



## **Member Resource Committee Sample Policies**

### **Trace DNA Case Acceptance Sample Policies**

Purpose: These policies are used by crime laboratories to provide guidance to staff/managers with respect to the acceptance of evidence items for trace, or touch, DNA analysis.

#### Trace DNA Case Acceptance Sample Policy A

##### Touch evidence

Touch evidence is defined as evidence which has no visible staining and may contain DNA that only results from touching an item with the skin. Touch evidence does not include cigarette butts, or samples from cans, bottles, straws or other items in which the substance being tested is most likely saliva. Touch evidence does not include items submitted for identifying the wearer such as shirt, shoes, hats, etc. where there is a probability of prolonged contact.

Touch evidence will be accepted for possible DNA analysis when there is a high likelihood that the evidence submitted will provide informative results or investigative leads. A high degree of likelihood is established by means of witness corroboration, visual monitoring systems, or sound deductive reasoning.

Items submitted for touch evidence processing will comply with existing policy relating to the number of items of evidence that may be submitted based on case type. For example, a homicide case could have a total of five items tested in the first set of analyses; two clothing items for body fluid examination and three for touch DNA analysis.

##### Touch evidence – non-clothing

Swabbings from public common areas will not be accepted (public telephones, elevators, business doors, pens on a counter, etc.). Swabbings of items such as the exterior of cars, dwellings, businesses, etc. will not be accepted. Drawer pulls collected for property crimes case will not be tested unless there is a suspect.

For touch items collected from a vehicle, testing will be limited to samples from the steering wheel and gear shift.

##### Touch evidence – clothing

Touched clothing evidence are items of evidence that should only be submitted as a last resort because it is rare to obtain foreign DNA from items that are already presoiled with the DNA of the wearer.

Touched clothing items that are accepted for testing is generally limited to the outer clothing of the victim that has been grabbed by the perpetrator, e.g., shirts, jackets and pants.

The evidence will not be accepted without meeting the following requirements:



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- An elimination sample from the victim
- Information that the assailant physically grabbed or held the clothing with an open, ungloved hand for more than a fleeting period
- A clothing diagram showing precisely where the assailant touched the clothing

### **Trace DNA Case Acceptance Sample Policy B**

The laboratory will initially analyze a limited number of items in each case depending on the case type. Therefore, it is important that the agency clearly prioritize the order of importance of each item based on their investigation. Lesser priority items should be held until the results of the first round of analysis are completed. If more than one perpetrator is suspected and/or when testing of the initial item(s) is complete, additional items may be analyzed following consultation between the case working scientist and the investigator. The limits do not include known DNA samples and are as follows:

Homicides – 10 items - \*Note that consultation with a Scientist or Supervisor is highly encouraged prior to submission of all homicide cases.

Crimes Against Persons cases – 5 items

Weapons cases – 2 items per suspect

Controlled Substances - 2 items per suspect

Property crimes – 1 item per suspect

DNA examinations of cartridge cases and fired shot shells will only be accepted in Crimes Against Persons cases (e.g. drive by shootings, shots fired).

DNA examinations of bullets will only be accepted if they are suspected to have passed through a person and it is probative to know which person, if any, the bullet passed through.

Property crime items will only be tested if they are foreign to the scene or suspected to contain a body fluid.

All Criminal Vehicular Operation and Driving While Intoxicated cases must be pre-approved by the Supervisor of the section, Assistant Laboratory Director, or Laboratory Director.

The laboratory will not accept firearms or swabs from firearms for the sole purpose of inclusion in the Combined DNA Index System (CODIS) database.

Syringes with or without needles will be analyzed by the Biology section only if the submitting agency can demonstrate that the analysis is of major significance to the case and must be pre-approved by the Section Supervisor, Assistant Laboratory Director or Laboratory Director. Agencies considering the submission of syringes should first contact a Biology Supervisor. If a determination is made that the FSS will accept the evidence, the agency will be instructed on the proper handling and packaging of the syringe contents prior to submission for analysis, as well as instruction in the swabbing of the exterior of the syringe for DNA testing.



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All cases involving controlled substance charges must be pre-approved by the Supervisor of the section, Assistant Laboratory Director, or Laboratory Director. Charges must include possession with intent to sell, sale, manufacture, or intent to manufacture. If approved for submission, the suspected controlled substance should be removed from the packaging prior to submittal.

Samples (blood or saliva) collected for the sole purpose of inclusion in the CODIS database are not acceptable as evidentiary samples for use in casework with the exception of known samples submitted for the purpose of identifying the missing.

### **Trace DNA Case Acceptance Sample Policy C**

#### **EXAMINATION FOR “HANDLER” DNA**

In addition to weapons, “handler” DNA analysis may be requested for other items found at the scene. This includes tools and items that may have been used as weapons. Before accepting for analysis, the assessment needs to be made as to whether the item was brought to the scene by the perpetrator and/or whether it was handled without gloves. “Handler” DNA analysis can be routinely attempted on tools with defined handles/grips that are brought to the scene by the perpetrator, regardless of whether gloves were worn. As with weapons, “handler” DNA sampling should not be routinely conducted on items that have already been fingerprinted. “Handler” DNA analysis should also not be routinely conducted on items that were at the scene prior to the incident. Additionally, handler testing should not be considered for item types that could have been handled by multiple individuals (eg. door handles, public telephones, steering wheels) or items that historically have a very low success rate (e.g. bag handles, handled/grabbed clothing, items with smooth non-porous surfaces, briefly touched items, etc.). The only routine exception to this is groping/grabbing cases where police are concerned about a pattern of escalating violence. Once the assessment is made that a case meets this guideline, the following standard practice applies:

Police swab the specific area of interest (limited to a reasonable sized area) and submit only the swab for DNA analysis

Swabs will be processed through the Y-stream. If insufficient/no male detected, analysis will be stopped.

All other exceptions to this standard process will require management approval. Elimination samples should be sought for any relevant individuals before deciding whether testing should be conducted.



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#### **Trace DNA Case Acceptance Sample Policy D**

The purpose of this document is to provide general guidelines to improve and standardize the identification, collection and submission of touch DNA evidence for analysis at the laboratory. Our experience with processing touch DNA evidence reveals there has been limited success developing probative DNA profiles with certain items of evidence, while other items have a much higher degree of success. In an effort to improve efficiency and allow us to provide this valuable service to our customers in a timely manner, the following policy is established:

Touch DNA analysis is available for all crimes; however, cases involving homicide, attempted homicide, assault, sexual assault, robbery and criminal possession of a firearm will receive priority.

DNA analysis will generally only be completed for crimes not specifically listed above, when the evidence consists of item(s):

- 1) containing suspected blood, seminal fluid or saliva OR
- 2) that were left at the crime scene by the perpetrator(s); typically hats, gloves, footwear, knives, pry bars, screwdrivers or similar items OR
- 3) that are swabs from a point of entry other than from door knobs and doorways; generally, these will be forced entry points.

Touch DNA swabs of items routinely handled by non-perpetrators (such as door knobs, dresser drawer knobs, jewelry boxes and cash registers) or swabs of finger smudges at the scene will no longer be accepted for DNA analysis without prior laboratory supervisory approval.

Elimination buccal samples from individuals with legitimate access to the items (victims/complainants/employees) are required before DNA analysis will be conducted on any item of touch DNA evidence.

For cases involving stolen vehicles, touch DNA will be considered if the following conditions are all met:

- a single swab is taken from the steering wheel
- elimination buccal samples from the vehicle owner/operator are included in the submission.
- The steering wheel has not been contaminated by first responders, tow truck drivers or other individuals who handled the steering wheel without wearing a new pair of latex gloves.

Other samples can be collected from the vehicle (such as swabs from the shift lever, rear view mirror and seat adjustment lever); however only the steering wheel swab as noted above will be processed at this time.

Touch DNA analysis for other types of evidence will be considered on a case by case basis and will require laboratory supervisory approval before the case is accepted for analysis.



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#### **Trace DNA Case Acceptance Sample Policy E**

“Trace” DNA (Previously Referred to as “Touch” DNA) Submission Policy Revised (all other DNA submission policies remain unchanged and are restated below)

Effective immediately, the laboratory will be changing its submission policy for “trace” DNA (previously referred to as “touch” DNA) in order to best utilize resources and serve our user agencies. “Trace” DNA evidence is that resulting from limited casual contact by an individual with a surface or material. Some examples of the types of evidence submitted for this analysis include knife or firearm grips, door handles and window frames or swabs from such items. “Trace” DNA differs from “wearer” DNA in that “wearer” DNA is recovered from an item of clothing worn by a person. Typically, the success rate of obtaining a usable DNA profile in “trace” DNA cases is approximately 15%. Some of the reasons this rate may be low include that the person wore gloves, a minimal amount of DNA was deposited on the item, the item/material was wiped or washed off or the item/material was exposed to the elements (rain, sun, dirt, water).

New “Trace” DNA Submission Policy – Effective Immediately:

The laboratory will no longer require the customer to submit a letter for “trace” DNA evidence submissions; however, only 2 items of potential “trace” DNA evidence will be analyzed for lesser felony crimes such as property crimes, drug possession and possession of a firearm by a felon. Known DNA samples from the listed suspect(s) must be submitted along with the “trace” evidence for drug/firearm/ammunition possession cases as they are not searchable in the DNA Data Bank.

Consultation with a Forensic Biology Examiner/Supervisor Required Prior to Initial Submission of Large Multi-Item Cases

The policy requiring large multi-item DNA evidence submissions to be reviewed in advance by a Forensic Biology examiner or supervisor via telephone or in-person in order to identify the most probative evidence for the respective case remains unchanged. Evidence submission will be limited to those items deemed most probative. In the event that additional evidence submission is necessary, communication between the assigned examiner and the investigator will occur to facilitate this process. This policy has been in effect since October 12, 2004.

Written Request for Testing from Customer Required for DNA Analysis in Non Sex-Related Misdemeanor Cases

The policy that any request for DNA analysis in a non sex-related misdemeanor case will not be accepted unless accompanied by a written request for such analysis from the customer remains unchanged. This policy has been in effect since May 14, 2002.



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#### **Trace DNA Case Acceptance Sample Policy F**

Dear Laboratory Customer,

The backlog of unprocessed DNA cases continues to rise. A primary cause of the backlog increase comes from requests for "Touch DNA". Even though the laboratory has hired additional analysts and added robotic equipment, the backlog increases. In order to ensure the most efficient use of our laboratory services we must, like every forensic lab in the nation, restrict the amount of evidence to be processed in casework. Until the laboratory is able to expand its capacity to perform DNA examinations, we will enforce the following restrictions.

The submission of "Touch DNA" type samples will be limited to those items that the suspect has brought to the crime scene.

Weapons involved in CCW or Weapons Under Disability will only be examined when known samples from the suspect are provided at the time of submission. This is a continuation of an existing policy. Such DNA profiles cannot normally be entered into the CODIS DNA database.

Materials such as clothing and bedding from sexual assaults will only be examined if the rape kit is negative. Please submit such evidence only after the rape kit has been processed, due to space limitations.

Known samples are needed to confirm CODIS hits, interpret mixtures, and for comparison to crime scene evidence. When submitting a known sample, please provide supporting documentation such as a search warrant, signed consent form, or court order.

Known samples from suspects must be submitted with cases involving drug paraphernalia and guns. Note that guns left at the crime scene by an unknown perpetrator might be suitable for CODIS entry if they are from an unknown person and appropriate eligibility documentation is provided. Found guns not associated with the commission of a crime will not be accepted.

Please contact the laboratory if you have any questions.