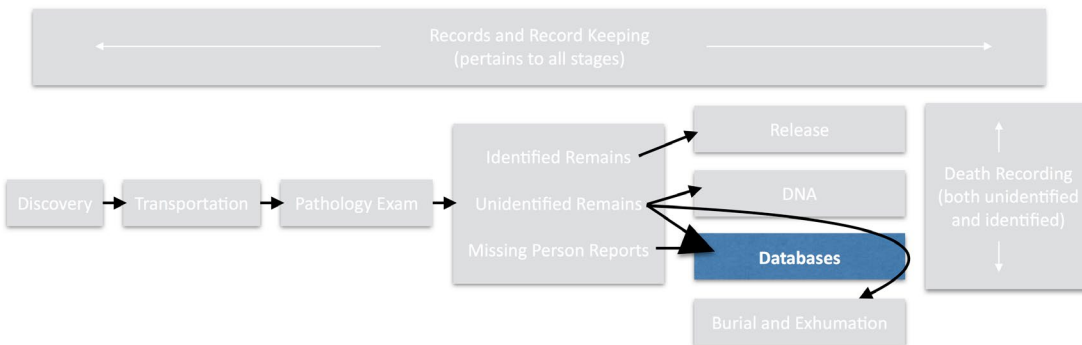


## Section 8: Databases



### INTRODUCTION

Databases are the means through which unidentified deceased individuals and missing persons may be connected [34]. DNA databases were originally established to aid law enforcement. Many states now authorize other uses of offender DNA information, including identification of missing persons or unidentified remains and other humanitarian purposes [37].

Thirty-four states in the U.S. explicitly authorize the use of genetic information to create a statistical database, and another four authorize the use of the DNA database for statistical purposes [44]. There are no federal limits on the use of the DNA database information and only eight states explicitly prohibit the use of the database to obtain information on physical traits, predisposition to disease, or medical or genetic disorders [44]. Databases can also be beneficial from a public health perspective, to have a centralized source of compiled information that can be used for statistical purposes, including the counting of UBC deaths.

Among the databases used in connection to unidentified UBCs, NamUs and CODIS are the most referenced. However, there are numerous requirements by these collections, demonstrating that, both in terms of official reports on unidentified UBCs and the inclusion of all missing persons reports, some requirements for acceptance into the database are impossible to fulfill. Often the state of the deterioration of the human remains in question does not reveal information required. These impositions limit the number of possible comparisons for identifications.

### Missing persons reports (MPRs)

1. MPRs are not government reports, but are generated by the public to find a person. A missing person may or may not be deceased, but reports filed on their behalf should be cross-checked against files of unidentified remains that are in governmental custody.
2. When an individual goes missing, their families or loved ones may contact the authorities. If there is reason to believe the missing person may be deceased, authorities will collect ante-mortem information, including but not limited to:

- known identifying markers;
  - pathologies that may be seen on or in the body;
  - what the person was last seen wearing;
  - where they were last seen, etc.;
  - dental records;
  - DNA samples;
  - X-rays; and/or
  - photos [4][19].
3. The goal of MPRs is to match this information with a live person, or an unidentified body. To do this, the community must interface with government, where governmental agencies have jurisdiction over human remains.

### Unidentified Persons

1. Remains are the responsibility of government agencies.
2. After coroners or medical examiners go through all of the necessary steps for identifying decedents (outlined in the section on Identification), the decedent may remain unidentified. As such, identifying information must be compared against collection/database of missing persons reports, or other data that may produce a match of an unidentified person to his or her identity.

In terms of UBCs, among the key databases utilized is the National Institute of Justice's database, the NamUs. All information about unidentified remains should be entered into this system before unidentified remains are released from the medico-legal jurisdiction for burial or cremation. Following upload into NamUS, personnel should check for possible matches with persons reported missing before release of unidentified remains to the appropriate government official.

Following the centralized system of NamUs, data about unidentified remains should be shared with local foreign consulates so that they may check their rosters of missing persons for possible matches (see DNA section).

### ISSUES

Comprehensive databases of citizen biometrics, unidentified decedent information, and missing persons reports are meant to facilitate the process of matching or confirming someone's identity. However, in order for these databases to function, they must be centralized and consistently utilized. In the U.S. today, there are a number of issues that prevent this outcome.

The expanded use of DNA in law enforcement can present problems for groups seeking DNA identifications for purposes other than criminal investigations. In looking for their loved ones - presumably lost in the borderlands - families commonly express concerns or fears that the family DNA will be used to deport a family member. Law enforcement also uses DNA searches to identify the close relatives of the alleged perpetrators of a crime and retains non-crime scene DNA samples indefinitely.

### National Issues

#### *Medical Examiners and Coroners offices do not consistently retain records on unidentified*

1. Only 49% of ME/coroners offices retain records on unidentified decedents, amounting to over 13,500 people [18].
2. No federal mandate exists requiring MEs, coroners or police departments to submit unidentified decedent data to a national-level database [18].

#### *Unidentified people are not consistently entered into national databases*

As an example of existing databases, the National Crime Information Center's Unidentified Person database (NCIC-UP) holds records for only an estimated 15% of nation's unidentified decedents, with similar or smaller percentages in other databases [18].

#### *Decentralization and numerous data sources*

There are four FBI databases used to identify bodies, in addition to databases from the National Institute of Justice, state-level databases and a number of non-governmental databases. The number of databases with overlapping purposes could inhibit their utility if authorities are not consistently entering data in all of these [18].

#### *Many unidentified people*

In the United States, there are more than 40,000 sets of unidentified human remains [18].

#### *Neither governmental and non-governmental agencies are obligated to submit missing persons reports to a database*

1. Both nationally and at the border, multiple agencies may receive missing persons reports, but have no legal obligation to submit these to a database.
2. The result of this is that multiple agencies have reports that are never entered, and therefore, not used.

## Border-Specific Issues

*UBCs are foreign nationals, and their families may also be foreign and/or undocumented*

1. This is an issue when it comes to whether foreign nationals may consistently be entered into U.S. databases.
2. Non-citizen family members are unable or unwilling to enter family reference samples – such as DNA – into a database, through which their sample may be matched with a deceased relative.

*Undocumented people often do not want to report to law enforcement, but only law enforcement has the authority to submit data to databases such as NamUs*

1. In avoiding sending missing persons reports to law enforcement, various alternative channels have arisen, such that family members find places to submit their reports, resulting in massive decentralization of information.
2. Although some Medical Examiners offices have applied to be recognized as a law enforcement entity in order to enter data into national level databases (such as NamUs), Medical Examiners are not typically classified as law enforcement.
3. Relatedly, is the fear that family reference samples, such as DNA (which may be necessary to identify a body) will be catalogued indefinitely in law enforcement databases, and ultimately be used against family members present in the U.S. without valid authorization.

### *Decentralization*

Currently, a multitude of organizations including MEs and coroners as well as NGOs collect missing persons data. However, they are not always willing, able, or aware of the need to submit it to a database where that data may be cross-referenced against unidentified bodies. Therefore, efforts to match a missing person report to a body are unpredictable.

*Minimum prerequisite data on unidentified individuals cannot consistently be met, due to the degraded nature of many UBC remains that have been subject to prolonged exposure*

1. Some databases do not allow submission without a minimum number of details. However, because some UBC bodies are found in advanced stages of decomposition, that minimum cannot be met, and therefore the individual's DNA profile cannot be entered.
2. Decomposition may prevent the retrieval of mtDNA. Without this sample, the profile cannot be entered into CODIS.

**BEST PRACTICES****There should be a central place where all data is collected**

1. There must be a centralized and comprehensive database for all records on undocumented border crosser decedents. This database should include both missing persons reports and unidentified persons.
2. Without the above described database, information for **all** suspected UBCs should be entered in **all** the systems: the Center for Human Identification (UNT), the Combined DNA Index System (CODIS), Doe Network, the Integrated Automated Fingerprint Identification System, NamUs, National Center for Missing Adults, National Center for Missing and Exploited Children, National Crime Information Center, National Dental Image Repository, the National DNA Index System [18].
3. Agencies receiving reports about missing migrants should submit those reports to a centralized national database.

**All accredited officials and agencies dealing with postmortem examination or missing persons reports should have access to enter information into national databases**

1. Entry into the database should include all agencies that are accredited and consulates. Established human rights groups and pertinent NGOs should have access to databases, as they often receive missing persons reports.
2. **Recommended is a certification or licensing process for non-law enforcement agencies, who consistently receive missing persons reports, to enter data responsibly.**

**Foreign nationals, and family reference samples submitted by foreign nationals must be allowed into databases**

This is restricted in many databases, even as many foreign nationals die on U.S. soil.

**Family reference samples and other elements submitted for the purpose of identifying a missing loved one should not be cross-referenced with criminal databases**

1. Although NAMUS may currently be the best database for comparing missing persons reports to family reference samples and pathology reports for unidentified decedents, its association with the National Institute of Justice may prevent family members from submitting reference samples that would otherwise identify a mass population of unidentified decedents. **There should be processes put in place to protect the privacy rights of families in all cases where they participate with DNA samples.**
2. In order that family members may submit samples in good faith, the possibility that this measure may later incriminate them or target them for immigration enforcement should be eliminated.
3. A method of achieving absolute separation of criminal databases and family reference samples would be the establishment of a private and independent database. This is particularly important regarding DNA samples (please refer to the section on DNA for an expanded discussion).

### Privacy Rights and Law

The developing use of DNA by law enforcement for criminal investigation sometimes means that innocent persons end up in criminal databases. Therefore, procedures to protect the privacy of those submitting family reference samples should be put in place [45][46][47].

Given the foregoing, protecting the privacy rights of relatives submitting DNA to help locate a missing family member whose DNA is believed to be in a missing person database involves at a minimum:

1. Informed consent by the relative providing DNA, with explicit understanding that the submitted DNA can be used and retained for purposes stipulated by the DNA database to which the DNA is submitted for comparison;
2. Development of new procedures for unique pseudonym submission of relative DNA to permit comparison search on missing person DNA database while protecting the privacy rights of relatives; or
3. Development of procedures to require missing person databases to remove, after search and comparison, the DNA sample and DNA profile of relative DNA submitted for search and comparison.

Given the requirement of informed consent, relatives of missing persons may be reluctant to provide their DNA with full knowledge that it can be used by law enforcement for other law enforcement purposes. In the effort to aid in the identification of human remains of missing persons, efforts must be made to provide procedures such as suggested in (2) or (3).

### Any database dealing with UBCs should be Spanish language accessible

Many families of UBCs only speak Spanish, but should be able to log onto these databases to check for their missing loved ones.

### Follow up on reports and/or resubmit to databases periodically

For instance, fingerprints that once had no match, might have a match upon later resubmission.

### An independent, non-governmental database dedicated exclusively to missing and deceased UBCs, with procedures to protect the privacy of participants is a best practice

1. The fact that there are thousands of known deceased and missing UBCs in the United States, especially in the border region, may warrant an exclusive database.
2. Due to constraints within existing databases – referenced in most of the best practice subsections – a database dedicated to UBCs will allow a mechanism for best addressing the needs of this very specific context and population.
3. This database should include a field for the GPS position of the recovered body.