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BUILDING A **SAFE AND RESILIENT CANADA**



Public Safety Canada

2013-2014 Evaluation of the Biology Casework Analysis Activities

Final Report

2014-02-20

Canada

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EXECUTIVE SUMMARY

Evaluation supports accountability to Parliament and Canadians by helping the Government of Canada to credibly report on the results achieved with resources invested in programs. Evaluation supports deputy heads in managing for results by informing them about whether their programs are producing the outcomes that they were designed to achieve, at an affordable cost; and supports policy and program improvements by helping to identify lessons learned and best practices.

What we examined

The evaluation assessed the relevance and performance of the activities of Public Safety Canada in support of a sustainable national approach to Biology Casework Analysis (DNA analysis). These include activities related to the role of Public Safety Canada as the strategic policy lead (i.e. advice, policy development, governance, research activities), and its lead role in the negotiations of the funding arrangements between the federal government and the provinces and territories. These funding arrangements are put in place, to support the submission of crime scene DNA profiles into the National DNA Data Bank. The Data Bank is managed by the Royal Canadian Mounted Police.

Public Safety Canada develops and administers two types of funding arrangements:

- The Biology Casework Analysis Contribution Program with Ontario and Quebec was established in 2010 and it provides financial contributions to Ontario and Quebec in the amount of \$6.9 million (\$3.45 million for each province) per year for five years. These two provinces have established independent forensic laboratories that conduct biology casework analysis. The federal government contributes funding to off-set the costs of these operations and to enhance the co-operative participation of Ontario and Quebec to submit crime scene DNA profiles to the Data Bank.
- The Biology Casework Analysis Agreements are negotiated with the contract jurisdictions where the Royal Canadian Mounted Police provides contract policing services (i.e. all provinces and territories excluding Ontario and Quebec). The contract jurisdictions pay the federal government \$3.8 million per year for the Royal Canadian Mounted Police Laboratory to process biological materials found at crime scenes. The objective of these Agreements is to contribute to the continual submission of the crime scene DNA profiles into the Data Bank.

The evaluation did not assess the Royal Canadian Mounted Police's National DNA Data Bank, the Royal Canadian Mounted Police Laboratory, and their related activities.

Why it is important

DNA analysis is an important prosecutorial and investigatory tool that contributes to the overall effectiveness and efficiency of the criminal justice system. To reap its full benefit, it is important to have a nationally coordinated, cohesive approach to DNA analysis in which all partners in the criminal justice communities work together. Public Safety Canada's leadership and coordination roles provide support for a sustainable national approach to DNA analysis.

What we found

Relevance

- There is a continued need for the Biology Casework Analysis activities conducted by Public Safety Canada. First, these activities contribute to the continual submission of crime scene DNA profiles to the National DNA Data Bank. Second, Public Safety Canada has the national leadership and coordination roles to advance the strategic policy agenda within the context of a national Biology Casework Analysis regime. Lastly, these activities are needed to facilitate the ongoing examination of capacity and sustainability issues of the laboratories.
- Biology Casework Analysis activities align with federal government and departmental priorities. These activities contribute to the government's and the departmental priorities of a fair, efficient, and effective criminal justice system and more broadly, to the government's combating crime agenda.
- Biology Casework Analysis activities align with federal roles and responsibilities as legislated under the *DNA Identification Act*. As well, criminal activities extend beyond provincial and national borders, necessitating the need for federal involvement.

Performance

- There is a clearly defined governance mechanism to support the national Biology Casework Analysis regime.
- Good progress had been made to fulfill the current mandate of the DNA Working Group (i.e. implement BCA Agreements with the contract jurisdictions using a more comprehensive cost model).
- Unlike the previous Terms of Reference, the current mandate of the DNA Working Group does not focus on broad strategic issues.
- Public Safety Canada does not appear to have a well-established strategic policy leadership role. A national strategic plan does not exist and there is a general lack of research to facilitate the development of strategic policies.
- Having said that, through the conduct of two research studies, Public Safety Canada has contributed to advancing policy development to a certain extent.
- There have been adequate consultation and provision of information provided by Public Safety Canada to federal/provincial/territorial senior management, working groups, and federal stakeholders.
- Cost-sharing agreements with the contract jurisdictions have been in place every year since the Data Bank was created in 2000, affirming the value placed by the federal government and the provinces and territories on Biology Casework Analysis. The current negotiation of the agreements is progressing well and yet to be finalized.
- Though some interviewees felt that the Public Safety Canada activities do not contribute directly to the sustainability of the Royal Canadian Mounted Police Laboratory, through the

various forums that the Department had engaged stakeholders on this issue, it has contributed to building the foundational work that may lead to the Laboratory's sustainability.

- The Contribution Program has significantly contributed to the sustainability of a national approach to Biology Casework Analysis. The Program has contributed to the increases in capacities of the Ontario and Quebec Laboratories, resulting in an increase of DNA profiles submitted to the Crime Scene Index of the Data Bank by the two Laboratories.
- The Contribution Program is an improved funding mechanism which now has a clear legislated authority to negotiate and provide funding to Ontario and Quebec. The Program has been managed well.
- Many factors contribute to the submission of the crime scene DNA profiles into the Data Bank, with Public Safety Canada's activities being some of them. With this context in mind, it is noted that the total number of crime scene DNA profiles submitted to the Data Bank increased in recent years.
- The average administration ratio of the Biology Casework Analysis Contribution Program is low. The "other" Biology Casework Analysis Activities (excluding the Contributing Program) have become more cost-efficient.

Recommendations

The Internal Audit and Evaluation Directorate recommends that the Assistant Deputy Minister, Community Safety and Countering Crime Branch of Public Safety Canada, implement the following:

1. Develop a strategic plan in consultation with federal/provincial/territorial stakeholders, outlining policy goals to fully optimize the use of DNA for the Canadian criminal justice system.
2. Renew the terms of reference of the federal/provincial/territorial DNA Working Group to reflect a stronger focus on broader strategic issues.

Management Response and Action Plan

Recommendation	Management Response	Action Planned	Planned Completion Date
1. Develop a strategic plan in consultation with federal/provincial/territorial stakeholders, outlining policy goals to fully optimize the use of DNA for the Canadian criminal justice system.	accept	<p>A strategic plan outlining the way forward to strengthen the use of DNA will be developed by Public Safety Canada through:</p> <ul style="list-style-type: none"> • collaboration with federal counterparts, notably RCMP and Justice Canada; and • Provincial/Territorial stakeholder consultations through the FPT DNA Working Group and the Policing and Public Safety Steering Committee (PPSSC). <p>The plan will:</p> <ul style="list-style-type: none"> • highlight longer-term priorities over the next three to five year; and • identify potential amendments to enhance the <i>DNA Identification Act</i>, in an effort to optimize the use of DNA. 	December 2015
2. Renew the terms of reference of the federal/provincial/territorial DNA Working Group to reflect a stronger focus on broader strategic issues.	accept	The Terms of Reference will be updated, upon completion of the current mandate, to reflect the strategic focus in the medium term (one to three years).	September 2014

1. INTRODUCTION

This is the Public Safety Canada (PS) 2013-2014 Evaluation of Biology Casework Analysis (BCA) Activities. This evaluation provides Canadians, parliamentarians, Ministers, central agencies, and the Deputy Minister of Public Safety with an evidence-based, neutral assessment of the relevance and performance (effectiveness, efficiency and economy) of this federal government program.

2. PROFILE

2.1 Background

Biology casework analysis is the process of deriving a DNA profile from biological material found at a crime scene. For the purpose of this evaluation, the term “Biology Casework Analysis” and “DNA analysis” will be used inter-changeably.¹

DNA analysis is a very precise identification method for distinguishing one individual from another. The chances of finding a comparable profile are in the order of one person out of 600 billion.² Because of its accuracy, DNA analysis has become an important prosecutorial and investigatory tool available to the criminal justice system.

Recognizing the value of DNA analysis, the *DNA Identification Act*³ was enacted in 1998 and in 2000, the government created the National DNA Data Bank. The Royal Canadian Mounted Police (RCMP) administers the Data Bank.

The Data Bank is comprised of two indices:

- the Convicted Offender Index is an electronic DNA profile database developed from biological samples collected from convicted offenders; and
- the Crime Scene Index is a separate electronic database composed of DNA profiles obtained from crime scene investigations.⁴

Biological samples collected from convicted offenders are analyzed by the Data Bank and entered into the Data Bank's Convicted Offender Index.⁵ Only the Data Bank analyzes the DNA samples of Convicted Offender Index. DNA samples collected from crime scenes are entered

¹ There is a subtle difference between the two terms. Biology casework analysis is the process to determine if DNA samples can be derived from exhibits at crime scenes; and if appropriate, these samples will then be subject to DNA analysis. There are exhibits from the crime scenes that might not be DNA samples (e.g. an exhibit of red color food stain that resembles blood stain is not a DNA sample). DNA analysis is the actual process of deriving DNA profiles.

² House of Commons Standing Committee on Public Safety and National Security (2009). *Statutory Review of the DNA Identification Act*.

³ Department of Justice (1998). *DNA Identification Act* (S.C. 1998 c. 37)

⁴ Royal Canadian Mounted Police (2012). National DNA Data Bank of Canada, Annual Report 2012-2013

⁵ Biological samples are collected from offenders convicted of designated primary and secondary offences as identified in section 487.04 of the *Criminal Code*. (source: Royal Canadian Mounted Police. *National DNA Data Bank of Canada Annual Report 2012-2013*).

into the Data Bank's Crime Scene Index.⁶ These samples are analyzed in one of the three forensic laboratory systems in Canada:⁷

- The RCMP Forensic Science and Identification Services with sites in Halifax, Ottawa, Regina, Edmonton and Vancouver (the RCMP Laboratory);
- The Centre of Forensic Sciences with sites in Toronto and Sault Ste. Marie (the Ontario Laboratory); and
- The Laboratoire de sciences judiciaires et de médecine légale in Montréal (the Quebec Laboratory).⁸

This evaluation assessed the activities of PS in providing support for a sustainable national approach to BCA. These PS activities are coordinated by the Research and National Coordination, Organized Crime Division, Community Safety and Countering Crime Branch⁹ within the Department. The evaluation did not assess the RCMP's National DNA Data Bank, the RCMP Laboratory, and their related activities (e.g. analysis and submission of the convicted offender DNA profiles into the Data Bank).

2.2 Description of PS BCA Activities

The following describes the PS activities that are examined in this evaluation. These activities are collectively termed as the "BCA activities" and include:

- PS activities as it relates to its strategic policy lead role in the realm of the national BCA regime (i.e. advice, policy development, governance, research activities); and
- PS lead role in the negotiations of the BCA funding arrangements between the federal government and the provinces and territories. These funding arrangements are put in place, to support the submission of crime scene DNA profiles into the Data Bank. Currently, these activities comprise of:
 - the development, administration, and monitoring of the Biology Casework Analysis Contribution Program with Ontario and Quebec. This Program was established in 2010 and it provides financial contributions to Ontario and Quebec in the amount of \$6.9 million (\$3.45 million for each province) per year for five years. These two provinces have established independent forensic laboratories to conduct BCA. Given the high costs to conduct BCA and to enhance the co-operative participation of Ontario and Quebec with the population of the Crime Scene Index into the Data Bank, the federal government contributes funding to off-set the costs of these operations;
 - the development of the Biology Casework Analysis Agreements with the contract jurisdictions where the RCMP provides contract policing services (i.e. provinces and territories excluding Ontario and Quebec). Starting in 2004 till now, altogether, the

⁶ The Crime Scene Index is composed of DNA profiles obtained from crime scene investigations of the same designated offences as the Convicted Offender Index. (source: Royal Canadian Mounted Police. *National DNA Data Bank of Canada Annual Report 2012-2013*).

⁷ Royal Canadian Mounted Police (2012). *National DNA Data Bank of Canada, Annual Report 2012-2013*.

⁸ The three Labs, in addition to BCA, perform other specialized forensic examination and analysis in areas such as chemistry, ballistics, and toxicology. For the RCMP, there is also a site in Winnipeg. However, this site does not conduct BCA.

⁹ Formerly the Law Enforcement and Policing Branch.

contract jurisdictions pay the federal government a total of \$3.8 million per year¹⁰ for the Royal Canadian Mounted Police Laboratory to process biological materials found at crime scenes. The objective of the BCA Agreements is to contribute to the submission of the crime scene DNA profiles into the Data Bank.

2.3 Resources

Funding was not allocated to PS for the purposes of conducting the BCA activities. Table 1 illustrates estimated salary expenditures for PS staff time required to conduct these activities. The Table also presents the annual operations and maintenance expenditures, from 2008-2009 to 2012-2013.

Table 1: Expenditure in Dollars (\$)					
	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
Estimated Salaries ^{1,2}	17,066	17,316	122,214	100,242	122,108
Operations and Maintenance	216,205 ³	34,670	60,564	483,867	35,883
Total	233,271	51,986	182,778	584,109	157,991

Notes:

- 1) Estimated salaries do not include the amounts for the Employee Benefits Plan, Public Works and Government Services Canada accommodation allowance, and internal services.
- 2) Salary estimates prior to 2010-2011 were estimates based on the available information provided by the current PS BCA program team. As discussed later, this team has only been in existence since the latter half of 2009-2010. Salaries for the years 2010-2013 were estimated based on the percentage of time spent by each resource per year to conduct the BCA activities.
- 3) PS commissioned two research studies, one in 2008-2009 and another one in 2011-2012. More details about these two studies will be discussed later.

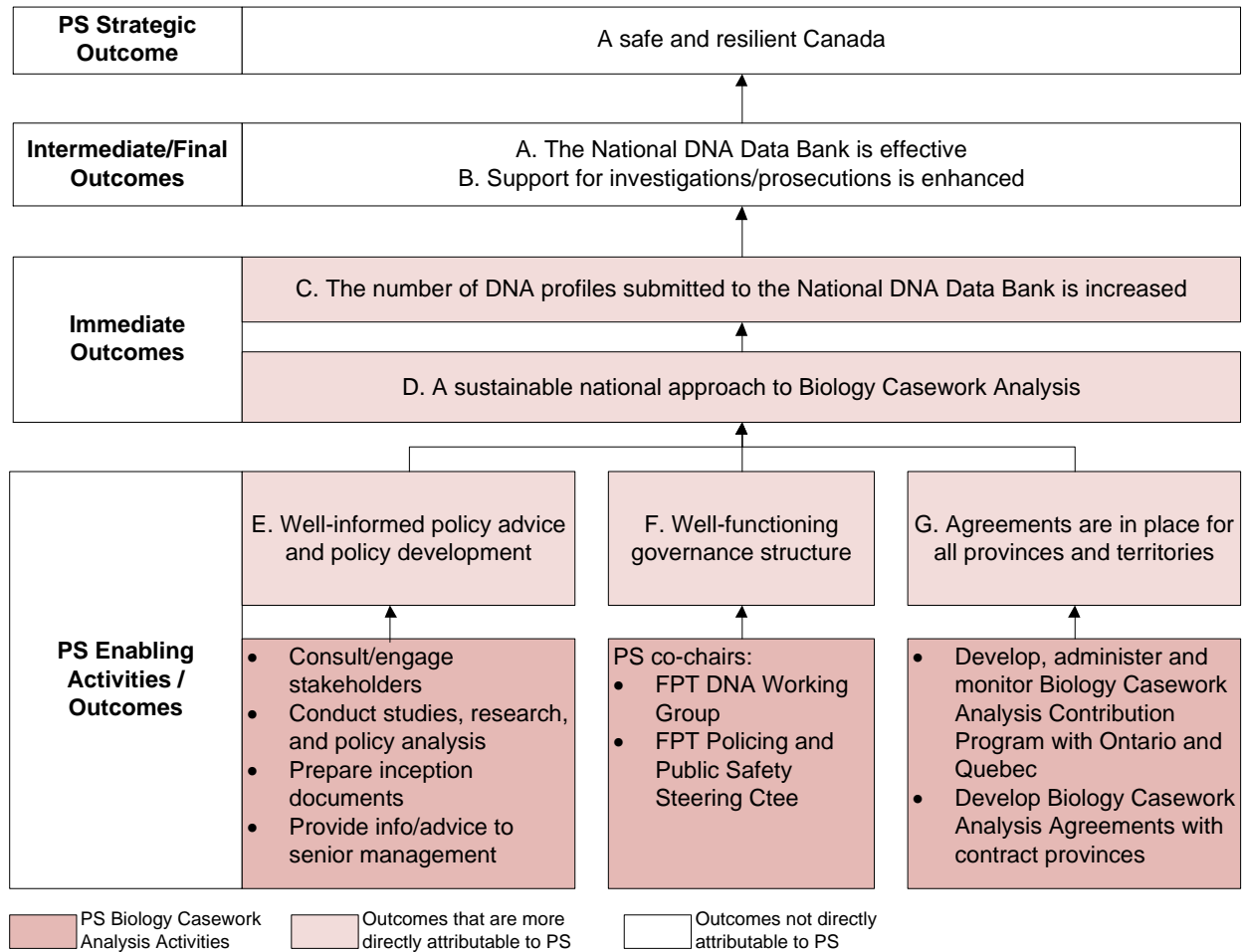
Under the BCA Contribution Program, PS is allocated an annual amount of \$6.9 million for five years starting in 2010-2011 to provide financial contributions to Ontario and Quebec.

2.4 Logic Model

The logic model is a visual representation that links what the program is funded to do (activities) with what it produces (outputs) and what it intends to achieve (outcomes). It also provides the basis for developing the evaluation matrix, which gave the evaluation team a roadmap for conducting this evaluation.

¹⁰ This amount is paid into the Consolidated Revenue Fund of Canada.

Figure 1 – Logic Model of the PS BCA Activities



3. ABOUT THE EVALUATION

3.1 Objective

This evaluation supports:

- Accountability to Parliament and Canadians by helping the Government to credibly report on the results achieved with resources invested in these Activities;
- The Deputy Minister of Public Safety in managing for results by informing him about whether these Activities are producing the outcomes that they were designed to produce, at an affordable cost; and
- Policy and program improvements.

3.2 Scope

The evaluation assessed the relevance and performance of the outcomes that are more directly attributable to the PS BCA activities. It generally assessed the current situation and if appropriate, it did so by analyzing trends over the last few years.¹¹

3.3 Methodology

This evaluation was conducted in accordance with the Treasury Board of Canada *Policy on Evaluation*, the *Standard on Evaluation for the Government of Canada* and the *PS Evaluation Policy*. The evaluators used a goal-based, implicit design approach and took into account the following factors in order to determine the evaluation effort, including the approach, scope, design, and methods, required for this evaluation:

- risks;
- quality of past evaluations;
- soundness of program theory;
- longevity of the program; and,
- contextual stability.

Specifically, the evaluation methodology and associated level of effort were calibrated taking into consideration the characteristics of the BCA activities:

- The BCA activities are low risk with relatively few key stakeholders (provinces and territories, the RCMP, the Department of Justice);
- The evaluation included the assessment of the enabling and immediate outcomes and not the intermediate/final outcomes. This approach took into consideration the assessment of outcomes that are more directly attributable to PS; and
- Except for the establishment of the BCA Contribution Program in 2010, the PS BCA activities have remained essentially the same since the inception of the National DNA Data Bank in 2000.¹² The same amount of federal funding has been provided to two recipients, namely Ontario and Quebec per year since 2010. Similarly, the contract jurisdictions have contributed the same lump-sum amount to the federal government since 2004.

¹¹ The 2007-2008 *Second Evaluation of the National DNA Data Bank Program* included the assessment of both the Data Bank and the BCA Agreements with all provinces (including Ontario and Quebec). However, the assessment relating to the BCA Agreements in the last evaluation is no longer relevant in the current environment and therefore, it will not be used for comparison purposes here. There was one recommendation in the last evaluation, pertaining to the possibility of including the BCA Agreements under the Provincial Policing Service Agreements. PS program representatives informed the evaluation team that the issue was discussed and it was later decided that the scope of the BCA Agreements is narrower; it only governs the delivery of specialized activities and should not be included in the Provincial Policing Service Agreements. As well, police services are ultimately the responsibility of the Provincial Minister, operational control and fiduciary responsibilities of the forensic laboratories remain in the purview of the Commissioner of the RCMP and do not reside with provinces or territories.

¹² Prior to 2010, RCMP made transfer payment to Ontario and Quebec for the financing of BCA in these provinces.

3.3.1 Evaluation Core Issues and Questions

As required by the *Directive on the Evaluation Function*, the following issue areas and evaluation questions were addressed in the evaluation:

Relevance

1. Is there an ongoing need for the BCA activities?
2. To what extent do BCA activities align with current federal government priorities and strategic outcomes of PS?
3. What is the nature of the federal government's role to deliver the BCA activities?

Performance—Effectiveness

4. To what extent is there a sustainable national approach to BCA?
 - a. Are there cost-sharing agreements for all provinces and territories?
 - b. To what extent have the intended results of the contribution program with Ontario and Quebec been achieved?
 - c. To what extent have PS activities contributed to well-informed policy advice and enabled policy development regarding BCA?
 - d. To what extent is there a well-functioning governance structure?
5. To what extent has the number of DNA profiles submitted to the National DNA Data Bank been increased nationally?

Performance—Efficiency and Economy

6. To what extent have BCA activities been delivered efficiently and economically?

3.3.2 Lines of Evidence

The methodology for the evaluation included several lines of inquiry as follows: document review, interviews, and analysis of performance information and financial information.

Document Review

The document review included the following types of documents: reviews, audits/evaluations, corporate documents, accountability and policy documents, inception documents, reports on plans and priorities, speeches from the Throne, and legislative documents, program documents (i.e. terms of reference, records of discussion, records of decisions, briefing notes, agreements). A list of documents reviewed is presented at Annex A.

Interviews

Ten interviews were conducted for the evaluation with distribution among interview groups as shown in Table 2. Interview guides were adjusted for each group.

Table 2 – Interview Groups and Number of Interviews	
Interview Group	Number of Interviews
PS Program Officials	2
Federal Stakeholders (Royal Canadian Mounted Police, Department of Justice)	4
Recipients of the Contribution Agreement (Ontario and Quebec Laboratories)	4
TOTAL¹	10

Note:

- 1) As elaborated further in Section 3.4 under Limitations, the evaluation team did not solicit the opinions from representatives of the contract jurisdictions.

Performance information

Quantitative information was gathered from the three Laboratories (e.g. number of cases processed, number of crime scene DNA profiles submitted to the Data Bank) and outputs of the PS Program (e.g. number of committee meetings, briefing notes, etc.).

Financial Information

The PS program, in consultation with the PS Financial Services and Systems, provided a breakdown of expenditures for salary and operations and maintenance. Financial information was gathered for the last three years for the Contribution Program and for the last five years for all the other BCA activities (i.e. except the Contribution Program).

3.4 Limitations

The following section describes data limitations and how the evaluation team addressed these limitations.

- Though representatives of the contract jurisdictions are important stakeholders, the evaluation team did not solicit opinions from them. This is because the negotiation of the BCA Agreements with these jurisdictions is currently underway. To address this limitation, the evaluation team did an assessment of data availability prior to the conduct of the evaluation. The team found that quantitative data and document review are mostly available to assess key outcomes attributable to PS. As a result, this evaluation relied more heavily on these latter lines of evidence to assess outcomes.
- As the agreements with the contract jurisdictions are not finalized, specific clauses are not mentioned in the evaluation report. However, this does not affect the overall ability of the evaluation team to assess the outcomes of the PS BCA activities.
- Although qualitative information from interviews was analyzed using a systematic approach, the information only represents the viewpoints of selected interviewees. Evaluators exercised judgment in creating themes from interviewee responses. Where possible, the evaluation addressed this limitation by supplementing interview information with other lines of evidence.

3.5 Protocols

During the evaluation, PS program representatives, as well as the RCMP, the Ontario and the Quebec Laboratories, assisted in the identification of key stakeholders and/or provided documentation and data to support the evaluation. Collaborative participation greatly enriched the evaluation process.

This report was submitted to program managers and to the responsible Assistant Deputy Minister for review and acceptance. A Management Response and Action Plan was prepared in response to the evaluation recommendations. These documents were presented to the PS Departmental Evaluation Committee for consideration and for final approval by the Deputy Minister of Public Safety.

4. FINDINGS

4.1 Relevance

4.1.1 Continuing Need for Public Safety's BCA Activities

In order to establish if there is continuing need for the PS BCA activities, the evaluation examined the rationale for the BCA activities within the larger context of DNA analysis and the National DNA Data Bank; and in general, the need for PS program activities.

DNA Analysis and the National DNA Data Bank

The use of DNA analysis has enhanced the administration of justice and has contributed to the overall efficiency of the criminal justice system.¹³ Based on a review of DNA Laboratory requests from municipal police departments and the RCMP detachments in the Lower Mainland of British Columbia,¹⁴ DNA evidence helped focus investigations, identified dangerous offenders, assisted to eliminate suspects, and provided links to previously unrelated occurrences. Out of a sample of about 600 files,¹⁵ 25% of them showed that DNA results changed the nature, direction, or scope of the investigation, and nearly two-thirds of the files indicated that the DNA results helped identify a suspect. In 4% of the cases, DNA results helped eliminate a suspect. In 42% of the files, the study indicated that the DNA analysis provided a link to previously unrelated occurrences.

However, isolated DNA analysis is limited; it can only assist cases where there are known suspects. The full potential of DNA analysis can only be harnessed when there is DNA profiling from investigations across the country and hence, the creation of the National DNA Data Bank.¹⁶

¹³ House of Commons Standing Committee on Public Safety and National Security (2009). *Statutory Review of the DNA Identification Act*.

¹⁴ Department of Justice Canada (2013). *A Review of DNA Lab Requests from Municipal Departments and RCMP Detachments in the Lower Mainland of British Columbia* (2006-2011), p.11, 12.

¹⁵ Based on a sample of 587 total DNA match or "hit" files reviewed.

¹⁶ Royal Canadian Mounted Police. *National DNA Data Bank of Canada Annual Report 2010-2011*, p.6, pp. 12-13.

The success of the Data Bank is proportional to the number of DNA profiles stored in it. For example, it took more than three years for the Data Bank to reach its first milestone of 1,000 offender hits (matching a crime scene to an offender). Since 2010-2011, that same 1,000 increment milestone has been achieved, on average, in less than three months.¹⁷

PS, as the lead in the negotiation of the funding arrangements with all the provinces and territories,¹⁸ contributes to the continual submission of crime scene DNA profiles into the Data Bank.

Need for National leadership, cohesion, and coordination

A nationally coordinated, cohesive DNA regime requires the partnership of federal, provincial, and territorial governments in the policy, justice, and law enforcement areas to work together. PS, as governed by the legislation, has the national leadership and coordination responsibilities to “support the Minister’s responsibility for all matters... related to public safety and emergency management”,¹⁹ and that includes the establishment and maintenance of a national DNA regime.

In particular, PS has the responsibility “to provide policy advice... on issues related to corrections and criminal justice, including legislative and policy reforms...”. “The intent is to reduce crime by collaborating with federal, provincial and territorial partners to design and deliver national programs that are specific and appropriate to regions and communities. The programs delivered through these partnerships help provide the tools, education, and support to effectively reduce, deter and prevent crime in Canada.”²⁰ Through collaborative efforts, PS has the role to provide effective support to the criminal justice communities and advance broad policy issues such as the effective use of DNA analysis in the criminal justice system, and the system-wide perspective on how to best allocate available funding to the entire national DNA system.

Need to address capacity and sustainability issues of the laboratories to meet increasing demand

PS BCA activities remain relevant to address the capacity and sustainability issues of the labs to meet increasing demand. The demand for DNA analysis has consistently increased in the last ten years.²¹ Interviewees commented that this trend will likely continue in the future. There are many factors contributing to the increase in future demand.

Since the enactment of the *DNA Identification Act* in 1998, the government has continued to add new offences to the list of designated offences to be submitted to the Data Bank.²² For example,

¹⁷ Royal Canadian Mounted Police. *National DNA Data Bank of Canada Annual Report 2012-2013*, p.3.

¹⁸ Under Section 6(1)(c) of the *Department of Public Safety and Emergency Preparedness Act*, the Minister of Public Safety Canada has been delegated the authority to enter into grants and contributions without an Order in Council. As stated in the foundational document, PS was tasked to enter into negotiations of the BCA Agreements with the contract jurisdictions.

¹⁹ Public Safety Canada. *2013-2014 Report on Plans and Priorities*.

²⁰ Public Safety Canada Website: <http://www.publicsafety.gc.ca/cnt/cntrng-crm/crrctns/index-eng.aspx>

²¹ Office of the Auditor General (2011). *2011 June Status Report of the Auditor General of Canada, Chapter 5—National Police Services—Royal Canadian Mounted Police*, and performance information gathered from the RCMP, Ontario, and Quebec Labs.

²² Senate Committee on Legal and Constitutional Affairs (2010). *Public Protection, Privacy and the Search for Balance: A Statutory Review of the DNA Identification Act*, p. 20, 24.

with the full implementation of Bill C13 and Bill C18²³ on January 1, 2008, an additional 172 *Criminal Code* offences were added to the list of designated offences for which a National DNA Data Bank order could be made; this has significantly increased the demand for DNA analysis.²⁴ In April 2011, the *Protecting Victims from Sex Offenders Act* (Bill S-2) was proclaimed. This Bill amended the *Criminal Code* to make DNA sampling mandatory for convicted sex offenders.²⁵ Furthermore, interviewees commented any new legislative changes could have a big impact on demand (e.g. inclusion of the Missing Person Index into the Data Bank).

Interviewees noted that technological advances (e.g. automation) and improved business processes help to increase capacity. However, new technologies could also permit DNA analysis to be performed on smaller samples, thereby increasing its permissible scope and creating more demand for DNA work that was considered infeasible in the past.²⁶

Lastly, interviewees noted that as investigators and prosecutors are now more familiar with the use of DNA analysis and they have come to appreciate its probative value; the demand for DNA analysis will further rise.

In light of expected rising demand for DNA analysis and in support of a sustainable national BCA approach, the BCA activities are needed to facilitate the ongoing examination of capacity and sustainability issues of the laboratories. Partly as a result of rising demand, the average annual RCMP Laboratory cost to conduct BCA was \$27 million in recent years,²⁷ increasing from \$7 million in 2003-2004.²⁸ As well, the contribution payments through the BCA Contribution Program constituted 35% and 47% of the overall laboratory costs for Ontario and Quebec respectively.²⁹

4.1.2 Alignment with Federal and Departmental Priorities

The evaluation sought to assess the degree of alignment of the BCA activities with federal government priorities and departmental objectives.

Tackling crime and having a fair and efficient justice system remain key focuses of the government's ongoing public safety agenda. Following the 2010 Speech from the Throne that "justice must be effective, swift and true", in the following year, the Speech spoke about the government's commitment to "move quickly to re-introduce comprehensive law-and-order

²³ Bill C13, *An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act*; Bill C18, *An Act to amend certain Acts in relation to DNA identification*.

²⁴ Government Consulting Services, Public Works and Government Services Canada (2009). *DNA Forensic Laboratory Services Cost and Capacity Review—Final Report*. Prepared for: Public Safety Canada.

²⁵ Royal Canadian Mounted Police. *National DNA Data Bank of Canada Annual Report 2012-2013*, p.32.

²⁶ Public Safety Canada (2007). *Second Evaluation of the National DNA Data Bank Program, 2007-2008*; Senate Committee on Legal and Constitutional Affairs (2010). *Public Protection, Privacy and the Search for Balance: A Statutory Review of the DNA Identification Act*.

²⁷ Average RCMP Laboratory costs for the two years between 2010-2011 and 2011-2012.

²⁸ The methodology to calculate the RCMP Laboratory cost differs from the 2004 model to the current proposed model. In 2003-2004, the basket of goods only included salary and O&M directly related to BCA. In the proposed model, the budget includes both direct and indirect costs, including a portion of activity costs that were used to support BCA (e.g. information technology, quality management, research and development, corporate costs and ever-greening). The proposed methodology reflects the actual costs to deliver BCA and is in line with how the costs are calculated in the Provincial Police Service Agreements. In 2003-2004, the contract jurisdictions paid the federal government a total of \$3.8 million per year, constituting 53.9% of the total RCMP Laboratory cost. Therefore, the total RCMP Laboratory cost was about \$7 million.

²⁹ Average Ontario and Quebec Laboratory costs for the three years between 2010-2011 and 2012-2013.

legislation to combat crime and terrorism.” To fulfill these commitments, the government introduced the *Safe Streets and Communities Act* in 2012.

In early 2013, at the Summit on the Economics of Policing – *Strengthening Canada’s Policing Advantage*, the Minister of Public Safety stated that “this Summit has demonstrated our shared commitment to ensuring that policing services are delivered as effectively and efficiently as possible, while continuing to make the safety and security of all Canadians our top priority.”³⁰ This statement was echoed shortly after by the Minister of Justice, saying that “one of the key priorities recently identified by the Prime Minister” is in the area of “safe streets and communities”, with focuses on ongoing government’s commitment to “tackling crime, victim’s rights, and a fair and efficient justice system.”³¹

In the 2013-2014 PS Report on Plans and Priorities, the number one organizational priority is to “increase the efficiency and effectiveness of the criminal justice system through innovation and cost-effective approaches”.

The BCA activities are well-aligned with government-wide priorities and departmental objectives. Through PS’ leadership and coordination roles in both the policy realm and in the funding arrangements with all the provinces and territories, the BCA activities contribute to the government’s priorities of a fair and efficient criminal justice system and more broadly, to the government’s combating crime agenda.

4.1.3 Alignment with Federal Roles and Responsibilities

To examine the relevance of the federal role in the BCA activities, the evaluation sought evidence of accountability and authority in relation to the National DNA Data Bank, and the necessity for the federal government to establish a national cohesive approach to effectively and efficiently combat crime.

Under the framework created by the *DNA Identification Act*, the Minister of Public Safety must establish, and the Commissioner of the RCMP must maintain, a National DNA Data Bank for criminal identification purposes.³²

The basic premise for a national DNA regime is the recognition that criminal activities often extend beyond provincial and national borders. This fact necessitates the need for federal involvement to effectively and efficiently combat crime. As stated in the 2012 RCMP report on *National Police Services: Building a Sustainable Future*, crime and criminals do not respect political borders and “there is a shared recognition that no jurisdiction can effectively address crime without appropriate mechanisms for accessing the knowledge and services available from other police forces across Canada.” The report further noted that “there are a number of justifications for coordinated national services in support of police investigations and criminal justice administration. They include economies of scale, reduction of overlap and duplication between levels of government, assurance of a minimum standard of policing and problem

³⁰ Public Safety Canada. News Release, January 17, 2013, *Policing officials meet to discuss the future of policing in Canada*: <http://www.publicsafety.gc.ca/cnt/nws/nws-rlss/2013/20130117-eng.aspx>

³¹ Department of Justice Canada. News Release, February 15, 2013, *Statement by the Minister of Justice Regarding the Sentencing of Graham James*: http://www.justice.gc.ca/eng/news-nouv/nr-cp/2013/doc_32858.html

³² Senate Committee on Legal and Constitutional Affairs (2010). *Public Protection, Privacy and the Search for Balance: A Statutory Review of the DNA Identification Act*, p. 13.

solving on a national level. Information sharing and interoperability have been proven to solve crime.”³³

4.2 Performance—Effectiveness

Performance was assessed by examining relevant program documents (such as the agreements, briefing notes, meeting materials), as well as quantitative information gathered from the PS program and the three forensic laboratories. Qualitative evidence was also gathered through interviews.

To assess the extent to which the BCA activities contribute to the support for a sustainable national approach to BCA, the evaluation focused on assessing the PS activities as it relates to its strategic policy lead role (i.e. governance, advice and policy development). As well, the evaluation examined the effectiveness of the BCA agreements with the provinces and territories (i.e. BCA Agreements with the contract jurisdictions and the BCA Contribution Program with Ontario and Quebec). Lastly, the evaluation examined the extent of increase in the number of crime scene DNA profiles submitted to the Data Bank, with the understanding that there are many contributing factors with the BCA activities being some of them.

4.2.1 Governance

Governance is generally an important foundational element of leadership, coordination, and engagement. In consideration of this, the evaluation examined the functioning of the two committees related to the national BCA regime: the Federal/Provincial/Territorial (F/P/T) Policing and Public Safety Steering Committee and the F/P/T DNA Working Group.

The current governance structure indicated that there is a clearly-defined mechanism with appropriate membership to support the national BCA regime. The Policing and Public Safety Steering Committee³⁴ (Steering Committee) is comprised of F/P/T Assistant Deputy Ministers responsible for policing and public safety from each jurisdiction. It is a decision-making body with a mandate to provide government leadership on priority policing issues within and across jurisdictions in Canada. PS is the federal representative and the Assistant Deputy Minister, Community Safety and Countering Crime Branch at PS, co-chairs the committee with another provincial/territorial Assistant Deputy Minister.

The F/P/T DNA Working Group reports to the Steering Committee. The Working Group is comprised of PS, the RCMP, the Department of Justice, and all the provinces and territories. Together with two other provincial representatives, the Director of the Research and National Coordination, Organized Crime Division at PS co-chairs this Working Group.

Program documents showed that good progress has been made to fulfill the current mandate of the DNA Working Group. The current Terms of Reference of the Working Group was developed in March 2013 with a mandate to implement new BCA Agreements with the contract jurisdictions and to develop a more comprehensive cost-sharing model. While negotiations are

³³ Royal Canadian Mounted Police (2012). *National Police Services: Building a Sustainable Future*.

³⁴ This committee was formerly called the Assistant Deputy Ministers' Committee on Policing Issues. In 2012, F/P/T Deputy Ministers Responsible for Justice and Public Safety approved the changes in governance to enable a more integrated, strategic and efficient examination of the full range of cross-jurisdictional public policy issues in policing by creating the Policing and Public Safety Steering Committee. In meeting this objective, some existing committees were merged, eliminated or revised.

on-going, agreement in principle has been reached between the federal government and the provinces and territories on various key elements.

However, federal stakeholders commented that the mandate of the DNA Working Group does not focus on broad strategic issues. They noted that the current mandate is weak with no strategic direction and that it is not a policy discussion forum. Program documents showed that the previous Terms of Reference, developed in 2008, included the implementation of the BCA Agreements but also had a broader focus to include the advancement of a work plan outlining short and long-term goals aimed at fully exploiting the use of DNA for the Canadian criminal justice system. Program documents indicated that the current mandate is taken, as a deliberate decision made by senior management to ensure that the immediate operational needs are met (i.e. the Agreements do not lapse). PS program representatives further noted that once the Agreements are in place, PS intends to have more policy discussions in the Working Group.

There is evidence to indicate that there has been adequate consultation and provision of information provided by PS to F/P/T senior management, working groups, and federal stakeholders. Document review indicated that through various forums, PS engaged F/P/T stakeholders at upper management and working levels to discuss issues related to fostering a sustainable national BCA approach. PS also worked with its federal stakeholders (mainly the RCMP and the Department of Justice) to advance issues on the DNA file in general, such as the potential amendments of the *DNA Identification Act* (e.g. whether to include the Missing Persons Index into the Data Bank). In collaboration with the RCMP, the National Police Services National Advisory Committee was created in 2012. This information corroborates interviewee comments that regular updates have been appropriately communicated. From 2010-2011 to 2012-2013, there were about 20 DNA Working Group meetings and six meetings at the Steering Committee level, including a special meeting addressing National Police Services and BCA in February 2013.

Since PS started to dedicate resources to the BCA file in 2009, interviewees noted that communication with PS has improved. There is now a more stable PS team in place and it has improved collaboration between PS and the federal stakeholders, the provinces and territories.

4.2.2 Policy Advice and Policy Development

This section examined the extent to which PS contributes to a sustainable national approach to BCA, through its provision of strategic policy advice and policy development.

In general, based on interviewee comments, there is a lack of research in this area and this does not facilitate the development of strategic policies. A national strategy does not exist and there is a lack of a long-term plan in terms of how to optimize the use of BCA in Canada. So far, the federal government does not have a long-term solution to resolve the funding arrangements with the provinces and territories. As a result, PS spends its efforts in working out the agreements instead of placing a concerted effort on strategic policy development.

Having said that, through the conduct of two mandated research studies and based on document review and interviewee comments, PS has contributed to advance policy development to a certain extent.

One of these studies is the *DNA Forensic Laboratory Services Cost and Capacity Review (2009)*.³⁵ As a result of the full implementation of Bill C13 and Bill C18 in January 2008,³⁶ it was expected that there would be a substantial increase in projected demand related to DNA case work analysis. The objective of the study therefore, was to determine the level of future capacity and associated costs to meet this projected demand. The study concluded that the Ontario and Quebec Laboratories had insufficient capacities to meet future demand. Interviewees mentioned that the findings stemming from this study were used to inform the policy discussion between the federal government and Ontario and Quebec in the development of the BCA Contribution Program in 2010.

The second study, *A Feasible and Sustainable Model for Forensic Service Delivery in Canada (2012)*, was conducted as a result of the announcement in the 2010 Budget.³⁷ The purpose of this study was to determine what alternative models of forensic service delivery would be both feasible and sustainable in the Canadian context.³⁸ PS led and coordinated this study with support from the RCMP. The study explored options for service delivery (e.g. exploring private sector services and the transformation of the RCMP Laboratory into a Special Operating Agency) and other policy issues such as how to advance inter-laboratory co-operation to expand forensic research in Canada. Document review showed that the study recommended the consolidation of the RCMP Laboratory. The RCMP program representatives stated that there are plans to consolidate the Laboratory from six sites to three sites by 2015-2016.

Federal stakeholders interviewed felt that PS does not have a well-established strategic policy leadership or advisory role, but more a transactional role with a focus on operational issues. Also, these interviewees noted that PS does not have a strong challenge function.

4.2.3 Agreements with Provinces and Territories

The following section assesses the extent to which the funding agreements with all the provinces and territories have contributed to ensuring the sustainability of BCA nationally.

BCA Agreements with the Contract Jurisdictions

The existence of the BCA Agreements with the contract jurisdictions contributes to the submission of the crime scene DNA profiles into the National DNA Data Bank. Cost-sharing agreements have been in place every year since the Data Bank was created in 2000. Agreements were negotiated in 2000 and again in 2004. When the Agreements expired in 2007, extensions were granted until new agreements were put in place in 2010 with possible extension starting in 2013, up to March 2015.³⁹

³⁵ Government Consulting Services, Public Works and Government Services Canada (2009). *DNA Forensic Laboratory Services Cost and Capacity Review—Final Report*.

³⁶ Bill C13, *An Act to amend the Criminal Code, the DNA Identification Act and the National Defence Act*, and Bill C18, *An Act to amend certain Acts in relation to DNA identification*

³⁷ In the 2010 Budget, the government announced that “it would explore options for different delivery models for forensics in Canada.”

³⁸ Northumbria University Centre for Forensic Science (2012). *A Feasible and Sustainable Model for Forensic Service Delivery in Canada*. Prepared for Public Safety Canada..

³⁹ PS program representatives noted that, in order not to interfere with the negotiation process of the Police Services Agreements that was concluded in 2011-2012, there were delays in the negotiation of the BCA Agreements in recent years.

PS is currently negotiating the agreements with the contract jurisdictions based on a more comprehensive cost-shared model that was developed in collaboration with the RCMP. Document review showed that good progress has been made on several key elements. As of fall 2013, implementation of the new agreements is being anticipated for 2014.

The RCMP Laboratory is funded through their appropriation and because payments received from the contract jurisdictions are deposited into the Consolidated Revenue Fund, some federal interviewees felt that the PS BCA activities do not contribute directly to the sustainability of the RCMP Laboratory. They noted that there was no mechanism to return these payments to the RCMP Laboratory. The evaluation team was informed that the sustainability of National Policing Services which include the RCMP Laboratory is currently being reviewed.

However, there is some indication to show that the BCA activities have contributed to building the foundational work that may lead to the sustainability of the RCMP Laboratory. Program documents revealed that PS had conducted various discussions at different forums with the RCMP bilaterally, with the DNA Working Group and at the Steering Committee on issues related to the sustainability of the RCMP Laboratory and to the broader issue of the sustainability of the Laboratory within the context of the National Police Services.⁴⁰

BCA Contribution Program with Ontario and Quebec

The objectives of the Contribution Agreement are to increase the capacity of the Ontario and Quebec Laboratories and to ensure their continued participation in the submission of the crime scene DNA profiles into the National DNA Data Bank. There is evidence to indicate that the objectives have been met.

The Contribution Program has increased the capacity of the Ontario and Quebec forensic laboratories. Federal funding increased from \$2.3 million per province each year to \$3.45 million since the Contribution Program was put in place in 2010. Performance information showed that the number of cases processed has increased between 2010-2011 and 2012-2013, with the Quebec Laboratory increasing from 5,100 to 5,800 and the Ontario Laboratory increasing from 5,400 to 6,200. Most Interviewees noted that the funding has significantly contributed to the increase in capacities, allowing the two Laboratories to be able to address the increase in demand in recent years.

The increase in capacities has resulted in a corresponding increase of the crime scene DNA profiles submitted to the Data Bank by the two Laboratories. Performance information showed that in the two years prior to the implementation of the Contribution Program, on average, the Ontario and Quebec Laboratories submitted about 2,400 and 2,000 of these DNA profiles each year. This number went up to about 3,000 for both Laboratories between 2010 and 2013.

According to the interviewees, the Contribution Program has significantly contributed to the sustainability of a national approach to BCA. Currently, the number of crime scene DNA profiles submitted by the Ontario and Quebec Laboratories account for about 70% of all profiles submitted to the Data Bank for this category. Between 2010-2011 and 2012-2013, the average federal funding constituted 35% and 47% of the overall laboratory costs for Ontario and Quebec respectively.⁴¹

⁴⁰ The RCMP Laboratory is part of the RCMP National Police Services.

⁴¹ Average Laboratory costs for the three years between 2010-2011 and 2012-2013.

Overall, the Ontario and Quebec Laboratories interviewees said that they are satisfied with the functioning of the Contribution Program. They mentioned that the Contribution Program is an improved funding mechanism. The longer-term nature (5 years) provides stability and facilitates operational decision-making. Prior to 2010, funding was extended from year to year. The PS program representatives noted that the funding mechanism is now more straightforward. By means of the *Department of Public Safety and Emergency Preparedness Act*, PS has the legislated authority to negotiate contribution agreements with the two provinces. Prior to 2010, Ontario and Quebec were funded by the RCMP through the *RCMP Act*, which does not have clear provisions for providing funding to provinces.

Furthermore, Ontario and Quebec Laboratories interviewees noted that the Contribution Program has been managed well, without heavy administrative burden. Payments have been timely and the amount of reporting required is appropriate. Reporting is done twice a year. The budget is provided to PS at the beginning of the year and an annual performance report is submitted at the end.

4.2.4 Submissions to the National DNA Data Bank

Many factors contribute to the submission of the crime scene DNA profiles into the Data Bank, with the BCA activities being some of them. Therefore, it is difficult to attribute the change in the number of submissions solely to the BCA activities. With this context in mind, it is noted that the total number of crime scene DNA profiles submitted to the Data Bank increased in recent years, from about 7,000 profiles in 2008-2009 to close to 10,000 in 2012-2013. There were increases from all the three Laboratories (Table 3).

Table 3 - Submissions of profiles to the Crime Scene Index of the Data Bank					
	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
Ontario	2490	2413	2638	3220	3562
Quebec	2559	1561	3267	2795	3234
RCMP	2272	2876	3481	3317	3172
TOTALS:	7321	6850	9386	9332	9968

Table 4 showed a corresponding increase in the number of offender hits (linking offenders to crime scenes), from an average of about 2,900 per annum during the 2008 to 2010 period to an average of 3,600 during the last three years. Forensic hits, linking crime scenes to crime scenes, remained stable during the last five years.

Table 4 - National DNA Data Bank Hits					
	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
Offender Hits	2608	3095	3941	3437	3387
Forensic Hits	381	381	298	353	395

4.3 Performance—Efficiency and Economy

The evaluation sought to assess whether the BCA activities were delivered efficiently through the review of program documents and financial information. It should be noted that the BCA activities have been delivered within existing PS funding with a team of three people working part-time on the file since the latter half of 2009-2010. Therefore, the following analysis focuses on the period between 2009-2010 and 2012-2013, as appropriate.

For the Contribution Program, the efficiency of BCA activities was assessed by determining the average annual program administration ratio.⁴² Financial information combined with program estimates approximated the annual administrative cost of the BCA Contribution Program to vary from \$87,000 to \$119,000 between 2010-2011 and 2012-2013. The average program administration ratio was 2%. This is understandable as this is a low-risk program with fixed contributions to only two provinces requiring minimal oversight. Details of the calculations are contained in Annex B.

The efficiency of the “other” BCA activities (excluding the BCA Contribution Program) was assessed by examining the cost and output trends of these activities. For the analysis, the evaluation team compared the two-year period of 2009-2011 to the last two years (2011-2013) for both costs and outputs. This comparison showed that the cost to PS increased by about 12%, to roughly \$137,000 per annum in the last two years.⁴³ Output (weighted by the level of effort) increased by 165%, mainly due to the negotiation with the contract jurisdictions.⁴⁴ The weighted level of effort associated with outputs increased more rapidly than the costs over these years. This suggests that the “other” BCA activities have become more cost-efficient.

5. CONCLUSIONS

5.1 Relevance

- *There is a continued need for the Biology Casework Analysis activities conducted by Public Safety Canada. First, these activities contribute to the continual submission of crime scene DNA profiles to the National DNA Data Bank. Second, Public Safety Canada has the national leadership and coordination roles to advance the strategic policy agenda within the context of a national Biology Casework Analysis regime. Lastly, these activities are needed to facilitate the ongoing examination of capacity and sustainability issues of the laboratories.*

The success of the Data Bank is proportional to the number of DNA profiles stored in it. Through the funding arrangement established with all the provinces and territories, the BCA activities contribute to the continual submission of crime scene DNA profiles into the Data Bank.

⁴² The program administration ratio refers to the total program administration cost as a percentage of the contribution paid in a given year.

⁴³ A large proportion of the O&M expenditure for the years 2008-2009 and 2011-2012 was spent on the commissioning of two research studies. When examining the cost efficiency of the “other” BCA activities, the evaluation team excluded these costs, since they did not reflect the activities conducted by PS.

⁴⁴ Outputs were estimates, based on available information provided by the PS program representatives. Outputs included work related to the negotiations with the contract jurisdictions (e.g. consultation documents, framework for the BCA Agreements), information or advice provided to senior management (e.g. briefing notes), consultation and provision of information to stakeholders (e.g. meetings, record of discussions/decisions), research-related activities, and policy discussions (e.g. Missing Person Index).

PS has the national leadership and coordination responsibilities to support the Minister of Public Safety for all matters related to public safety, and that includes advancing the strategic policy agenda for the establishment and maintenance of a national DNA regime.

The demand for DNA analysis has consistently increased and is expected to further increase in the future. For the benefit of building a sustainable national approach for BCA, the BCA activities are needed to facilitate the ongoing examination of capacity and sustainability issues of the laboratories.

- *BCA activities align with federal government and departmental priorities. These activities contribute to the government's and the departmental priorities of a fair, efficient, and effective criminal justice system and more broadly, to the government's combating crime agenda.*

The BCA activities contribute to the government's and the departmental priorities of a fair, efficient, and effective criminal justice system and more broadly, to the government's combating crime agenda.

- *BCA activities align with federal roles and responsibilities as legislated under the DNA Identification Act. As well, criminal activities extend beyond provincial and national borders, necessitating the need for federal involvement.*

Under the *DNA Identification Act*, the Minister of Public Safety must establish, and the Commissioner of the RCMP must maintain, a National DNA Data Bank, for criminal identification purposes.

Criminal activities extend beyond provincial and national borders. This fact necessitates the need for the federal government to establish a national cohesive approach to effectively and efficiently combat crime.

5.2 Performance

- *There is a clearly defined governance mechanism to support the national BCA regime.*

The Policing and Public Safety Steering Committee (Steering Committee) is a decision-making body comprised of F/P/T Assistant Deputy Ministers. The F/P/T DNA Working Group reports to the Steering Committee. PS co-chairs both the Steering Committee and the Working Group, together with its provincial counterparts.

- *Good progress had been made to fulfill the current mandate of the DNA Working Group (i.e. implement BCA Agreements with the contract jurisdictions using a more comprehensive cost-sharing model).*

The current mandate of the DNA Working Group, developed in March 2013, is to implement new BCA Agreements with the contract jurisdictions and to develop a more comprehensive cost-sharing model. While negotiations are on-going, agreement in principle has been reached on various key elements.

- *Unlike the previous Terms of Reference, the current mandate of the DNA Working Group does not focus on broad strategic issues.*

While the previous Terms of Reference for the DNA Working Group (2008) included a broader focus to include the advancement of a work plan outlining short and long-term goals aimed at fully exploiting the use of DNA for the Canadian criminal justice system, federal stakeholders commented that the current mandate does not have a strategic direction and that it is not a policy discussion forum.

- *PS does not appear to have a well-established strategic policy leadership role. A national strategic plan does not exist and there is a general lack of research to facilitate the development of strategic policies.*

In terms of how to optimize the use of BCA in Canada, a national strategic plan does not exist. Federal stakeholders noted that PS does not have a strong policy advisory function and it only has a transactional role with a focus on operational issues. As well, there is a general lack of research to facilitate the development of strategic policies.

- *Having said that, through the conduct of two research studies, PS has contributed to advancing policy development to a certain extent.*

The findings stemming from one study were used to inform the policy discussion between the federal government and Ontario and Quebec in the development of the BCA Contribution Program in 2010. Another study explored the options for forensic service delivery in Canada. This study also recommended the consolidation of the RCMP Laboratory. There are plans to consolidate the Laboratory from six sites to three sites by 2015-2016.

- *There have been adequate consultation and provision of information provided by PS to F/P/T senior management, working groups, and federal stakeholders.*

Through various forums, PS engaged F/P/T stakeholders at upper management and working levels to discuss issues related to fostering a sustainable national BCA approach. PS also worked with its federal stakeholders to advance issues on the DNA file in general, such as the potential amendments of the *DNA Identification Act*.

- *Cost-sharing agreements with the contract jurisdictions have been in place every year since the Data Bank was created in 2000, affirming the value placed by the federal government and the provinces and territories on BCA. The current negotiation of the agreements is progressing well and yet to be finalized.*

Cost-sharing agreements with the contract jurisdictions had been in place every year since 2000; agreements had been negotiated three times since then. The current agreements were put in place in 2010 with possible extension starting in 2013, up till March 2015.

PS is currently negotiating the agreements with the contract jurisdictions based on a more comprehensive cost-sharing model. Good progress has been made on several key elements. As of fall 2013, implementation of the new agreements is being anticipated for 2014.

- *Though some interviewees felt that the PS BCA activities do not contribute directly to the sustainability of the RCMP Laboratory, through the various forums that the Department had engaged stakeholders on this issue, it has contributed to building the foundational work that may lead to the Laboratory's sustainability.*

The RCMP Laboratory is funded through their appropriation and some interviewees were of the opinion that because payments recovered from the contract jurisdictions are deposited into the Consolidated Revenue Fund, the PS BCA Activities do not contribute directly to the sustainability of this Laboratory. PS had conducted various discussions at different forums with the RCMP bilaterally, with the DNA Working Group and at the Steering Committee on issues related to the sustainability of the RCMP Laboratory and to the broader issue of the sustainability of the Laboratory within the context of the National Police Services.

- *The Contribution Program has significantly contributed to the sustainability of a national approach to BCA. The Program has contributed to the increases in capacities of the Ontario and Quebec Laboratories, resulting in an increase of DNA profiles submitted to the Crime Scene Index of the Data Bank by the two Laboratories.*

With the number of crime scene DNA profiles submitted by the Ontario and Quebec Laboratories account for close to 70% of all profiles submitted to the Data Bank for this category, and with the federal funding constituting, on a three year average, 35% and 47% of the overall laboratory costs for Ontario and Quebec, respectively, the Contribution Program has significantly contributed to the sustainability of a national approach to BCA.

Since the Program began in 2010, the number of cases processed by the Ontario and Quebec Laboratories has increased with a corresponding increase of the crime scene DNA profiles submitted to the Data Bank by the two Laboratories.

- *The Contribution Program is an improved funding mechanism which now has a clear legislated authority to negotiate and provide funding to Ontario and Quebec. The Program has been managed well.*

By means of the *Department of Public Safety and Emergency Preparedness Act*, PS has the legislated authority to negotiate contribution agreements with the two provinces. Prior to 2010, Ontario and Quebec were funded by the RCMP through the *RCMP Act*, which does not have clear provisions for providing funding to provinces. The longer-term nature (5 years) of the Program provides stability and facilitates operational decision-making. Prior to 2010, funding was extended from year to year. Payments are timely and the amount of reporting required is appropriate.

- *Many factors contribute to the submission of the crime scene DNA profiles into the Data Bank, with PS's activities being some of them. With this context in mind, it is noted that the total number of crime scene DNA profiles submitted to the Data Bank increased in recent years.*

The total number of crime scene DNA profiles submitted to the Data Bank increased in the last five years, with increases from all the three laboratories. There was a corresponding increase in the number of offender hits (linking offenders to crime scenes). Forensic hits, linking crime scenes to crime scenes, remained stable during the last five years.

- *The average administration ratio of the Biology Casework Analysis Contribution Program is low. The "other" Biology Casework Analysis Activities (excluding the Contributing Program) have become more cost-efficient.*

The average administration ratio of the BCA Contribution Program was 2% for the last three years. For the “other” BCA activities, the cost to PS increased by about 12%. Output (weighted by the level of effort) increased by 165%, mainly due to the negotiation with the contract jurisdictions.

6. RECOMMENDATIONS

The Internal Audit and Evaluation Directorate recommends that the Assistant Deputy Minister, Community Safety and Countering Crime Branch of Public Safety Canada, implement the following:

1. Develop a strategic plan in consultation with federal/provincial/territorial stakeholders, outlining policy goals to fully optimize the use of DNA for the Canadian criminal justice system.
2. Renew the terms of reference of the federal/provincial/territorial DNA Working Group to reflect a stronger focus on broader strategic issues.

7. MANAGEMENT RESPONSE AND ACTION PLAN

Recommendation	Management Response	Action Planned	Planned Completion Date
1. Develop a strategic plan in consultation with federal/provincial/territorial stakeholders, outlining policy goals to fully optimize the use of DNA for the Canadian criminal justice system.	accept	<p>A strategic plan outlining the way forward to strengthen the use of DNA will be developed by Public Safety Canada through:</p> <ul style="list-style-type: none"> • collaboration with federal counterparts, notably RCMP and Justice Canada; and • Provincial/Territorial stakeholder consultations through the FPT DNA Working Group and the Policing and Public Safety Steering Committee (PPSSC). <p>The plan will:</p> <ul style="list-style-type: none"> • highlight longer-term priorities over the next three to five year; and • identify potential amendments to enhance the <i>DNA Identification Act</i>, in an effort to optimize the use of DNA. 	December 2015
2. Renew the terms of reference of the federal/provincial/territorial DNA Working Group to reflect a stronger focus on broader strategic issues.	accept	The Terms of Reference will be updated, upon completion of the current mandate, to reflect the strategic focus in the medium term (one to three years).	September 2014

ANNEX A: DOCUMENTS REVIEWED

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Websites

Public Safety Canada

<http://www.publicsafety.gc.ca/index-eng.aspx>

Royal Canadian Mounted Police

<http://www.rcmp-grc.gc.ca/index-eng.htm>

Department of Justice Canada

<http://www.justice.gc.ca/eng/index.html>

ANNEX B: FINANCIAL INFORMATION

Biology Casework Analysis Contribution Program

The amounts below represent the total estimated cost to the federal government. The values are in dollars and have been rounded to the nearest hundred.

PROGRAM ADMINISTRATION COSTS	2010-2011	2011-2012	2012-2013
Program Staff			
Salaries ¹	52,900	50,100	55,100
Operations and Maintenance	-	-	-
Subtotal	52,900	50,100	55,100
Director General's Office			
Salaries ¹	8,200	3,300	3,400
Operations and Maintenance	-	-	-
Subtotal	8,200	3,300	3,400
TOTAL PROGRAM COST	61,100	53,500	58,500
Internal Services			
Salaries ²	24,400	21,400	23,400
Operations and Maintenance	-	-	-
Subtotal	24,400	21,400	23,400
Employee Benefits Plan (20% of Salary Expenditures)	17,100	15,000	16,400
PWGSC Accommodation Allowance (13% of Salary Expenditures)	11,100	9,700	10,600
TOTAL PROGRAM ADMINISTRATION COST	113,700	99,600	108,900
TRANSFER PAYMENTS			
Budget	6,900,000	6,900,000	6,900,000
Contribution paid to Ontario	3,450,000	3,450,000	3,450,000
Contribution paid to Quebec	3,450,000	3,450,000	3,450,000
Budget minus Contributions	-	-	-
PROGRAM ADMINISTRATION RATIO⁴⁵			
Annual	2%	1%	2%
Three Year Average			2%

Notes:

- 1) Salaries for PS program staff and the Director General's Office were estimated based on the percentage of time spent by each resource per year.
- 2) Salaries for internal services were estimated to be 40% of the total estimated salaries for the program staff and the Director General's Office.

⁴⁵ The program administration ratio refers to the total program administration cost as a percentage of the contribution paid in a given year

Other Biology Casework Analysis Activities (except the Contribution Program)

The amounts below represent the total estimated cost to the federal government. The values are in dollars and have been rounded to the nearest hundred.

PROGRAM ADMINISTRATION COSTS	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013
Program Staff					
Salaries ¹	12,300	12,500	52,900	43,400	60,300
Operations and Maintenance	216,200 ³	34,700	55,900	483,900 ³	35,900
Subtotal	228,500	47,200	108,800	527,300	96,200
Director General's Office					
Salaries ¹	4,800	4,900	8,200	3,300	3,400
Operations and Maintenance	-	-	4,600	-	-
Subtotal	4,800	4,900	12,800	3,300	3,400
TOTAL PROGRAM COST	233,300	52,100	121,600	530,600	99,600
Internal Services					
Salaries ²	6,800	7,000	24,400	18,700	25,500
Operations and Maintenance (O&M)	86,500	13,900	24,200	193,600	14,400
Subtotal	93,300	20,800	48,600	212,200	39,800
Employee Benefits Plan (20% of Salary Expenditures)	4,800	4,900	17,100	13,100	17,800
PWGSC Accommodation Allowance (13% of Salary Expenditures)	3,100	3,200	11,100	8,500	11,600
TOTAL PROGRAM ADMINISTRATION COST	334,500	81,000	198,400	764,500	168,800

Notes:

- 1) Salary estimates prior to 2010-2011 were estimates based on the available information provided by the current PS BCA program team. Salaries for the years 2010-2013 were estimated based on the percentage of time spent by each resource per year to conduct the BCA activities.
- 2) Salaries for internal services were estimated to be 40% of the total estimated salaries for the program staff and the Director General's Office.
- 3) PS commissioned two research studies, one in 2008-2009 and another one in 2011-2012.