APPENDIX 4

Protocols - Familial Testing

The Criminal Investigations (Bodily Samples) Act 1995 (CI (BS) Act), provides the legislative framework for the collection of samples from individuals for the purpose of storing DNA profiling information onto a NZ DNA Profile Databank (DPD).

The legislation does not extend to providing a framework for forensic utilisation of the DPD. In its absence, ESR and NZ Police have developed agreed procedures for operational activities involving the NZ DPD.

Familial searching:

1. A familial search of the DPD may be considered for a serious offence where there is no DNA link resulting from a specific crime profile search.

2. Familial searching does not contravene the CI (BS) Act however, it is recognised by both ESR and the NZ Police that this type of search has important ethical implications and should only be considered on a case-by-case basis.

3. As this type of search explores familial relatedness it shall only be undertaken where it is considered necessary and proportionate in a particular case.

4. NZ Police shall have an authorisation process for familial search requests to ESR which considers the seriousness of the offence and whether a familial search is appropriate for the investigation.

5. NZ Police shall provide ESR with the necessary documentation which demonstrates the search has been authorised and should proceed. Authorisation shall be via completion of the proforma “NZ Police Request for a Familial Search of the NZ DNA Profile Databank”.

6. A familial search will result in a list of potential close relatives to the offender and will contain sensitive personal information.

7. The list is ranked statistically on the basis of how likely a person will be a relative of the offender. ESR shall assist NZ Police in the scientific interpretation of these results.

8. Access to this list shall be restricted to Police and ESR staff involved in the investigation.

9. ESR shall keep a record of familial search requests made by NZ Police and shall provide a summary of these in an annual NZ DNA Profile Databank Report.