



Forensic procedures

Information for victims or volunteers



Government of South Australia
Victims of Crime SA

Contents

What is a forensic procedure?	1
Why have police asked me to provide a forensic sample?	2
Sexual assault cases	3
Do I have to give a forensic sample?	3
Can I change my mind?	5
What will happen in the procedure?	5
Can I have someone with me for certain procedures?	6
What happens to the sample collected from me?	7
Can I set limits on the use of my DNA profile?	7
Can I ask to have my forensic sample destroyed?	8

What is a forensic procedure?

A forensic procedure can involve an examination of a person's body and the collection of biological or other material from a person's body to assist with a criminal investigation.

Common forensic procedures are:

- > taking a sample (buccal / saliva swab, hair sample, fingernail or toenail sample)
- > taking prints (fingerprints, handprints, footprints, toe prints)
- > taking an impression or cast of a body part (dental impression or cast of a wound) or
- > conducting a medical examination.

Why have police asked me to provide a forensic sample?

People at a crime scene often leave some material behind such as fingerprints, hair, body fluid or a fibre from clothing. From these materials, it is possible to identify DNA.

Taking a forensic sample from a victim or volunteer by conducting a forensic procedure helps police work out what remaining material belongs to the suspect. To do this every other person who has been at the crime scene has to be identified by providing a forensic sample.

Without the help of victims and volunteers, the police can never be certain of the identity of any DNA or fingerprints found at a crime scene.

Example – a burglary

The suspect of a burglary may have had a glass of water at the crime scene. This glass may have the suspect's DNA or fingerprints on it. The police need to rule out that the people living in the house are not the source of that DNA or fingerprints. These people could be asked to volunteer a forensic sample (fingerprints and/or DNA) for testing.

Sexual assault cases

In a sexual assault case, you may be asked to have a medical examination to collect forensic evidence of the assault, such as semen left by the offender.

It may also be necessary to collect the DNA of your recent consensual partners (if any) to rule them out as the source of DNA found on swabs taken during the examination.

An examination could also look at other things that happened during an offence like photographing any injuries or bruises.

Do I have to give a forensic sample?

No. As a victim or volunteer, it is your choice to give a sample - you will be asked to provide your consent.

A forensic procedure will not proceed if you object at any time prior to the completion of the procedure.

If you are under 16 years of age or are unable to consent to a forensic procedure due to a physical or mental incapability, consent can be provided either by your (closest available) next of kin or a guardian.

In some cases a Senior Police Officer can allow the procedure to be conducted on a person under the age of 16 years or for a person who is unable to consent due to a physical or mental incapability.



Can I change my mind?

Yes. You can change your mind any time before or while the sample is being taken. Just tell the person taking the sample that you no longer want to give a sample. (This rule does not apply in certain circumstances, in particular persons under 10 years of age).

What will happen in the procedure?

A sample must be taken in a way that is consistent with appropriate medical or professional standards, minimises any physical harm or embarrassment to you, and avoids offending your cultural or religious beliefs.

The number of people present when a sample is taken will be kept to a minimum.

A forensic procedure must not be carried out by a person of a different sex (unless requested by the person on whom the forensic procedure is to be carried out) if it involves the examination of, or contact with:

- > the genital or anal area
- > the buttocks or
- > the breast region of a female person or a transgender or intersex person who identifies as female.

You can ask for an audiovisual recording of the forensic procedure to be made if it involves:

- > exposure of, or contact with, the genital or anal area, the buttocks or the breast region (if you are a female person or a transgender or intersex person who identifies as female)
- > the taking of a dental impression or
- > the taking of a sample of blood.

Can I have someone with me for certain procedures?

You can have a doctor of your choice present for:

- > a forensic procedure that involves exposure of, or contact with, the genital or anal area, the buttocks or the breast region (if you are a female person or a transgender or intersex person who identifies as female)
- > the taking of a dental impression or
- > the taking of a sample of blood.

The doctor can be your witness to the procedure, but is not allowed to take part or obstruct it. You will have to pay any fees charged by your doctor.

If you are under 16 years old or are suffering from a physical or mental incapability, a witness must be present during any forensic procedure. The witness can be a relative or friend chosen by you or an advocate.

An interpreter can also be present and help you during a forensic procedure. You do not have to organise or pay for this service.

What happens to the sample collected from me?

The forensic sample will be analysed by the police or Forensic Science SA.

They may obtain your DNA profile from the sample.

Can I set limits on the use of my DNA profile?

Yes. You can choose what happens to your DNA profile. Police might ask to put your DNA profile on the National DNA database. This is a collection of DNA profiles used to help solve crime and identification matters.

The police can only put your DNA profile on the National DNA database if you consent.

Usually the police will only require your DNA profile to help identify your DNA from other DNA profiles recovered from the crime scene.

If you agree to put your DNA profile on the National DNA database you can set limits on how long police can store your profile.

If you are concerned about the possible use of your DNA profile or want further information, you can consult a lawyer.

Can I ask to have my forensic sample destroyed?

As a volunteer or victim you must be given information explaining your right to request your forensic material be destroyed.

This is the law under section 12 of the *Criminal Law (Forensic Procedures) Act 2007*.

Under section 39 of the *Criminal Law (Forensic Procedures) Act 2007*, you have the right to request the destruction of your forensic sample. You can ask the police to destroy your forensic material at any time. If you gave consent on behalf of someone else, you can request the destruction of their forensic material.

This includes fingerprints and/or DNA provided as a victim or volunteer.

Your request needs to be in writing, addressed to:

**Attention: Officer in Charge
Forensic Services Branch
Commissioner of Police
GPO Box 1539
ADELAIDE SA 5001**

Police must then either destroy the sample within 21 days or apply for an order to keep it. If police wish to keep the sample, you will have a chance to be heard before a decision is made by a senior police officer.

If you are under 16 and someone else has given consent to the procedure on your behalf, once you are 16 you can request the destruction of your forensic material. Alternatively, the person who gave consent on your behalf can request the destruction of your forensic material.



**Government
of South Australia**

Victims of Crime SA