

Lindsey's Law proposed to help find missing persons

Bill would create national DNA data bank

BY JOANNE HATHERLY

Lindsey Jill Nicholls was 14 years old when she struck out alone from her foster home in Royston, B.C., to meet friends in Courtenay on Aug. 2, 1993. Her friends waited, but Lindsey never arrived.

Both Lindsey's mother, Judy Peterson, and RCMP investigator Sergeant Bill Gibbings believe Lindsey was abducted and killed, and her body dumped in the wild backcountry surrounding Courtenay or in the ocean.

Either way, her body has never been found. Or has it?

More than 120 bodies have been found in British Columbia, but are unidentified because they are too degraded to identify through physical characteristics or dental records. Provincial coroners' unofficial estimates put the number of unidentified human remains across Canada at more than 200.

Mrs. Peterson wonders whether her daughter is among their number. But there are obstacles to learning whether Lindsey's remains lie in one of the morgues because Canada does not have a national DNA registry for missing persons to check against the DNA profiles of unidentified human remains.

Mrs. Peterson wants the federal government to expand its existing DNA data banks to include these two groups and to cross-reference that information with the DNA profiles of convicted offenders and those found at crime scenes.

"People think we already have these data banks," Mrs. Peterson said. "They all watch *CSI* [*Crime Scene Investigation*] and think the police just tap this data into a computer and up pop the answers, but we don't have any such thing."

B.C. coroner Bob Stair said that without a national DNA data bank, investigators are left with a fragmented system, unable to communicate across provincial and national borders. Mr. Stair said the current identification methods are laborious, time-consuming and achieve poor results.

"We're only able to identify one or two of these bodies a



Lindsey Jill Nicholls of Royston, B.C., was 14 when she disappeared 10 years ago. Although police believe she was murdered, the search for her body has been hampered because Canada does not have a DNA registry for missing persons to check against the DNA profiles of unidentified human remains. A new private member's bill aims to change that.

year," Mr. Stair said.

A missing persons DNA data bank was included in Canada's original draft legislation, but Michael Zigayer, the Justice Department's head of senior counsel in the criminal policy section, said it was removed when the Salvation Army, women's organizations and privacy officials expressed opposition.

Salvation Army's spokesman Len Millar said the Army does not currently have a position on the creation of a missing persons DNA data bank. "I can see how it would be helpful," he added. Calls to women's groups were not returned.

Media relations staff at the privacy commission said there is no comment from their office at this time.

Mrs. Peterson's campaign is gaining ground.

On May 29, the member of Parliament for Saanich-Gulf Islands, Gary Lunn, intro-

duced a private bill to create what he called Lindsey's Law, which would amend the DNA Identification Act to create DNA data banks for missing persons and unidentified human remains. Both these data banks would be cross-referenced with Canada's exist-

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ing convicted offender and crime scene data banks.

Under the proposal, relatives of a missing person could volunteer to submit their own DNA to help forensic investigators create a DNA profile of the missing person. The DNA profile would then be checked against the profiles

of unidentified human remains across Canada in hopes of finding a match.

While DNA profiles can be gathered from personal items previously used by a missing person, such as hairbrushes, eating utensils and toothbrushes, investigators say these samples are often unsuitable and they prefer to obtain DNA from relatives.

In Lindsey's case, Mrs. Peterson submitted her own DNA sample to the B.C. RCMP, but she pointed out that the value of Lindsey's DNA profile is limited in the absence of a national data bank.

Shortly after Mr. Lunn introduced the Lindsey's Law bill in the House of Commons, Mrs. Peterson was surprised to receive a telephone call from Solicitor-General Wayne Easter, who asked for her views on Canada's DNA programs.

"I was thrilled," said Mrs. Peterson, who is encouraged that her long campaign may help provide answers as to the fate of her daughter as well as other missing children.

Mrs. Peterson hopes the Liberal government will sponsor the private member's bill so that it might be fast-tracked to the House of Commons this fall. While Mr. Easter does not rule out that possibility, he is more cautious about setting a timeline.

"I want more in-depth analysis so that we can make it work effectively for families of missing persons," Mr. Easter said in a telephone interview.

The U.S. Federal Bureau of Investigations' national missing persons and unidentified human remains data base program has located 30 missing people from the unidentified human remains DNA data bank since 2001.

John E.B. Stewart, the manager of the FBI program, estimated there have been more than 100,000 missing persons reported in the United States. He said communication between law enforcement agencies and the training of personnel are still in the development stages and the program is not yet working to its full potential.

George W. Bush, the U.S. President, has announced an initiative to pump \$235-million into funding for DNA crime-solving technology in 2004, of which \$2-million would be directed to the national DNA identification program for missing persons.

The legislation proposed in Lindsey's Law is more far-reaching than that found in the United States because it would cross-reference the missing persons data bank with criminal data banks. The U.S. system does not allow such a cross-reference.

For their part, Canada's DNA data banks, which are managed by the RCMP, have linked more than 800 convicted offenders with crime scenes since 2001.

It is this success that leads Mrs. Peterson to put her hope in the proposed bill for an answer to her daughter's fate.

"I can't speak on behalf of all parents of missing children," she said, "but I know that every day that goes by is painful."

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