



## **Resolution No. 11 – 02**

### **Amendment to the Criminal Code of Canada and the DNA Identification Act**

**WHEREAS** DNA Analysis is an invaluable tool in the investigation and prosecution of criminal offences, as well as the protection of society and the exoneration of the innocent, and it is in the public interest to have investigations proceed as expeditiously as possible; and,

**WHEREAS** the system established in the Criminal Code requiring a conviction for a primary designated offence and the issuance of a court order before a DNA sample can be collected is administratively cumbersome and results in considerable delay; and,

**WHEREAS** the court has limited jurisdiction to decline to order a DNA sample on a primary designated offence; and,

**WHEREAS** the delay between arrest and conviction can be lengthy and the consequent delay in the obtaining of a DNA sample can seriously compromise outstanding investigations.

#### **THEREFORE BE IT RESOLVED THAT**

The Alberta Association of Chiefs of Police urges the Federal Government of Canada to move forward with amendments to the Criminal Code of Canada and DNA Identification Act to allow for:

- The collection of DNA samples from any person lawfully charged for a primary designated offence, as defined in section 487.04 of the Criminal Code, by part (a) of the definition of “primary designated offences”; and,
- The removal of that sample from the DNA Databank should the accused not be convicted of the offence (post appeal periods).