



Principle of Exchange of DNA Data from human-remains and missing- persons via Prüm

20 April 2021



NEW LEGISLATION – 2013

Police Task and Powers Act (ZNPPol)

Official Gazette of the Republic of Slovenia, No. 15/13, 23/15 - amended, 10/17, 46/19 - US decisions and 47/19)

Article 41 (Methods of establishing identity)

(6) In order to establish the identity of a missing person and identify a body found, police officers may search for and collect identification material (carriers of biological material and material to obtain fingerprints and palm prints of a missing person) with the consent of the person having a blood relationship with the missing person, and also take buccal swabs.

Article 42 (Identification procedure)

(1) The identification procedure shall include verification of data kept in the records of the police and administrative bodies and in other data collections for the acquisition of which a police officer is authorised by law, as well as the taking of and comparison of fingerprints and palm prints, recording and comparison of a person's description, taking photographs of a person and comparing it to other people's photographs, collecting buccal swab or other biological material and comparison of DNA profiles and other operative and forensic tasks. Police officers may publish a description or a photograph of a person.

(2) The provisions of the preceding paragraph shall also apply to the identification of dead bodies, identification and tracing of missing persons and locating missing persons and identifying victims of criminal offences.

Article 123 (Police of records) – new databases

- (25) The record of missing persons
- (26) The record of unidentified bodies

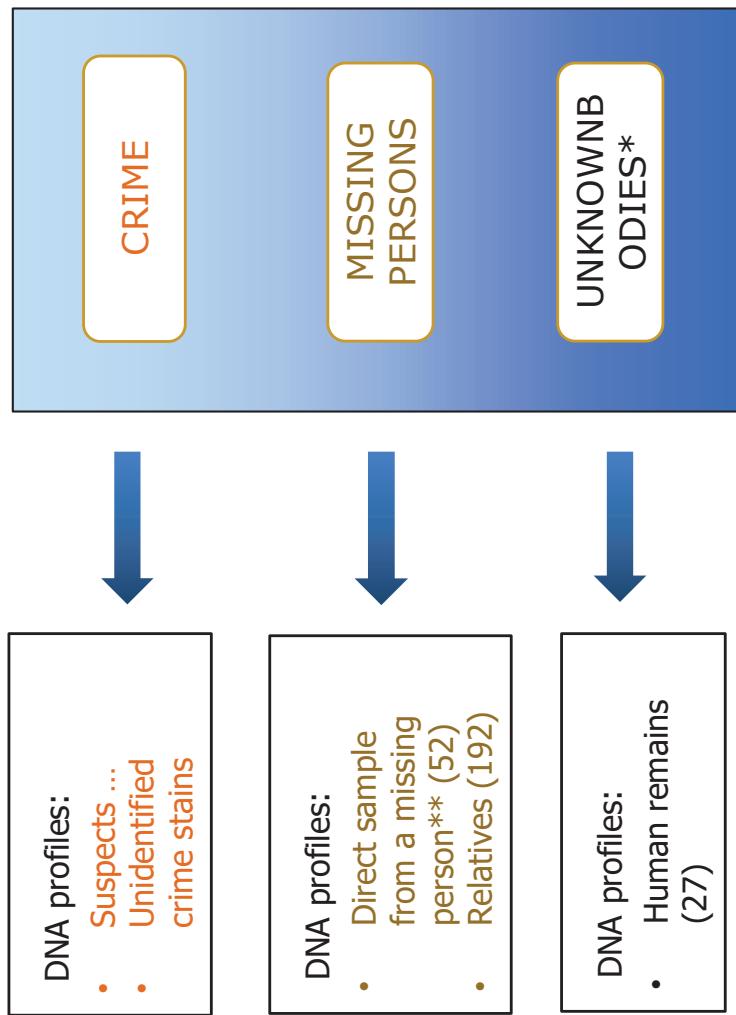
Article 125 (Content of records)

(8) The record of DNA test (DNA profile database): place and time of and grounds for taking a DNA sample; full name of the person who took the sample; profile of the DNA sample taken (implemented in legislation 1998)

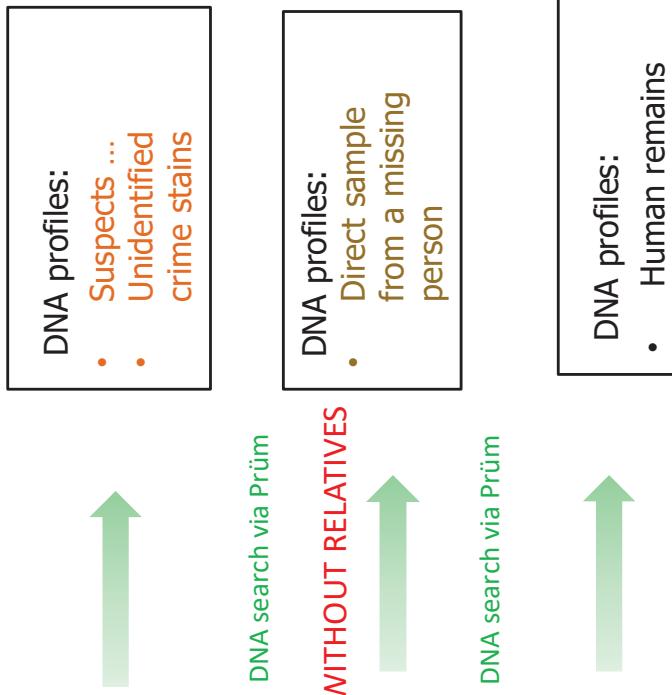


Division of data and searching criteria – implemented 2014

DNA DATABASE Tagging of samples



Searching criteria are based on Prüm matching rules, so can be used for identification of missing persons only if there are direct samples available.



** DNA is obtained from personal items belonging to the missing person, for example a toothbrush, hairbrush or razor.

*unidentified

Step one is the exchange of data in a hit/no hit manner and is undertaken by the National Forensic laboratory, Police
Step two is the exchange of personal information after a match has been confirmed and is undertaken by our SPOC (International Police Cooperation Division).



Solved missing person case

Case of missing person from Austria was solved via Prüm in 24 hours.

In 2015, Austrian citizen visited Slovenia. Over a time, relatives lost contact. They reported him as missing person. In December 2015, human remains of unknown drown male corpse was found in river Ljubljanica. Austrian authorities informed Slovenian ones about their case of missing person. Based on anthropological data, the human remains can belong to missing Austrian, but identity could not be confirmed due to damage of corpse. DNA analysis of human remains was performed to confirm or deny if human remains belong to missing Austrian.

Searching via Prüm:

- Austria – enter DNA profile of direct sample from a missing person in Austrian DNA database
- Slovenia – enter DNA profile of unidentified human remain in Slovenian DNA database
- Searches within both DNA databases via Prüm was performed overnight and match was found
- In Step two – Austrian immediately send as a personal data to whom direct sample belong
- National Forensic Laboratory issued a report confirming that human remains belong to missing person from Austria.
- A death certificate was issued on the basis of NFL report

According to excellent cooperation between Slovenian and Austrian police, relatives were able to bury his loved missing one before Christmas.

Problem: both DNA samples were tagged in Prüm system as S. Member States have no information if the sample comes from crime case, human remains or missing persons.



Information of missing person or unknown bodies – outside of Prüm

- If we received the DNA profiles of unknown bodies or direct sample of missing persons via Interpol or Europol, we started the search in DNA database
- In the case of NO match, we used Familias software to identify the missing person or unknown human remains by kinship analysis.
- If the category of missing persons and unknown human remains has been included also in Prüm system than we can used the same approach also for Prüm data.



Challenge for revision of Prüm

*Current situation**

- The DNA profiles of unknown bodies/unidentified bodies and missing persons (UB/UHR/MP) are already included in the Prüm DNA databases in some MS for search by other MS where this kind of cross-border search is legally permitted
- Some MS have provided other countries only with the profiles of UB/UHR for search, but not MP
- Individual DNA databases of the DNA profiles of MP/UB/UHR are maintained in some MS without an automated link to the Prüm database
- Prüm Matching rules are only applied for searching of match between Direct sample from a missing person and UB/UHR (one to one)

* Next generation Prüm - Reports from focus groups / Report on DNA data exchange; document 13511/19 31 October 2019 send to DAPIX



Challenge for revision of Prüm

Searching towards the identification of Missing persons, unless there are direct samples available, are not useful in the absence of DNA samples from relatives. Appropriate interfacing programs in Prüm (familial searching) would be required to carry out searches from one database (that includes DNA profiles from missing persons) to another database (that includes DNA profiles from relatives).

- 1. Financial support would be required to implement this within the databases used for crime related investigations.*
- 2. The procedures of family search are not allowed in some Member States because of the legal constraints.*



For the end

- At this stage, it would be of a great importance for all of us if we could have the information from all Member States about their national regulation related to the search of unknown bodies/unidentified bodies and missing persons in their DNA databases as well as their cooperation/profile exchange with other member States.
- Based on the information obtained, the legislative act for Prüm next generation should be revised in order to include the profiles of unknown bodies/unidentified bodies and missing persons.
- Expanding the profile categories in Prüm system is necessary, for example:
 - UB: Unknown Bodies or Unidentified Human Remains
 - MS: Direct sample from a missing person
 - MP: missing persons (relatives of missing persons)