
OPENBAAR MINISTERIE

**DNA testing of
third parties**

What is DNA testing of third parties?

To solve a serious crime, under certain circumstances the Public Prosecution Service (OM) is allowed to test a person's DNA. Those conditions are regulated by law.

It may be important to test the DNA of a person other than the suspect. This is called 'third party DNA testing'.

The third person may be the victim of a serious crime, the witness of that crime or a person who is involved in that crime in another way. You are involved as a third party in a criminal case, which is the reason why you receive this document. It shows you why it is important that you cooperate in the third person DNA testing. In addition it explains what DNA testing actually means.

Why is a sample of my DNA requested?

At the scene of a crime, the police may find one or more DNA samples. Then, it is important to determine the origin of this sample. It may be the suspect's, but it may also be yours. To be certain of this, your DNA and the samples found at the scene of the crime need to be compared. That is why we ask you to contribute some DNA material for comparison. If there happens to be a match between your DNA and the sample found at the scene of the crime, this may provide evidence against the suspect. But even when it does not provide evidence against the suspect, it is important to establish that you are the origin of the sample. If this is the case, no further investigation into the origin of the sample will be needed. The police will know that it belongs to you and may concentrate its investigation on other clues.

What happens to the DNA sample obtained from me?

Your DNA profile will only be compared in this particular criminal case, because of your status as a third party, it will not be recorded in the DNA data bank of the Dutch Forensic Institute (NFI). Storing your DNA profile in the DNA data bank is only allowed if you are considered a suspect in this case.

So, third party DNA material is not stored, but destroyed. You can opt for the immediate destruction of your DNA material after it has been compared with the samples found. You may also have the sample destroyed after the conclusion of the criminal proceedings (which means that the sentence has become irrevocable). If you decide to have your DNA material destroyed immediately, you must keep in mind that the police may ask you at a later stage in the investigation to donate a DNA sample again. On the DNA consent form you can indicate until what time your DNA sample may be kept available. You can read more about the DNA consent form under the heading 'How do I give my permission?'

Where and how is my DNA sample obtained?

In consultation with you it will be decided at which location your DNA sample will be obtained. If you like, somebody else, for example a friend, may be present when your DNA material is obtained.

Obtaining your DNA is done by collecting some of your saliva. This procedure is performed by a specially trained police officer, doctor or nurse. This person will first ask for your identity document.

Subsequently, you are asked to open your mouth. The police officer, doctor or nurse uses a cotton swab, soft brush or little sponge to take some saliva from the inside of your cheek. Once the sample has been taken, it is sent to the laboratory of the Dutch Forensic Institute, where it will be researched.

If you prefer not to donate your saliva, we can also determine your DNA profile from your hair or your blood. In that case, 10 hairs, with the hair roots, will be taken from your scalp, or blood is obtained by pricking your finger. Blood is always obtained by a doctor or a nurse. Obtaining DNA material is a simple and brief procedure; the total procedure will take about 10 minutes.

Will I be told about the results of the DNA research?

If you wish, you will receive a written notification of the results of the DNA research. You will have to indicate in advance whether you wish to receive these results.

How do I give my permission?

If you decide to cooperate in the donation of DNA material, you need to fill in the DNA consent form. This form is called 'Informed Consent', which means that you understand that you agree to the DNA research. In addition, on the form you can indicate until when your DNA may be stored. You can also indicate whether or not you wish to be notified of the results. You will find the form as an enclosure to this brochure.

Am I allowed to refuse?

As a third party you are not obliged to lend your cooperation to the DNA donation, which means that you are allowed to refuse.

The contents of this document are not legally binding.

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DNA Consent Form

DONATION OF CELL MATERIAL for the purpose of DNA analysis in the context of the criminal investigation.

Voluntarily consents to the donation of cell material for the purpose of DNA analysis as referred to in Article 151a, first paragraph of the Code of Criminal Procedure.

States that he/she has been advised of the possibility to consult a lawyer who may assist him/her in taking the decision whether or not to participate in this DNA analysis.

States that he/she has been given the choice to donate cell material by way of the collection of saliva from the inside of the cheek, or by the collection of blood or hair roots.

Consents to the donation of cell material via his/her saliva.

Consents to the fact that his/her cell material will be obtained by a police officer who has been appointed by the Public Prosecutor and who meets the requirements as established by ministerial order.

Consents to comparison of his/her DNA profile only with other DNA material obtained within the scope of this criminal investigation.

Understands that his/her DNA profile will not be recorded in the Dutch DNA data bank for criminal cases, unless the DNA analysis demonstrates that he/she is involved in this crime.

Mark if applicable:

Understands that upon conclusion of the DNA analysis, cell material collected from him/her and the resulting DNA profile will not be destroyed. In this case, the police will not need to ask me again to donate cell material when there are new samples to be analysed or old samples to be re-analysed within the scope of the criminal case,

or

Understands that upon conclusion of the DNA analysis, cell material collected from him/her and the resulting DNA profile will be destroyed. In this case, during the course of the criminal case, the police might ask me more than once to donate cell material when there are new traces to be analysed or old traces to be re-analysed within the scope of the criminal case.

Reserves the right to withdraw his/her consent to this voluntary collection of his/her cell material and the use thereof for the purpose of DNA analysis.

Mark if applicable:

Wishes to receive the results of the DNA analysis,

or

Does not wish to receive the results of the DNA analysis.

Name:

City:

Date:

Signature: