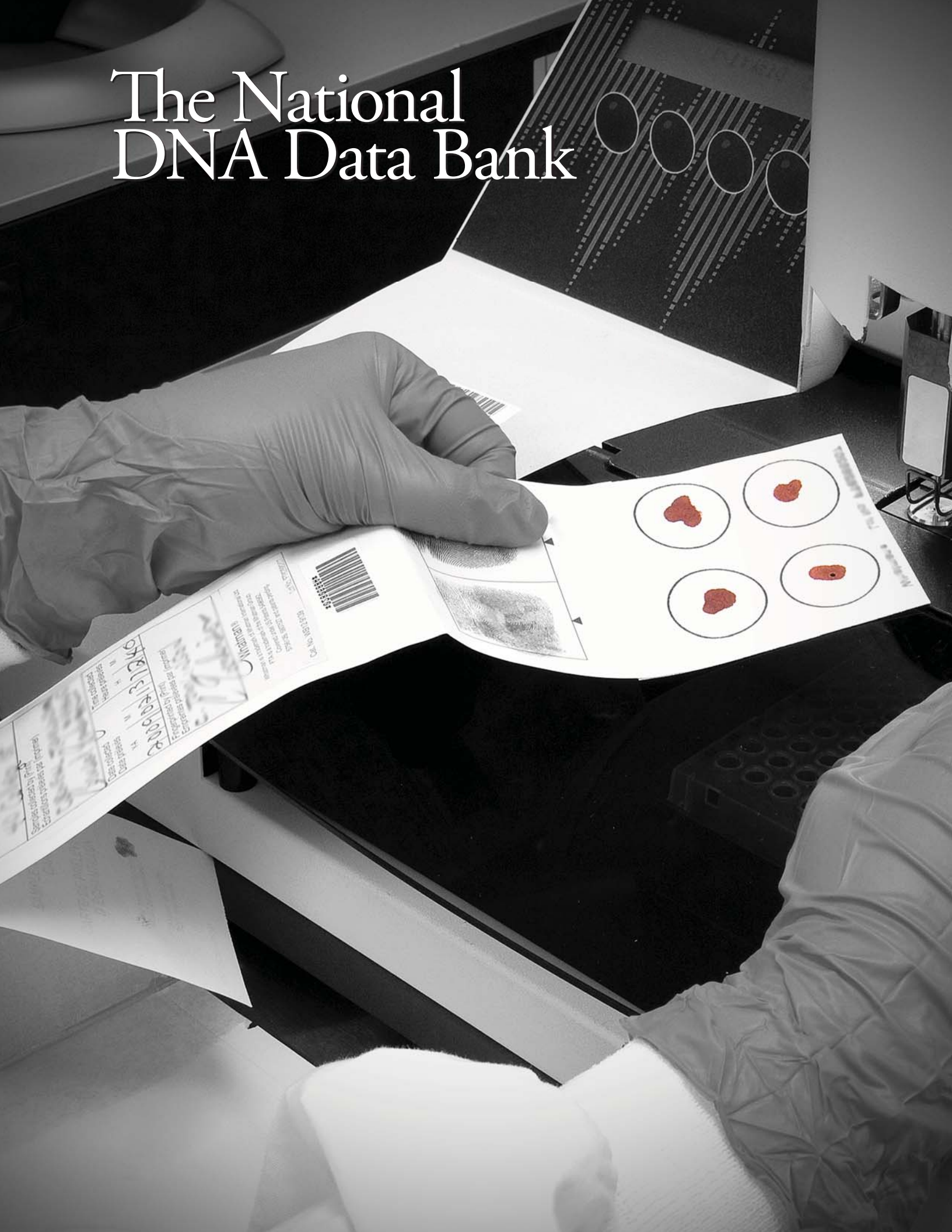
March

Start of the ongoing Parliamentary Statutory Review of the DNA legislation and NDDB by the Senate Standing Committee on Legal and Constitutional Affairs.

October

Full proclamation of Bill C-14 (Statutes of Canada 2009, c.22). The Bill amended the *Criminal Code* by adding three offences to the list of primary compulsory offences.

The National DNA Data Bank



The RCMP, through Policing Support Services, is the steward of the NDDB on behalf of the Government of Canada. It operates the NDDB for the benefit of the entire law enforcement community within Canada.

The NDDB assists law enforcement agencies in solving crime by:

- Linking crimes where there are no suspects;
- Helping to identify suspects;
- Eliminating suspects where there is no match between crime scene DNA and profiles in the NDDB; and
- Determining whether a serial offender is involved.

The NDDB improves the administration of justice by assisting in the early identification of those who commit serious crimes and by focusing investigations to eliminate suspects. Robotic technology, coupled with a sophisticated Sample Tracking and Control System (STaCS™), allows NDDB analysts to rapidly process samples in a cost effective way, while ensuring overall data security and providing quality control throughout the DNA analytical process.

The NDDB strictly adheres to the privacy principles contained within the *DNA Identification Act* while balancing the need for police officers to identify suspects. Stringent procedures governing the handling of biological samples and resulting DNA profiles ensure that the privacy rights of individuals are protected.

Information collected by the NDDB is used solely for law enforcement purposes. In fact, the DNA profiles are considered anonymous pieces of DNA and, apart from gender, do not specify any medical or physical information about the donor.

Biological samples collected from convicted offenders are processed by the NDDB and the resulting DNA profiles are entered into the Convicted Offenders Index (COI). As of March 31, 2010, the COI contained 188,684 DNA profiles.

The NDDB is also the custodian of the Crime Scene Index (CSI), a separate electronic database comprising DNA profiles obtained from crime scene evidence. Crime scene samples are analyzed and DNA profiles are uploaded into the NDDB by the three Canadian forensic laboratory systems. As of March 31, 2010, the CSI contained 55,118 DNA profiles.

The NDDB's three forensic laboratory partners in Canada are:

- The RCMP Forensic Science and Identification Services (with sites in Halifax, Ottawa, Winnipeg, Regina, Edmonton and Vancouver);
- The Centre of Forensic Sciences in Toronto and Sault Ste. Marie; and,
- Laboratoire de sciences judiciaires et de médecine légale in Montréal.

Possible matches are identified in one of two ways:

- New DNA profiles entered in the CSI are compared against DNA profiles from other crime scenes. These matches identify potential links between different crimes which helps investigators to look for other commonalities that may assist with solving the crimes.
- Comparison of new crime scene or convicted offender entries to associate an offender with a particular crime.

In 2009/2010, the NDDB identified 381 crime scene to crime scene matches, and 3,095 crime scene to convicted offender matches, bringing the total hits for this fiscal year to 3,476.

The Working Science

The NDDB comprises two indices: the Convicted Offenders Index and the Crime Scene Index

THE CONVICTED OFFENDERS INDEX

The Convicted Offenders Index is the electronic DNA profile database developed from biological samples collected from:

1. Offenders convicted of designated primary and secondary offences (see Appendix A) identified in section 487.04 of Canada's *Criminal Code*, and
2. Offenders who meet the retroactivity criteria in section 487.055 of the *Criminal Code*. In general terms, this applies to those convicted of certain serious offences who were already serving a sentence or who had been declared a dangerous offender or a dangerous sexual offender before June 30, 2000 when the *DNA Identification Act* was proclaimed. (See Key Statistics explanatory notes on page 23 for a complete description of retroactive provisions).

Biological samples from convicted offenders are collected by:

- A peace officer who is able, by virtue of training or experience, to take samples of bodily substances from the person, by means of the investigative procedures described in subsection 487.056(6) of the *Criminal Code*; or,
- Another person who is able, by virtue of training or experience, to take under the direction of a peace officer, samples of bodily substances from the person, by means of those investigative procedures.

These biological samples include:

- Blood: The sample is obtained by using a sterile lancet to prick the fingertip and bloodstains are then collected on a specially prepared sample card.
- Buccal: The inside of the mouth is rubbed with a foam applicator to obtain skin cells that are then transferred to a specially prepared sample card.
- Hair: Six to eight hairs are pulled out with the root sheath attached and placed on a specially prepared sample card.

Convicted offender biological samples are collected and submitted to the NDDB to be processed into DNA profiles. These DNA profiles are loaded into the Combined DNA Index System (CODIS), a software package that stores and compares the profiles. CODIS was developed by the Federal Bureau of Investigation and the U.S. Department of Justice and provided to the NDDB at no cost. The software is a universally accepted standard for forensic laboratories, which allows the NDDB to compare DNA profile information using a standard format. The NDDB shares DNA information through an international agreement with INTERPOL, approved by the Government of Canada which limits its use to the investigation and prosecution of a criminal offence.

THE CRIME SCENE INDEX

The Crime Scene Index is a separate electronic database composed of DNA profiles obtained from crime scene investigations of the same designated offences as the Convicted Offenders Index. Exhibits containing biological evidence are collected by investigators and submitted to one of the three forensic laboratory systems (RCMP Forensic Science and Identification Services, Laboratoire de sciences judiciaires et de médecine légale, and the Centre of Forensic Sciences.

The resulting DNA profiles are uploaded into the Crime Scene Index by the forensic laboratories. The NDDB retains this electronic information as well as basic details such as the date, location of the submitting laboratory and a unique number identifier that allows information to be compared by the submitting laboratory in the event of a future match.

PRIVACY OF INFORMATION

It is important to note that convicted offender samples are identified simply by a bar code number and that crime scene samples are identified by a unique number identifier. In fact, the donor identity of a convicted offender is separated from the genetic information when the sample arrives at the NDDB. The bar code is the only link between personal information, the biological sample and the DNA profile. The personal information is protected information that is not accessible by NDDB staff, and is kept in a separate registry by the RCMP's Canadian Criminal Real Time Identification Services (CCRTIS).

The *DNA Identification Act* makes it clear that the NDDB profiles can only be used for law enforcement purposes. The NDDB does not share the DNA profiles with anyone other than law enforcement agencies. The DNA profiles are the result of 13 specific DNA markers that are tested to produce a DNA profile which is unique to each individual (with the exception of identical twins). These 13 regions of interest are considered anonymous, and other than gender, do not provide specific medical or physical information about the donor. The regions chosen by the NDDB are the same regions of genetic variation used throughout the United States and in many other countries conducting forensic DNA analysis.

Process for Reporting a Match

NDDB PROCESSES BIOLOGICAL SAMPLES FROM CONVICTED OFFENDERS AND UPLOADS THE RESULTING DNA PROFILES INTO THE CONVICTED OFFENDERS INDEX.

FORENSIC LABORATORIES PROCESS BIOLOGICAL SAMPLES LEFT AT CRIME SCENES AND UPLOAD THE RESULTING DNA PROFILES INTO THE CRIME SCENE INDEX OF THE NDDB.

NDDB RUNS A SEARCH BETWEEN THE CRIME SCENE INDEX AND THE CONVICTED OFFENDERS INDEX.

MATCH BETWEEN A CONVICTED OFFENDER PROFILE AND A CRIME SCENE PROFILE.

BAR CODE, LABORATORY IDENTIFIER AND CODIS IDENTIFIER BROUGHT TO CANADIAN POLICE SERVICES INFORMATION CENTRE (CPSIC)

CPSIC FORWARDS THE CONVICTED OFFENDER DATA TO THE FORENSIC LABORATORY.

FORENSIC LABORATORY PASSES THE CONVICTED OFFENDER IDENTITY INFORMATION TO THE INVESTIGATOR.

Process for Confirming a Match

Once the investigator has received the convicted offender's identity from the forensic laboratory, the following procedure is followed to confirm the match:

THE INVESTIGATOR ASSESSES THE CASE EVIDENCE TO DETERMINE IF FURTHER INVESTIGATION OF THE SUSPECT IS REQUIRED.

IF EVIDENCE OF A MATCH BETWEEN THE CONVICTED OFFENDER AND THE CRIME SCENE PROFILE IS REQUIRED FOR COURT PURPOSES, THE INVESTIGATOR MUST APPLY TO A PROVINCIAL COURT JUDGE FOR A DNA WARRANT. IF THE WARRANT IS ORDERED, A BIOLOGICAL SAMPLE CAN BE COLLECTED FROM THE SUSPECT UNDER THAT AUTHORITY.

THE BIOLOGICAL SAMPLE IS SUBMITTED TO A FORENSIC LABORATORY FOR ANALYSIS. THE LABORATORY COMPARES THE SUSPECT'S DNA PROFILE TO THAT OF THE CRIME SCENE EVIDENCE.

THE FORENSIC LABORATORY ISSUES A REPORT CONFIRMING A MATCH BETWEEN THE SUSPECT'S DNA PROFILE AND THAT OF THE CRIME SCENE EVIDENCE.

BASED ON THE LABORATORY REPORT AND OTHER INVESTIGATIVE INFORMATION, THE INVESTIGATOR CAN CONSIDER WHETHER CHARGES SHOULD BE LAID OR RECOMMENDED AGAINST THE SUSPECT.

National DNA Data Bank Advisory Committee

The National DNA Data Bank Advisory Committee is fortunate to have within its membership, a diverse group of technical and scientific experts, most of whom have served on the Committee since its inception in early 2000. Specialty qualifications within the membership include policing, privacy commission, molecular biology and population genetics, medical genetics, bio-medical ethics, the law and the NDDB. The Committee meets two to three times per year in order to provide relevant and informed reports to the Commissioner of the RCMP on issues which involve the efficient and effective operation of the National DNA Data Bank. Members are appointed to the Committee by the Minister, Public Safety Canada.

The NDDB Advisory Committee was established pursuant to the *DNA Data Bank Advisory Committee Regulations* under the authority of the *DNA Identification Act*. The Committee routinely reviews key issues such as governance, legislation, risk awareness, privacy matters, new technology, international agreements and training for police as well as education updates for the legal and judicial communities. Following the passage of Bills C-13 and C-18 in early 2008 and the resulting significant increase in post conviction samples being received and processed by the NDDB, the Committee continues to work closely with the NDDB for the validation and implementation on new processes that will lead to enhancements in efficiency and the increased ability to discriminate between individuals.

During the spring of 2009, Committee representatives participated in the Parliamentary review of the *DNA Identification Act* by appearing before both the House of Commons Standing Committee on Public Safety and National Security and the Senate Standing Committee on Legal and Constitutional Affairs. The Report of the Standing Committee on Public Safety and National Security, containing seven recommendations, was issued to Parliament in June 2009. The Senate Committee review is still in process with a report expected during 2010. The Advisory Committee has reviewed the report of the Standing Committee of Public Safety and National Security entitled the *Statutory Review of the DNA Identification Act* and is continuing to participate as an observer in consultative meetings sponsored by the Minister of Justice in relation to the Federal Government response. The Advisory Committee is pleased to have participated in the review process and is looking forward to pending legislative changes which will further enhance the effectiveness of the NDDB and ultimately the safety of all Canadians.

Having closely observed the continuing growth, scientific enhancements and effectiveness of the NDDB within the Canadian justice system during the past decade, at times within a climate of fiscal challenge, I remain confident that the NDDB is equipped to deal constructively with the growing sample volume and technical challenges which lie ahead.

Richard Bergman
M. Sc., Deputy Commissioner (retired), Chairperson
National DNA Data Bank Advisory Committee

National DNA Data Bank Advisory Committee Members

RICHARD A. BERGMAN

M.Sc., D/Commr. (Rtd), Chairperson, former Director of the RCMP Forensic Laboratories and Deputy Commissioner, National Police Services, and Deputy Commissioner, Atlantic Region.

CHANTAL BERNIER

Assistant Commissioner, Office of the Privacy Commissioner of Canada. Ms. Bernier was appointed by Order-in-Council as Assistant Privacy Commissioner (*Privacy Act*) on December 8, 2008 and was appointed in February 2009 member of the National DNA Data Bank Advisory Committee.

DR. FREDERICK R. BIEBER

Canadian-born Associate Professor of Pathology in the Faculty of Medicine at Harvard University, Boston, Massachusetts. Dr. Bieber is a medical geneticist and a specialist in bio-medical ethics.

DR. GEORGE R. CARMODY

Vice Chairperson, Population Biology Specialist and Adjunct Research Professor of Biology at Carleton University. Dr. Carmody is known nationally and internationally as a expert in population genetics and statistics as applied to forensic applications of DNA.

THE HONOURABLE PETER CORY

C.C., C.D., Q.C., retired Justice of the Supreme Court of Canada. The Honourable Peter Cory is currently Special Advisor to the Federal Department of Justice and also Chancellor Emeritus of York University.

GISÈLE CÔTÉ-HARPER

O.C., Q.C., graduate of Harvard Law School and currently a Barrister and Emeritus Professor at the Faculty of Law, Université Laval. Mme Côté-Harper is recognized nationally and internationally as a legal expert on Human Rights issues.

DR. WILLIAM S. DAVIDSON

Medical Genetics Specialist and Professor of Molecular Biology and Biochemistry, Simon Fraser University (Burnaby, B.C.). Dr. Davidson has published widely in the areas of molecular evolution, population genetics, genomics and human genetics.

DR. RON FOURNEY

O.O.M., Director, National Services and Research, Forensic Science and Identification Services, RCMP. Dr. Fourney is a research scientist and founding member of the RCMP DNA program. He has been instrumental in the development and implementation of forensic DNA typing for Canada.

Key Statistics: March 31, 2010

TABLE 1 — CASES ASSISTED BY THE NDDB	
Breaking and Enter	7,710
Sexual Offence	1,908
Robbery	1,688
Assault	1,054
Homicide	1,008
Attempted Murder	365
Other	865
TOTAL	14,598

TABLE 2 — MATCH INVENTORY REPORT	
Offender Hit (Crime Scene Index to Convicted Offenders Index)	14,598
Forensic Hit (Crime Scene Index to Crime Scene Index)	2,169
Offender Duplicate (Two samples taken from the same person)	7,639
Identical DNA Profiles (from different individuals i.e. identical twins)	120

EXPLANATORY NOTES

Offender "Hit": A DNA profile developed from crime scene evidence and entered in the NDDB matches a DNA profile in the Convicted Offenders Index.

Forensic "Hit": A DNA profile developed from crime scene evidence and entered in the Crime Scene Index of the NDDB matches another crime scene DNA profile in the Crime Scene Index.

Offender Duplicate: Cases where two biological samples from the same person were submitted to the NDDB.

Identical DNA Profiles: Profiles of identical twins.

International Participation: As of March 31, 2010, the NDDB has received 615 incoming international requests to search its indices (COI and CSI) which resulted in one Offender Hit and one Forensic Hit. The NDDB has sent out 115 outgoing search requests which resulted in one Offender Hit and one Forensic Hit.

TABLE 3 — DNA PROFILES CONTAINED IN THE NDDB	
Convicted Offenders Index	188,684
Crime Scene Index	55,118
TOTAL	243,802

NOTE: The NDDB receives 600-700 convicted offender samples per week.

TABLE 4 — BREAKDOWN OF PROFILES CONTAINED IN THE CRIME SCENE INDEX	
Centre of Forensic Sciences (Toronto and Sault Ste. Marie)	21,343
Laboratoire de sciences judiciaires et de médecine légale (Montréal)	17,235
RCMP Forensic Science and Identification Services (Halifax, Ottawa, Winnipeg, Regina, Edmonton, Vancouver)	16,540
TOTAL	55,118

EXPLANATORY NOTES

Convicted Offenders Profile: A DNA profile from an offender convicted of a designated offence (see Appendix A).

Crime Scene Profile: A DNA profile developed from biological evidence found at a crime scene.

TABLE 5 — BREAKDOWN OF CONVICTED OFFENDER SAMPLES RECEIVED ACCORDING TO CATEGORY AND OFFENCE TYPE			
DNA Data Bank Orders	198,927	Primary	108,644
Retroactive Authorizations	4,592	Secondary	93,161
		Other	1,714
TOTAL	203,519	TOTAL	203,519

NOTE: The "Other" category includes samples submitted following conviction for a non-designated offence or without a court order.

EXPLANATORY NOTES

The Convicted Offenders Index is a post-conviction database composed of two categories of samples:

1. DNA Data Bank Orders
   Since January 2008, the Retrospective and Prospective category of offenders have been combined and include DNA samples collected from offenders who are convicted of an offence committed at any time, including before June 30, 2000, if the offence is a designated offence when the person is sentenced or discharged.

2. Retroactive Authorizations
   A biological sample taken from an offender who was found guilty of a designated *Criminal Code* offence before June 30, 2000 and who had been:

   a. Declared a dangerous offender under Part XXIV;
   b. Declared a dangerous offender or a dangerous sexual offender under Part XXI of the *Criminal Code*, being chapter C-34 of the Revised Statutes of Canada, 1970, as it read from time to time before January 1, 1988;
   c. Convicted of murder;
   c.1. Convicted of attempted murder or conspiracy to commit murder or to cause another person to be murdered and is currently serving a sentence of imprisonment for that offence;
   d. Convicted of a sexual offence within the meaning of subsection 487.055(3) of the *Criminal Code* and is currently serving a sentence of imprisonment for that offence; or,
   e. Convicted of manslaughter and is currently serving a sentence of imprisonment for that offence.

As of March 31, 2010, approximately 6,116 offenders qualified for inclusion in the retroactive category as defined by Bills C-3 and C-13/C-18. From this list of qualified offenders, 5,356 files were concluded with the remainder being prepared by the Attorneys General for court applications.

Primary and Secondary Offences: See Appendix A.

Samples Received versus Profiles Contained in the Convicted Offenders Index

As of March 31, 2010, the NDDB had received 203,519 biological samples, of which 188,684 DNA profiles were contained in the Convicted Offenders Index. The difference of 7.3% can be attributed to rejected samples, duplicate samples, biological samples in the process of being treated and profiles removed from the Convicted Offenders Index because the retention period was expired, the conviction or the order/authorization quashed on appeal.

TABLE 6 — CONVICTED OFFENDER SAMPLES RECEIVED BY PROVINCE			
British Columbia	23,629	Nova Scotia	4,906
Alberta	21,259	Prince Edward Island	443
Saskatchewan	8,972	Newfoundland & Labrador	3,027
Manitoba	11,037	Yukon	349
Ontario	90,406	North West Territories	1,257
Quebec	34,493	Nunavut	1,046
New Brunswick	2,695	TOTAL	203,519

NOTE: The above information represents the convicted offender samples received and is not reflective of the number of convictions eligible for inclusion into the Convicted Offenders Index.

TABLE 7 — TYPE OF SAMPLES RECEIVED FROM CONVICTED OFFENDERS	
Blood	200,673
Buccal	2,634
Hair	212
TOTAL	203,519

TABLE 8 — BREAKDOWN OF CONVICTED OFFENDER SAMPLES RECEIVED	
Adult Offender	177,701
Young Offender	25,769
Military Offender	49
TOTAL	203,519

SAMPLE REJECTIONS

The NDDB has rejected only 1.4% of the samples it has received to date. Reasons for rejection include: offender convicted of a non-designated offence, inadequate biological samples, use of inappropriate collection kit, lack of order and others. More than 56% of the samples rejected were collected from offenders convicted of non-designated offences and are therefore not eligible for inclusion in the Convicted Offenders Index.

COLLECTION OF ADDITIONAL BODILY SUBSTANCES

In some instances, bodily substances have to be taken a second time, pursuant to a re-sampling authorization issued under subsection 487.091(1) of the *Criminal Code* which provides for an application for re-sampling when the original sample submitted is rejected. If the quality of the biological sample submitted is deemed inadequate for DNA analysis or if it had not been transmitted in accordance with the *DNA Identification Regulations*, the sample can be rejected. Since June 30, 2000, the NDDB has received 494 samples that were taken under this provision.

TABLE 9 — CONVICTED OFFENDERS INDEX BREAKDOWN BY OFFENCE

Assault	126,270
Sexual Offence	38,421
Break and Enter	29,847
Robbery	27,727
Controlled Drugs and Substance Act (CDSA)	9,285
Homicide	6,384
Other	15,193
TOTAL	253,127

NOTE: More than one offence may be associated with a sample

TABLE 10 — BREAKDOWN OF BIOLOGICAL SAMPLES DESTROYED AND DNA PROFILES REMOVED FROM THE CONVICTED OFFENDERS INDEX

	ADULT	YOUNG PERSON
Conditional discharge	2,019	268
Conviction quashed on appeal	234	7
Absolute discharge	109	21
Duplicate sample (same order)	86	9
No suitable DNA profile obtained	49	10
Order/authorization quashed	20	7
Retention period expired	N/A	754
Other	16	6
TOTAL	2,533	1,082

N/A: Not applicable

EXPLANATORY NOTES

Assault includes assault with a weapon or causing bodily harm, aggravated assault, assaulting a peace officer, overcoming resistance to commission of offence, criminal harassment and uttering threats.

Break and Enter includes break and enter with intent, being unlawfully in dwelling-house, break and entering a place other than dwelling-house and possession of break-in instruments.

Robbery includes robbery and extortion.

Sexual Offence includes rape, sexual intercourse with a female under 14 and between 14 and 16, sexual intercourse with the feeble-minded, sexual interference, invitation to sexual touching, sexual exploitation, incest, bestiality in the presence of or by a child, child pornography, indecent acts, offence in relation to juvenile prostitution, sexual assault with a weapon, aggravated sexual assault, sexual assault, indecent assault, gross indecency, prostitution and luring a child.

Homicide includes manslaughter.

Controlled Drugs and Substances Act includes possession for purpose of trafficking, import or export of controlled substance, trafficking and production of substances.

The Other category includes using explosives, causing death by criminal negligence, causing bodily harm by criminal negligence, causing bodily harm with intent, dangerous operation causing death, failure to stop at the scene of an accident, impaired driving causing death, unlawfully causing bodily harm, kidnapping, hostage taking, mischief causing danger to life, arson-disregard to human life, setting fire to other substance, arson — own property, firearms, fraud, counterfeiting, criminal organization, escape, flight, theft over $5,000, forgery, disguise and intimidation.

TABLE 11 — ENDORSEMENTS RECEIVED BY PROVINCE			
British Columbia	2,138	Nova Scotia	121
Alberta	1,373	Prince Edward Island	3
Saskatchewan	251	Newfoundland & Labrador	115
Manitoba	570	Yukon	31
Ontario	10,927	North West Territories	40
Quebec	2,018	Nunavut	36
New Brunswick	16	TOTAL	17,639

NOTE: The above information represents the convicted offender endorsements received and is not reflective of the number of convictions eligible for inclusion into the Convicted Offenders Index.

TABLE 12 — BREAKDOWN OF ENDORSEMENTS RECEIVED	
Adult Offender	16,780
Young Offender	859
Military Offender	0
TOTAL	17,639

TABLE 13 — ENDORSEMENTS BREAKDOWN BY OFFENCE	
Assault	11,130
Break and Enter	3,651
Robbery	2,613
Controlled Drugs and Substance Act (CDSA)	1,512
Sexual Offence	917
Homicide	163
Other	3,227
TOTAL	23,213

NOTE: More than one offence may be associated with an endorsement.

ENDORSEMENT

Section 487.071 of the *Criminal Code*, requires police officers to verify with the Canadian Police Information Centre (CPIC) whether a convicted offender's DNA profile is already in the NDDB prior to executing every new DNA data bank order or authorization. If the DNA profile of an offender is contained in the COI of the NDDB, police officers may not take the bodily substances from the offender but are required to submit the un-executed DNA data bank order or authorization with an endorsement form confirming they have been advised that the person's DNA profile is already contained in the NDDB, along with the offender's fingerprints to the NDDB. The purpose of the endorsement process is to ensure that an offender's DNA profile remains in the NDDB should the original offence for which the DNA sample was ordered be overturned on appeal.

ENDORSEMENT REJECTIONS

The NDDB has rejected only 1.2% of the endorsements it has received to date. Reasons for rejection include: DNA profile from the offender is not contained in the COI, offender convicted of a non-designated offence and others. More than 54% of the endorsements rejected were collected from offenders convicted of non-designated offences and are therefore not eligible for inclusion in the Convicted Offenders Index.

Financial Statement

APRIL 1, 2009 – MARCH 31, 2010

EXPENDITURE TYPE	EXPENDITURE ($ THOUSANDS)
Personnel	1,589
Transport and Telecommunications	30
Development and Infrastructure Support	49
Rentals	3
Repair and Maintenance	79
Utilities, Materials and Supplies	1,002
Capital and Minor Equipment Purchases	15
Miscellaneous	1
SUB-TOTAL	2,768
Indirect Costs[1]	925
TOTAL	3,693

1 Indirect Costs include: Forensic Science and Identification Services administrative and corporate support, facilities management, Research and Development, recruitment, hiring and training of new personnel, the Quality Assurance Program and the National DNA Data Bank Advisory Committee.

A Day in the Life of...

A Day in the Life of
JACQUES DAGENAIS, CROWN PROSECUTOR

When contemplating his career as a young adult, Jacques Dagenais thought Charles Darwin's *The Origin of Species* would play a part in his professional life, not the *Criminal Code of Canada*.

After spending a year travelling, his interest in pursuing the study of anthropology began to wane and Dagenais chose to study law. He enrolled in law studies at the University of Montréal and graduated in 1967.

Since that time, Dagenais' career has navigated through different fields of law. He began his profession in a large civil law firm but later moved to Crown law. In the 1970s, he worked on an Organized Crime Commission, and was later the co-chief counsel in the investigation into the cost of the 1976 Montréal Olympics. He spent eight years with the Consumer Protection Office as a chief lawyer but found he missed the action the courtroom offered.

In 1990, Dagenais took up prosecution once again and has been there ever since. Now 66, the veteran Crown Prosecutor, mostly assigned to murder cases, has worked on some of the most high-profile cases that have come through the Palais de Justice courthouse in Montréal.

He says about one-third of the year is spent in the courtroom, while the remaining two-thirds is spent preparing his cases: studying the evidence, devising its orderly and rational presentation, researching the law and interviewing witnesses.

At trial time and especially in jury trials, Dagenais puts in long hours at the office, constantly reviewing the forthcoming evidence and adjusting to the ceaseless unforeseen occurrences which are an integral part of major cases. "You stop everything, and live for the case," he said.

Dagenais said that, over the years, DNA evidence has been an invaluable element in many of his criminal cases. "As a prosecutor, DNA helps you tremendously in attaining the high degree of certainty required of evidence in criminal cases, especially where crimes have no witnesses."

"In the early stages of DNA evidence, when judges and juries were not familiar with the science and the process, the evidence was much more complex to introduce," he said. "You had to prove its scientific value. Now it is routinely accepted."

It was a link made by the National DNA Data Bank that led to the successful conviction of the man behind one of Dagenais' most memorable cases – the 1984 killing of famous Quebec children's television entertainer Denise Morelle.

More than two decades after she was killed, DNA evidence from the crime scene helped yield a guilty plea from the man responsible for the killing. Because more than 20 years had passed since Morelle's killing, police couldn't locate some of the witnesses and further to that, witness testimony alone wouldn't likely seal a guilty plea from the offender.

It was the DNA evidence found on Morelle's body that finally resolved this cold case and provided closure to the victim's family, whom Dagenais described as being "extremely happy" with the resolution.

Not one for monotony, Dagenais says the best part about being a Quebec Crown Prosecutor is the variety. "There's no routine," he said. "Each case is different and each challenge is different. You meet different people from all walks of life, high and low. Also, you do contribute to restore a sense of justice."

A Day in the Life of HOWIE ANTONIUK, DETECTIVE

Detective Howie Antoniuk considers his job one of the best in the Edmonton Police Service.

"It's like a treasure hunt every day," said Antoniuk, who is one of two police officers assigned to the service's Historical Homicide Unit. "I really enjoy coming to work."

The Historical Homicide Unit is a division within Edmonton Police Service's Homicide Section that is mandated to investigate all unsolved homicide cases, no matter how long ago they took place.

The oldest unsolved case with the police service dates back more than a half century to 1957 and is one of approximately 100 files that Antoniuk and his partner are committed to investigating.

A recent coup for the unit came in November 2009, when one of the city's most shocking cold cases came back to life. Thanks to the investigative work by Antoniuk and his partner, Edmonton Police Service was able to lay charges against a B.C. man in connection with the 1987 homicide of an 83-year-old woman.

The DNA profile obtained from evidence saved from the 1987 crime scene matched a profile of a person who had been ordered to submit their DNA to the National DNA Data Bank following a conviction for another crime. The case is now before the courts.

Antoniuk said advances in technology, such as DNA, have helped bring new leads to cases that have remained closed for years. Antoniuk's personal philosophy is to try to help bring closure for families who have lost loved ones to crime.

"A murder investigation 30 years ago was done a whole heck of a lot different than today," he said. "It's amazing what you can find sometimes."

As a veteran police officer with 33 years of service, Antoniuk has spent his career working in several units within the Edmonton Police Service. He has been a member of the tactical unit, general patrol team, the gang unit, the drug unit and a member of the criminal intelligence section, among others.

For the last two years, he has been a member of the Historical Homicide Unit, where his day job often requires him to review old police files, track down people who witnessed decades-old-crimes, or visit the library to sort through archived newspaper clippings. "Some of the files are so old, they're starting to deteriorate," said Antoniuk, who often requests that old tapes or videos be converted to today's technology.

Another reason Antoniuk loves working on old murder files is the satisfaction he gets when he can bring an offender to justice. "If you let someone get away with murder once, you don't know how many times they are going to do it again," he said. Antoniuk wants offenders out there to know one thing: "We don't stop looking."

A Day in the Life of
MICHELLE FISHER, FORENSIC DNA SPECIALIST

A chance encounter with RCMP forensic identification specialists sealed the fate of Michelle Fisher, who would later dedicate her profession to helping solve crimes working in a forensic laboratory.

Fisher, who lives and works in Halifax, is a Forensic DNA Specialist with the RCMP's Biology Services. Having joined the RCMP in 1989, Fisher is celebrating her 21st year as a Civilian Member of the Force.

As a teenager, Fisher remembers visiting her father, who was an RCMP officer at the time, and meeting the men and woman who spent their days analyzing the smallest pieces of evidence from crime scenes in an effort to tell the story of what happened.

Those initial meetings sparked Fisher's fascination with forensic evidence and led to her enrolment in Mount Allison University's Biology program.

"I discovered that forensics really interested me," she said. "I had that in the back of my mind going through school."

As part of the RCMP's Forensic Science and Identification Services (FS&IS), the Biology Services Directorate provides biological evidence recovery, DNA analysis and reporting. Interpretation and reporting are provided at the Halifax Forensic Laboratory site where Fisher works.

Forensic DNA Specialists, such as Fisher, are responsible for the interpretation of DNA profiles developed from crime scene samples and determining if the samples originate from a single contributor or from a mixture of DNA from multiple contributors. She then compares these crime scene profiles to DNA profiles of known individuals to determine matches or exclusions, and prepares a report on the results of her analysis.

"We attempt to develop DNA profiles from evidence recovered at crime scenes," and "We deal mostly with violent crimes where biological substances have been left behind."

Teamwork is an essential part of her job as a forensic specialist. There is often ongoing dialogue with police investigators and each case requires input and review from colleagues. Due to strict quality control measures, after a Forensic DNA Specialist completes an analysis, a second qualified individual assesses the results, and a third provides a final review.

Fisher said it is often rewarding when she can provide information that can contribute to a criminal investigation. It is the work she does in the laboratory that could help police move an investigation forward; either by giving them grounds for a search warrant, receiving a match from the National DNA Data Bank or by excluding a suspect from further investigation.

"I get satisfaction knowing that I, in some small way, am contributing to solving crimes," Fisher said.

With a little over two decades working in Biology Services, Fisher said she has had many memorable experiences, but a murder trial, dating back to 1995, stands out in her mind.

Early in her career in DNA analysis she was asked to testify in a court case in Prince Edward Island. As a DNA Analyst at the time, Fisher was called upon to respond to questions about the methods she used to develop the DNA profile from the DNA recovered from the crime scene as well as how she handled the biological samples.

"I was there for three weeks and I was able to sit in the courtroom and listen to everything else unfold," she said. "It helped me understand the broader picture rather than just my contribution."

In total, Fisher has testified in court eleven times. As the science behind DNA analysis and interpretation has become more widely accepted, she and her colleagues now spend less time in the courtroom and more time in the laboratory analyzing DNA profiles.

A Day in the Life of JOHN STEVENSON, DETECTIVE SERGEANT

In 1986, John Stevenson was a rookie police officer with the Winnipeg Police Force. Inspired to become a police officer after listening to countless stories and musings from a close family member who worked as a police officer in Winnipeg, Stevenson is now in his 25th year of policing.

With a continued desire to help the public and victims of crime, Stevenson is a Detective Sergeant assigned to the Winnipeg Police Service Sex Crimes Unit (SCU).

A typical day in the SCU is filled with many tasks such as reviewing police reports, staying in touch with victims and witnesses, completing requests for the Crown Attorney's Office and tracking down suspects for interviews. Often, Stevenson says he is asked to escort victims to and from the courtroom as they fear coming face-to-face with their attackers.

"Of course, we attend the hospital whenever a new sexual assault file comes to our attention," said Stevenson. "We seize the forensic exhibits that the nurse has obtained from the victim and secure that evidence. We request that the RCMP laboratory analyze these exhibits for the presence of human biological material and, if applicable, seek DNA warrants to obtain blood samples from our suspect(s)."

The initial interview that follows a sexual assault often marks the beginning of a lengthy and professional relationship between the investigator and the victim during the subsequent investigation and court process.

Stevenson says that the best thing about working on the SCU is knowing that he is helping victims of crime.

Despite the difficult task of sometimes having to listen to offenders' confessions of serious crimes, Stevenson says he receives some measure of satisfaction from his work.

"I know that by securing these individuals a lengthy period of incarceration, I am protecting other potential victims from harm," he said.

Like DNA evidence, policing as a career often leads you down unexpected paths. A good example of this happened to Stevenson approximately 15 years ago when he and his partner were credited with saving a man's life. At the time, they saw a man throwing full bottles of beer from a fifth floor balcony of a downtown apartment building. "We immediately attended the scene due to the serious danger of this person's actions," said Stevenson. When they entered the building, the man who had been throwing beer bottles off the balcony had since been stabbed in the chest and was laying in the elevator. "We called for assistance and commenced first aid on this individual. Our Chief subsequently credited us with saving this man's life." Other Winnipeg police officers on duty that afternoon later located and arrested the individual responsible for the stabbing.

While techniques for investigating crimes have remained relatively the same since Stevenson first started patrolling Winnipeg's streets in the mid-1980s, the importance of DNA has changed considerably. Over the years, as DNA technology has improved. Stevenson says he and his fellow police officers are more inclined to seize exhibits for DNA analysis in the hopes that laboratory personnel will be able to determine the DNA profile of a suspect.

"We don't always have DNA evidence but when we do, it is a significant piece of the puzzle and oftentimes will seal an offender's fate," said Stevenson. "Getting a DNA hit on one of our files is just a great bonus. It is a tremendous law-enforcement tool and I would like to see all offenders convicted of an indictable offence forced to provide a sample of their DNA for entry onto the National DNA Data Bank."

Appendix A

Definitions of Designated Offences

PRIMARY COMPULSORY OFFENCES

This category includes 19 offences for which the court is compelled to make an order such as murder, manslaughter, aggravated sexual assault and robbery. For a complete list of offences that fall under this category, refer to paragraph (a) under the definition of "primary designated offences" in section 487.04 of the *Criminal Code*.

PRESUMPTIVE PRIMARY OFFENCES

For these offences, the court shall make an order unless the offender convinces the court that the impact of such an order on his/her privacy and security of the person is "grossly disproportionate" to the public interest in the protection of society and the proper administration of justice. Examples of offences included in this category are: sexual assault, breaking and entering a dwelling house and child pornography. For a complete list of offences that fall under this category, refer to paragraph (a.1) to (d) under the definition of "primary designated offence" in section 487.04 of the *Criminal Code*.

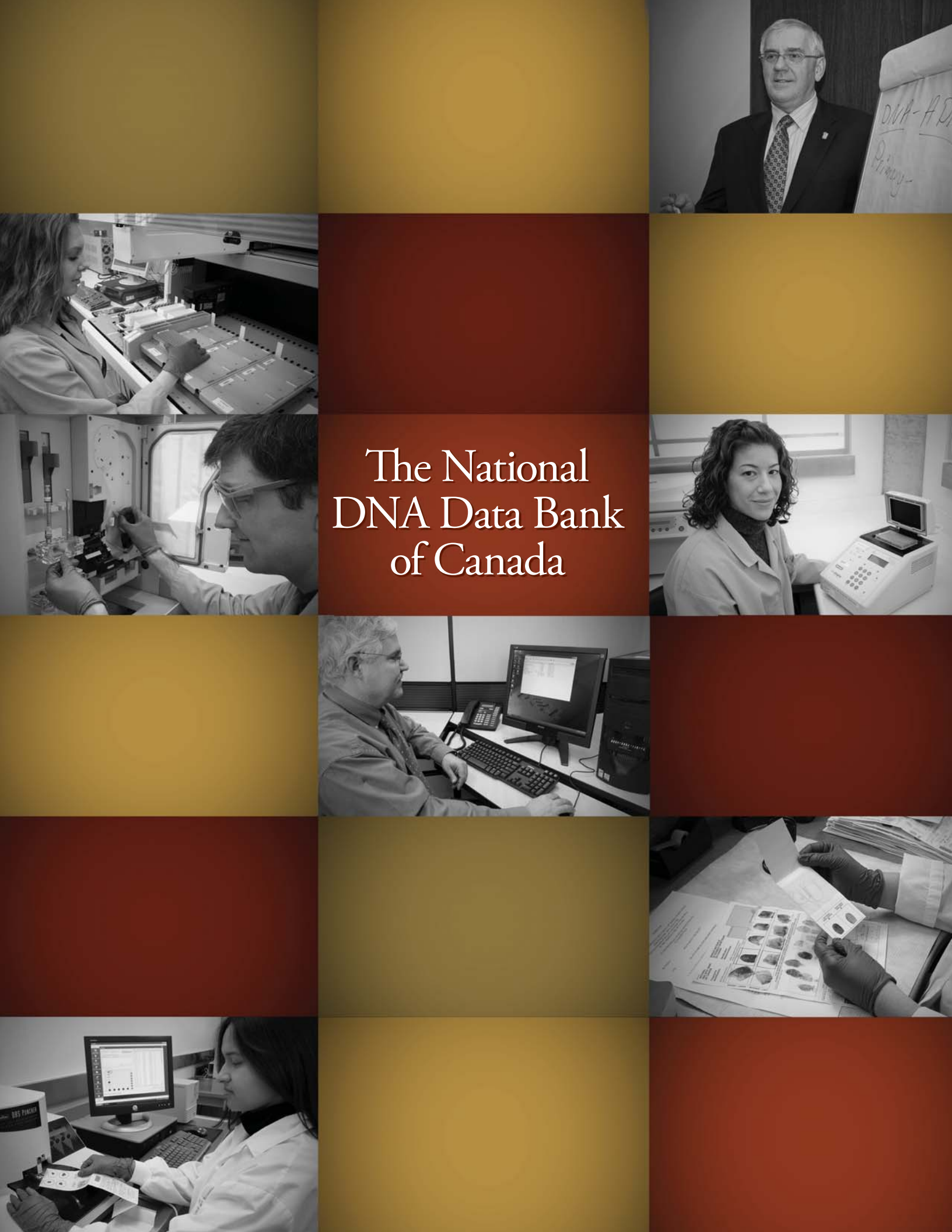
LISTED SECONDARY OFFENCES

For these offences, the court may, on application by prosecutor, make an order if it is satisfied that it is in the best interests of the administration of justice to do so. Examples of offences included in this category are: breaking and entering a place other than dwelling-house, assault and indecent acts. For a complete list of offences that fall under this category, refer to paragraphs (c), (d) and (e)(ii) under the definition of "secondary designated offence" in section 487.04 of the *Criminal Code*.

GENERIC SECONDARY OFFENCES

For these offences, the court may, on application by the prosecutor, make an order if it is satisfied that it is in the best interests of the administration of justice to do so. All the other non-listed *Criminal Code* offences including certain Controlled Drug and Substance Act offences that are prosecuted by indictment for which the maximum punishment is imprisonment for five years or more fall under this category of offences.

Examples of offences included in this category are: possession of explosive without lawful excuse, pointing a firearm, dangerous driving, dangerous driving causing bodily harm and causing death by criminal negligence, theft over $5,000 and drug related offences (e.g. trafficking and possession for the purpose of trafficking, importing and exporting and production of substances) which fall under sections 5, 6 and 7 of the Controlled Drugs and Substances Act. For more information, refer to paragraphs (a), (b) and (e)(i) under the definition of "secondary designated offence" in section 487.04 of the *Criminal Code*.



The National DNA Data Bank of Canada