



Forensic Science Ireland

Written Protocol between Forensic Science Ireland and Irish Youth Justice Service in accordance with Section 158(2) of the Criminal Justice (Forensic Evidence and DNA Database Systems) Act 2014

Introduction

The **Criminal Justice (Forensic Evidence and DNA Database System) Act 2014** enacted on the 23rd June 2014 provides for Forensic Science Ireland (FSI) to operate the DNA Database System. The Act provides for the taking of certain bodily samples from persons convicted of certain criminal offences for the purpose of generating DNA profiles in respect of those persons to be entered in the investigation division of the DNA Database System.

Section 158(2) of the act provides that *“As soon as practicable after the commencement of this section, the Director of FSI, the Director General of the Irish Prison Service of the Department of Justice and Equality and the National Director of the Irish Youth Justice Service of the Department of Children and Youth Affairs shall, by written protocols, make arrangements concerning the transmission of samples taken under this Act from persons in prisons, places of detention and children detention schools to FSI.”*

It will be noted that references in the written protocol to “Oberstown” means the Children Detention Schools in Oberstown, Lusk, Co. Dublin.

The following written protocol has been prepared in respect of Oberstown/Irish Youth Justice Service (IYJS) regarding the transmission of DNA samples to Forensic Science Ireland taken under the Act. It also covers the operation of part 10 (destruction of DNA samples and destruction (or removal) of DNA profiles from the DNA Database System) where applicable and the supply of DNA sampling kits.

Transmission of the DNA sample to Forensic Science Ireland

1. Having taken the DNA sample from the child offender the authorized member of staff of Oberstown shall, following the instructions on the DNA sampling kit, pack away the DNA sample and the DNA sample card.

2. The authorized member of staff of Oberstown shall arrange for the DNA sample **along with the unique Sample Reference Number (SRN)** to be delivered to Forensics Science Ireland, Garda Headquarters, Phoenix Park, Dublin 8. The authorized member of staff of Oberstown shall place the pack in an envelope and it shall be sent by ordinary post to DNA Database System, Forensic Science Ireland, Garda Headquarters, Phoenix Park Dublin 8. Alternatively the samples shall be delivered by prearranged appointment.

3. Forensic Science Ireland will inform Oberstown (at the dedicated e-mail address) and the National Forensic Co-ordination Office (NFCO) of An Garda Síochána (AGS) that the DNA sample has been received by email, and either
 - a) it is suitable for processing and a DNA profile was generated,

 - or

 - b) It is not suitable for processing. The reason why the DNA sample is unsuitable will also be communicated e.g. insufficient DNA to generate a profile, a mixed DNA profile was obtained, that is, DNA from more than one person present, the packaging integrity has been compromised and/or the details are illegible or incomplete on the submission form. In the event of obtaining a mixed DNA sample, FSI will request a voluntary sample from the person authorised to take the sample for elimination purposes. A DNA profile will be generated from the voluntary DNA sample and compared to the mixed DNA profile obtained from Oberstown to include or exclude the person as a source of the DNA. The DNA profile generated from the voluntary DNA sample will not be entered onto the DNA Database system and together with the DNA sample will be destroyed after the comparison is complete. A notification will be sent, by e-mail, that the DNA sample and DNA profile destruction has occurred.

Destruction of Section 31 DNA samples and DNA profiles subject to Part 10 of the Act

Unless requested not to do so by the NFCO, FSI will automatically destroy DNA samples as soon as a DNA profile has been generated from the DNA sample or before the expiration of the period of 6 months from the taking of the DNA sample (whichever occurs later).

DNA profiles will be retained indefinitely unless a destruction order is received from the NFCO.

Supply of DNA sampling kits to IYJS

The DNA sampling kits will be supplied to Oberstown by FSI/AGS through the Central Store at Santry, Dublin 9 by prearranged appointment. The appointment can be made with the Central Store Officer by e-mail, currently John Dowdall, Stores Officer. The telephone numbers for the Central Store are:

01-6664168

01-6664169

Email addresses for communication between FSI, Oberstown/IYJS and AGS

FSI **FSI_database_communications@fsl.gov.ie**

Oberstown/IYJS **dna@oberstown.com**

AGS **john.dowdall@garda.ie**

Signed on behalf of the Irish Youth Justice Service

Michelle Sloman
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Date: 24 Oct. 2015

Signed on behalf of Forensic Science Ireland

John Willis

Date: 10th Dec '15