







Appendix A

Case Acceptance Policy







July 16, 1999

To All North Carolina Law Enforcement Agency Heads:

Attached please find a revised DNA Case Acceptance Policy that I intend to implement at the State Bureau of Investigation Laboratory effective August 1, 1999. The Molecular Genetics Section of the SBI Crime Laboratory is now ready to enter a new phase of our planned implementation of DNA typing technologies.

For the last two years the SBI Laboratory has been performing DNA testing on ALL types of cases submitted to the section, and has aggressively pursued the latest technologies available in the forensic arena. I am issuing this revised DNA Case Acceptance Policy at this time so that you will have a reasonable opportunity to familiarize your staff with the procedures. If you have any questions or concerns regarding the implementation of this policy, you should feel free to call Mark Nelson, Special Agent In Charge of the Molecular Genetics Section at 919-662-4500, extension 2527.

In addition to informing you of changes to our DNA Case Acceptance Policy brought on by technological changes, we have identified an evidence submission issue which we feel, if properly addressed, will allow us to decrease case turn-around-times and increase the level of service provided. The biggest hold up in the processing of cases at this time is the failure of submitting agencies to provide required known reference (blood) samples required for DNA testing. Every case submitted to the SBI Laboratory for DNA testing MUST be accompanied by known blood samples from both the victim and suspect. In addition, a sample from any other individual with whom the victim has had consensual sexual intercourse in the 72 hours prior to the attack must also be provided.

Letter - July 16,1999
All North Carolina Law Enforcement Agency Heads
Revised DNA Case Acceptance Policy

Current Section policy is to establish phone contact with the investigating officer or their supervisor, and give the agency two weeks to provide the standards requested. This means that the laboratory has to hold on to evidence for this period of time, creating backlogs. If the requested materials are not received within the 2 weeks, the cases are being returned to the investigating agency. This material can then be resubmitted to the laboratory when the requested samples are obtained.

The attached *Revised DNA Case Acceptance Policy* should answer most questions any officer may have about how to collect, preserve, and submit biological evidence to the laboratory. We have reduced this material to a single page (front and back) so that officers can use this as a ready reference.

We would greatly appreciate it if you would distribute the attached *Revised DNA Case Acceptance Policy* to all officers under your command.

Sincerely,

James J. Coman
Director

JJC:msn
Attachment

~~Revised DNA Case Acceptance Policy~~ ~~Effective Date: August 1, 1999~~

Effective August 1, 1999, the North Carolina State Bureau of Investigation Crime Laboratory - Molecular Genetics Section will use only STR DNA testing on casework and will no longer provide RFLP DNA testing. There are at least two advantages to using STR based technologies. First, STR testing will provide faster service, and second it will make the analysis of casework samples consistent with our DNA Database samples. Evidence suitable for DNA testing will fall into one of the categories listed below. Please consult this information sheet when preparing to submit DNA related evidence and make sure that you are including all required standards. *Without the required known standards, there is little we can do to help you solve the case and (in most cases) we will have no choice but to return your case without performing DNA analysis.*

If you have any questions, please call our laboratory before submitting any evidence.

Sexual Assault Cases

Required standards:

- Known blood sample from the victim(s)
- Known blood sample from the suspect(s)
- Known blood sample from any other individual with whom the victim has had consensual sexual intercourse within the 72 hour period prior to the attack

NOTE: In rape/homicide cases, liquid blood samples from autopsy deteriorate very quickly and should be submitted as soon as possible. Most Medical examiners are preparing blood stains which should be stable for longer periods of time.

Blood Evidence

Required standards (even if one of the parties did not bleed):

- Known blood sample from the victim(s)
- Known blood sample from the suspect(s)
- Any other individual known to have been bleeding

NOTE: In homicide cases, known blood samples from autopsy deteriorate very quickly and should be submitted as soon as possible. Most Medical examiners are preparing blood stains which should be stable for longer periods of time. In the event no blood remains in the body at autopsy, tissue and/or bone may be used as an alternative to a known blood standard. Have the Medical Examiner call the laboratory for specific instructions on what samples to collect.

Other Types of Biological Evidence

Required standards to analyze **saliva** evidence (like cigarette butts):

- Known blood sample from the victim(s)
- Known blood sample from the suspect(s)
- Known blood sample from any other individual believed to be a possible contributor

Required standards to analyze **tissue and bone** evidence (including tissue collected from under the victim's fingernails):

- Known blood sample from the victim(s)
- Known blood sample from the suspect(s)

If the required standards are not submitted, the submitting officer will be notified that the missing standards must be received prior to analysis. If the requested standards are not received within fourteen (14) days from the date of the request, the evidence will be returned without DNA analysis being performed.

SEE REVERSE SIDE FOR OTHER IMPORTANT INFORMATION

IMPORTANT INFORMATION RELATED TO SUBMITTING DNA RELATED EVIDENCE

If you have any questions about what standards to collect and submit, or about analysis needed in a special case, please call Special Agent in Charge Mark Nelson prior to submitting the evidence (919-662-4500 Ext. 2527).

- Do not submit sexual assault cases where the suspect admits having sex with the victim and claims that the event was consensual.
- Do not submit cases without **all** required known standards.
- Completely fill out the *Request for Examination of Physical Evidence* form (SBI-5) so you will provide us with information which is necessary to conduct proper laboratory analysis.
- Limit the submission of *blood evidence* cases to those in which a transfer of blood is believed to have occurred and, if proven, that fact will impact the prosecution of the case.
- Do not submit evidence requesting the analysis of blood found under or near a body known to be bleeding.
- The SBI will continue our long standing practice of not analyzing the blood present on victim's clothing except in cases with very unusual circumstances.
- *Blood evidence* cases which are submitted without all required standards will be tested for the presence of human blood, but will not be transferred for DNA testing.
- **Fingernail scrapings or cuttings will not be tested.** If you believe that the victim has scratched the attacker, have the doctor retract the finger from the nail and remove any *clumps* of tissue with a tweezer and place it in a small container.
- Even in criminal cases, **the SBI will not conduct DNA typing to determine paternity.** This is due to analytical reasons, and because our laboratory is not accredited to conduct paternity testing.
- Any exception to our DNA Case Acceptance Policy must be approved by the Special Agent in Charge of the Molecular Genetics Section.
- As is true for all types of evidence, it is SBI policy not to re-examine evidence previously analyzed by another laboratory or agency.
- Do not submit rape kits when no suspect has been identified.

GUIDELINES FOR COLLECTING EVIDENCE FOR DNA TESTING:

- **ALWAYS** wear disposable latex or nitrile gloves when handling evidence which may contain biological evidence. This will help protect you from infectious diseases and will also help protect the evidence from being contaminated by you.
- Change gloves often, and change them immediately if they become contaminated by a body fluid.
- **NEVER** package body fluid evidence in plastic. Thoroughly air dry all stained evidence and package it in paper containers.
- Store evidence containing body fluid stains in a cool, dry place, and submit it to the laboratory within one week of the date of offense (this includes rape kits in cases with suspects).
- If a rape kit has been retained by your department for an extended period awaiting the development of a suspect, you may need to re-draw a *purple-topped* tube of blood from the victim. Call us if you are uncertain.
- **NEVER** freeze a liquid blood sample. Liquid blood samples should be refrigerated until submitted.
- It is strongly recommended that known blood samples be collected using either an *SBI Sexual Assault* or *SBI Suspect Evidence Collection Kit* (both are available at any SBI District Office or from the Molecular Genetics Section at the Raleigh laboratory).
- Use only clean and sterile cotton swabs to absorb blood stains and allow them to air-dry before packaging. **ALWAYS** collect a control swabbing from an unstained area.
- Use only a new (never used) razor blade for scraping blood stains from non-transportable objects. Properly dispose of the razor blade and **NEVER** include the razor blade with the evidence submitted to the laboratory.
- When you cannot submit an entire piece of evidence, it is best to cut the stained portion out and also to collect a control area nearby that is not stained.
- **ALWAYS** notify the laboratory if any subject in a case has had a blood transfusion. Normally it is necessary to wait at least 120 days after transfusion to collect a known blood sample. If a case needs to be processed more rapidly, call the laboratory and we can provide you with information on how to collect an alternate sample.

Mitochondrial DNA (mtDNA) Testing

In mid-July of this year (1999), we will begin validating mtDNA procedures to identify skeletal remains. The validation study is expected to be completed within six to nine months. The purpose of this type of testing will be to assist the Office of the Chief Medical Examiner in the identification of skeletal remains and missing persons. Additional information on mtDNA testing will be provided when the validation process is complete or nearly complete. We will not be using mtDNA sequencing technologies for analyzing hairs.