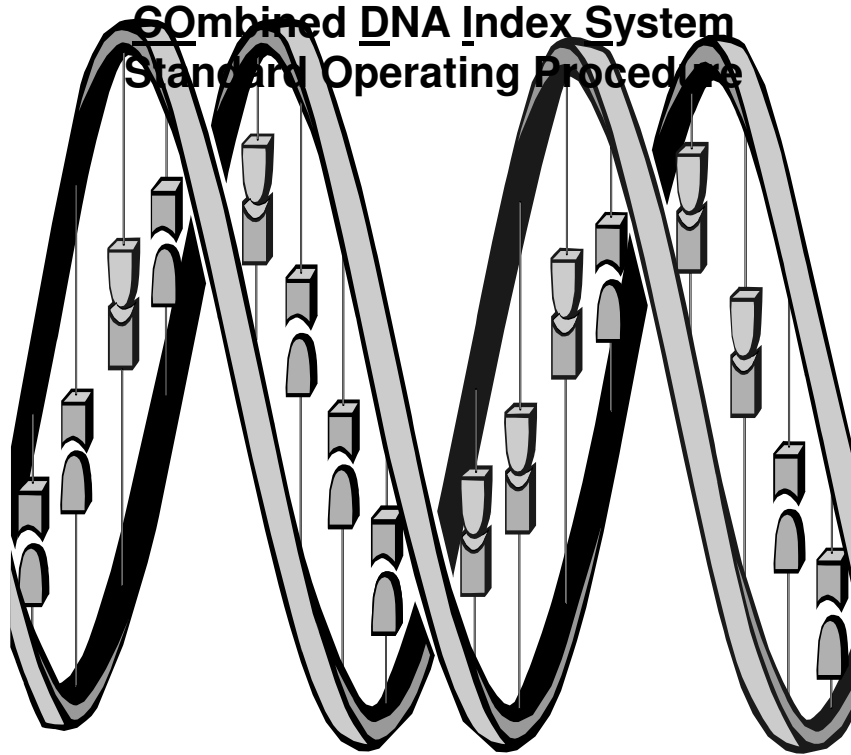




N. C. Department of Justice
State Bureau of Investigation

**Combined DNA Index System
Standard Operating Procedure**



Molecular Genetics Section
North Carolina State Bureau of Investigation Laboratory

Created: December 14, 2000
Revised: November 26, 2002

NCSBI MOLECULAR GENETICS SECTION
Technical Procedures Manual: Database Unit
CODIS SOP
Revision 03



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1 **Goal**

The Combined DNA Index System (CODIS) is a collection of DNA databases from forensic laboratories around the United States. DNA profiles of individuals previously convicted of serious crimes such as rapes and homicides are maintained in computer files and compared to DNA profiles collected from items of evidentiary value. Every state can participate in this system and numerous local/state and federal laboratories maintain databases of DNA profiles from casework samples. The goal of CODIS is to provide investigative assistance to law enforcement investigators in the field. CODIS consists of various levels of indexes. The local DNA Analysis System (LDAS) contains the detailed DNA records of a local DNA laboratory, including multiple sizings of autorads, gel details and other information not included in the CODIS Indexes. The Local DNA Index System (LDIS) contains the DNA records selected from LDAS for searching for DNA matches and for inserting into higher levels of CODIS. The State DNA Index System (SDIS) contains the State-level DNA records for searching by local DNA laboratories with the State. SDIS is the State's repository of DNA identification records and is under control of State authorities. SDIS typically serves as the central point of contact for access to NDIS. The National DNA Index System (NDIS) is the FBI-administered centralized system of DNA identification records contributed by all State and local participating laboratories. NDIS receives selected records from every lower level index and supports the searching function of CODIS.

The Molecular Genetics Section will enter DNA profiles from evidentiary items, suspects, and convicted offenders into LDAS and then transfer them into LDIS. These files will be compared to DNA profiles from other NCSBI cases. With the exception of suspect profiles, the information in SDIS will be eligible for entry into NDIS. These profiles will be compared to other forensic profiles as well as profiles from convicted offenders contained within NDIS.



2 Organization and Management

2.1 Analysts

- 2.1.1 The Body Fluid Identification analyst screens evidence submitted to the laboratory and determines what evidence is submitted to the DNA case analyst for testing. If possible, the material submitted is determined to be of human origin and the body fluid type is identified. It is most important that the Body Fluid Identification analyst fill out the DNA Sample Submission Form completely and accurately, since the information on this form is used by the DNA case analyst to determine if a profile can be uploaded to CODIS. For example human blood is found on a shirt submitted as evidence. Finding the victim=s blood on the suspect=s shirt is of great evidential significance, but the profile is not eligible for entry into CODIS. Finding the suspect=s blood on the suspect=s shirt is probably not evidentially significant, and is not eligible for entry into CODIS. Finding the suspect=s blood on the victim=s shirt is of evidential significance and is eligible for entry into CODIS. Thus, it is important that the Body Fluid Identification analyst describe the location or source of all samples submitted to the DNA Unit.
- 2.1.2 The DNA case analyst generates DNA profiles and has the responsibility to determine whether or not there is a DNA profile that is appropriate for entry into CODIS in his/her case. The only forensic case work samples that will be entered into LDAS are those of forensic samples where the DNA profile matches that of the suspect or an unknown individual, and the suspect=s profile. Suspect profiles can not be entered into NDIS. Only those profiles that are determined to be appropriate by an analyst will be entered into LDAS.
- 2.1.3 The DNA case analyst communicates his/her determination to their appointed case reviewer who will second read the results and enter the second appropriate read results into CODIS. At this point CODIS will automatically compare the results for concordance. If the results are concordant, the reviewer will then mark the results to be transferred to LDIS and SDIS. If evidence is from an unsolved case, the reviewer or case analyst will place the profile into the AUnsolved Target Batch File@.
- 2.1.4 DNA Database analysts will have the responsibility to enter the results of all convicted offenders into CODIS.

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2.1.5 DNA Database analysts will have their results second read prior to entry into CODIS by a senior analyst (DNA Database Analyst II, Forensic Molecular Geneticist I or higher). Database analysts will use the CODIS Local Import macro for entering results.

2.2 CODIS Manager/State Administrator

2.2.1 The CODIS Manager is responsible for ensuring that the Molecular Genetics Section is in compliance with NDIS sample acceptance policy.

2.2.2 The CODIS Manager is responsible for all operations of the CODIS system with the exception of entering profiles into LDAS which will remain with the assigned case working analyst. This responsibility includes, but is not limited to: software updates, user maintenance, national and state uploads, processing of incoming and outgoing search requests and communication with other laboratories and law enforcement agencies needed to investigate candidate matches.

2.2.3 The CODIS Manager is responsible for informing analysts and bringing to their attention any CODIS considerations related to new procedures and software upgrades.

2.2.4 The CODIS Manager is responsible for deleting **any** profiles from CODIS (see Appendix A, DNA Profile Removal Request Form), including those in the target batch file of unsolved cases.

2.2.5 The CODIS Manager is responsible for the maintenance and completion of all paperwork required for NDIS participation such as the addition of new users, termination of users no longer employed by the NCSBI or involved with CODIS.

2.2.6 The CODIS Manager/ State Administrator will be responsible for the maintenance and completion of all paperwork required for NDIS participation of all local labs.

2.2.7 The CODIS Manager is responsible for the contents of the security of the DNA profile Data stored in CODIS.

2.2.8 The CODIS Manger is responsible for the oversight of CODIS computer training and quality assurance of data.

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2.2.9 The CODIS Manager/State Administrator has the authority to terminate any laboratory that uploads data to SDIS in the event of a problem until the reliability of the data can be assured.

2.2.10 The CODIS Manager/State Administrator has the authority to terminate any state or local user that uploads data to SDIS in the event of a problem until the reliability of the data can be assured.

2.2.11 The CODIS Manager/State Administrator is responsible for preparing documentation for proficiency tests and audit records from the SBI as required for NDIS participation.

2.3 CODIS Assistant Managers

2.3.1 Will perform duties of CODIS Manager in his/her absence.

2.3.2 Will perform duties listed above as delegated by the CODIS Manager.

2.3.3 Will receive training in the areas of CODIS software and computer hardware.

2.3.4 Special Agent In Charge

The Special Agent in Charge is the designated CODIS State Official.

3 Profile Management

3.1 Definitions

Forensic Unknown - Any sample received in a forensic case which is not attributable to an individual. Only forensic unknowns that match a suspect or an unknown individual may be uploaded to LDAS, LDIS, SDIS, and NDIS; but it must first be reviewed by another analyst and deemed acceptable to be placed in a CODIS Index. It is not the policy of this laboratory to enter forensic unknown profiles that match the suspect if the profile comes from a source attributable to the suspect (eg. the suspect=s profile on his own shirt).

Suspect - A known sample from an individual identified as a suspect, and listed as such on the evidence submission form (SBI 5) by the submitting officer. Suspect profiles may be entered into LDAS, LDIS, and SDIS.

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Elimination - A known sample from an individual known not to be a suspect in a case. Examples include, consensual sex partners (boyfriends or husbands), a witness who was injured at a scene, officers who may have inadvertently left DNA on evidence, etc. Elimination profiles WILL NOT be entered into any CODIS Index.

Convicted Offender - A sample from an individual CONVICTED of a crime in North Carolina that is specifically authorized by North Carolina General Statute ' 15A - 266. Convicted Offender profiles will be entered into LDAS, LDIS, SDIS, and NDIS.

Population - A sample tested for and part of the population database used by case analysts to determine the frequency of a profile in the population. Profiles from population samples will only be entered into LDAS, LDIS, and SDIS.

Employee - A sample from an employee of the North Carolina State Bureau Of Investigation. Employee profiles will only be entered into LDAS, LDIS, and SDIS.

Mass Screening Samples - Samples submitted from known individuals that have been obtained by police DNA dragnets in an effort to solve a crime. The donors of these samples have not been listed as suspects on the SBI-5 form. Samples not listed on the evidence submission form as suspects (like in mass screening cases), will not be uploaded to any Index of CODIS).

Victim - A known sample from an individual identified as a victim on the evidence submission form (SBI-5) by the submitting officer. Victim profiles will not be uploaded to any CODIS Index.

3.2 CODIS Identification Number

3.2.1 A standardized format for entering specimen and gel information into CODIS has been devised.

Specimen Category: Forensic samples shall be called one of the following: AForensic Unknown@, ASuspect@, AVictim@, and AElimination@. DNA Database samples will be called AConvicted Offender@. Population Samples shall be called APopulation@. Employee samples will be called AEmployee@.

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Specimen Number: Analysts will use the Laboratory Information Management System (LIMS) assigned number for each specimen to be entered into CODIS. For known suspect and victim DNA standards, it is permissible to designate these with an AS@ or a AV@, respectively. Similarly, it is allowable to designate male or female fractions from mixed stains with an AM@ or AF@, respectively.

Examples

Known blood (suspect):	R200019951 #2-2S
Questioned blood:	R200019951 #3
Questioned Male fraction:	R200019951#1-4M
Female fraction:	R200019951#1-4F

3.2.2 The specimen ID should unambiguously describe the sample.

3.2.3 DNA Database specimen ID should be preceded by the full year and then a five digit consecutive number given at the time of accessioning. (Eg. 2000-00001). Note: Prior to the year 2000 only a two digit prefix was used.

3.3 Entering STR Profiles into LDAS

3.3.1 Procedures for determining STR typing results are detailed in the Technical Procedures Manual of the NCSBI Crime Laboratory.

3.3.2 All STR profiles generated from case work that may be transferred from LDAS to LDIS must undergo technical file review before entry.

3.3.3 As of February 2000, NCSBI Laboratory notes document which STR profiles will be uploaded to LDIS. They also contain a statement that indicates that this information has been added to and will be maintained in the CODIS system.

3.3.4 DNA database results will be second read and verified by a second senior analyst (DNA Database Analyst II, Forensic Molecular Geneticist or greater) and returned to the assigned analyst to be entered into CODIS.

3.3.5 Allele designations:



3.3.5.1 If alleles appear between loci, and one locus has a double-banded pattern and the other has a single-banded pattern, then the off-ladder allele will be assigned to the same locus as the single-banded allele. In the situation where an allele appears between two loci, but both loci have only a single-banded pattern, then monoplex kits will be utilized to confirm the off-ladder allele which the locus belongs.

3.3.5.2 For off-ladder alleles detected between the FGA 31.2 and 43.2 alleles, the laboratory will use the connotation of calling them as >31.2.

3.4 Transfer of Profiles into LDIS, and SDIS

- 3.4.1 Profiles identified for transfer by a DNA case analyst will be transferred by an appointed case reviewer.
- 3.4.2 Documentation of the transfer will be maintained on the DNA Sample Submission Form which will be kept in the case file.
- 3.4.3 Profiles for transfer to the LDIS and SDIS will be of the specimen category AFORENSIC UNKNOWN@ not matching a victim, AKnown Suspect@standards, and AConvicted Offender@ profiles.
- 3.4.4 Profiles marked for transfer to LDIS, SDIS, and NDIS include AForensic Unknowns@ not matching the victim and AConvicted Offenders@.
- 3.4.5 STR profiles from forensic unknowns must contain a minimum of 7 loci for transfer, excluding Amelogenin.
- 3.4.6 Only samples allowed by NDIS guidelines will be marked for transferred beyond SDIS.
- 3.4.7 Unambiguous profiles matching the victim, elimination knowns (consensual sex partner), mass screening samples not listed as suspects on the evidence submission form, human reference samples from victims, elimination standards and controls will not be transferred to any CODIS Index.
- 3.4.8 All STR alleles from ambiguous profiles (mixtures) will be transferred at the analyst=s discretion since removal of the victim=s or elimination

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sample=s matching profile may eliminate a portion of the unknown donor profile.

- 3.4.9 Any modification to an LDIS profile will be documented and attached to the original DNA Sample Submission Form. Deletion of profile will be done ONLY by CODIS Manager using the appropriate form.

3.5 Uploading Profiles to NDIS

- 3.5.1 All appropriate SDIS files will be uploaded into NDIS by the CODIS Manager or designee.
- 3.5.2 A three (3) core loci RFLP profile is required for addition to NDIS.
- 3.5.3 A ten (10) core loci Forensic STR profile, excluding amelogenin, is required for addition to NDIS.
- 3.5.4 A thirteen (13) core loci Offender STR profile is required for addition to NDIS.

3.6 Unsolved Target Batch Files

- 3.6.1 Case analysts will be responsible for entering all unsolved cases into the AUnsolved Target Batch File@ (See Technical Procedures Manual for Instructions)
- 3.6.2 The CODIS Manager or designee will search the AUnsolved Target Batch File@ at least once a month, or more frequently as new profiles are entered into SDIS.
- 3.6.3 Once an Aunsolved case@ becomes Asolved@ the profile shall be removed ONLY by the CODIS Manager. Prior to removal a ATarget Batch File Removal Form@ will be completed which requires the SAC=s approval.

3.7 Routine Searches of the Database

- 3.7.1 Searches of the database will be routinely conducted by the CODIS Manager or Assistant CODIS Managers. Case working analysts may also conduct searches.
- 3.7.2 Searches will be conducted by the case analysts immediately following the entry of a new AForensic Unknown@ profile into CODIS.

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- 3.7.3 Target batch files will be searched on a routine basis (at least once a month) or when a significant number of new profiles have been entered into CODIS
- 3.7.4 Any match candidates of greater than seven (7) loci at high stringency will be examined on the computer display and a determination made as to the necessity of further examination. This information will be provided to the CODIS Manager, Special Agent In Charge, and the case analyst via a CODIS Report which is printed using the CODIS software.
- 3.8 Search Requests Received and Sent
 - 3.8.1 Non-NCSBI generated profiles received through the CODIS Fax Network will be searched by the CODIS Manager and/or designees. DNA profiles must be RFLP or PCR-STR profiles.
 - 3.8.2 The analyst entering the Fax Network profile will annotate the entry date and specimen ID on the request and file the request. A copy of the search report will be attached to the request form. Instructions received from SAIC on the FAX search request states to AReport any potential matches to the point-of-contact identified on the appropriate lab(s) letter. @ Therefore, only searches which result in a potential match will be acted on in accordance with the procedures outlined in the DNA Database Unit Operating Policy and Procedures Manual.
 - 3.8.3 A candidate match found with a target profile will be subject to the confirmation process outlined in the DNA Database Unit Operating Policy and Procedures Manual.
 - 3.8.4 Following appropriate technical and administrative review, and with the permission of the Special Agent In Charge, examiners may send suitable profiles to external laboratories via the CODIS Fax Network (see Appendix A for the appropriate form to utilize). This form will be filled out and submitted by the CODIS State Administrator (CODIS Manager).
 - 3.8.5 Requests For Comparison of Forensic Cases, or To Individuals Whose Sample Resides in The DNA Database
 - 3.8.5.1 Any time the laboratory receives a telephone request for a DNA profile comparison between SBI Lab forensic

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cases or to an individual in the DNA Database, the agent responsible for the forensic case will submit the attached Telephone Request For DNA Comparison form to Evidence Control and issue a Supplemental Laboratory Report.

3.8.5.2 The supporting notes for comparisons resulting in a NON-MATCH report will include the CODIS search report, the telephone log sheet, a lab notes cover sheet. The telephone log in the file will also be updated. These cases will need to be reviewed and have the appropriate signatures attached to the lab notes cover sheet.

3.8.5.3 The supporting notes for comparisons resulting in a MATCH report will include not only the CODIS search report, but all accompanying data required for matches currently found in DNA case files. The procedure that will be followed in this instance is delineated in the North Carolina State Bureau Of Investigation, Molecular Genetics Section, DNA Database Unit, Operating Policy And Procedures Manual.

3.8.6 Requests For Comparison of Non-SBI Forensic Cases With Individuals Whose Samples Reside In The DNA Database

3.8.6.1 Our laboratory receives requests occasionally from other forensic labs to check our DNA Database against DNA profiles from their forensic cases, outside the NDIS environment of CODIS. These requests will be handled by the CODIS Administrator. Non-match results will not require a Laboratory Report, but any match results would require a Laboratory Report. The procedure that will be followed in this instance is delineated in the North Carolina State Bureau Of Investigation, Molecular Genetics Section, DNA Database Unit, Operating Policy And Procedures Manual.

3.8.6.2

3.9 Verifying and Reporting Matches

Details of how the Molecular Genetics Section will verify and report matches can be found in the DNA Database Unit Operating Policy and Procedures Manual.

3.10 Expunging Profiles



3.10.1 Expungement rules are covered in ' 15A-266.10.

3.10.1.1 Any person whose DNA record or profile has been included in the State Database and whose DNA sample is stored in the State Databank may apply for expungement on the grounds that the felony conviction that resulted in the inclusion of the person's DNA record or profile in the State Database or the inclusion of the person's DNA sample in the State Databank has been reversed and the case dismissed. The person, either individually or through an attorney, may apply to the court for expungement of the record as provided in G.S. 15A-146. A copy of the application for expungement shall be served on the district attorney for the judicial district in which the felony conviction was obtained not less than 20 days prior to the date of the hearing on the application. A certified copy of the order reversing and dismissing the conviction shall be attached to an order of expungement.

3.10.1.2 Upon receipt of an order of expungement, the SBI shall purge the DNA record and all other identifiable information from the State Database and the DNA sample stored in the State Databank covered by the order. If the individual has more than one entry in the State Database and Databank, then only the entry covered by the expungement order shall be deleted from the State Database or Databank. (1993, c. 401.)

3.10.2 We will interpret the last sentence in section 3.10.1 above to mean that we would first make sure that the defendant had no other qualifying offenses for inclusion in the database. If he/she had one or more other qualifying offenses than the offense covered in the expungement order, we would not expunge the records.

A letter will be generated by the Special Agent In Charge to the District Attorney who submits the court order for expungement to the SBI explaining that the offense that was covered in the expungement order has been removed from the DNA Database Specimen Management Program, but that the individual has other qualifying offenses (which will be listed) and therefore his genetic profile will not be deleted from the Database for those other offenses.

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3.10.3 If the individual covered in the court order for expungement had no other qualifying offenses, then his/her genetic profile would be removed from the DNA Database (CODIS), the computer records linking his/her genetic profile to the identifying information (through a bar code number) would be removed, and the bloodstain with it=s accompanying identifying information would be destroyed. The CODIS Manager/State Administrator must mark the date of expungement of the profile in CODIS and make sure that we do not make backups of CODIS from our backup tapes for the period of time covered by the number of backup tapes in use (usually 10).

The hard copy genetic profile would still be buried in our paper files, but the links between the defendant and that profile would be forever gone...and without the links, the profile could never be uploaded to CODIS databases or be searched. We are unable to destroy the hard copy of the material since the profile in question is batched with other samples which we must retain. The individual responsible for expungement of the record will take a magic marker and obliterate the profile from the hard copy printout and write the words AProfile expunged, along with the date and their initials@ near the obliteration.

Upon completion of the expungement procedures listed above, the Special Agent In Charge will generate a letter to the District Attorney who submits the court order for expungement to the SBI explaining that the individual=s identifying information and his/her genetic profile has been expunged from the DNA Database as required by the court order for expungement.

If the profile resides at NDIS, a letter will be generated by the State Administrator notifying the NDIS Custodian that the profile has been expunged, and why.

4 CODIS Systems Operations

4.1 Tape Backup and File Storage Procedures for CODIS

4.1.1 A full tape backup will automatically be run once a day Monday through Friday. Backups will be scheduled to occur at 1:00 am in the morning.

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- 4.1.2 The backup will be conducted by a CODIS Manager or designee.
- 4.1.3 The backup will include C:\, F:\, G:\ and the registry from the GDISSVR server.
- 4.1.4 There will be at all times two sets of tapes one of which will be kept in the server room, and the other will remain in the Evidence Control Unit vault. The tapes will be rotated as a set on a weekly basis.

4.2 STR Data

- 4.2.1 Case analysts and Database analysts will be responsible for backing up their analysis data to an MO Disk for storage as well as copying all files to the server removing them from the local hard-drive. The files on the server will be backed-up nightly.
- 4.2.2 The DNA Database analyst will catalog their cases on each MO Disk and store the disk in the appropriate filing cabinet.
- 4.2.3 Case analysts will catalog their cases on each MO disk and store them in their evidence locker.

4.3 File Storage

- 4.3.1 Case analysis files will be stored in accordance with guidelines set forth in the NCSBI Crime Laboratory Procedures Manual.
- 4.3.2 DNA Database files will be stored in the filing cabinets assigned to the DNA Database Unit.

4.4 Security

- 4.4.1 All CODIS users are responsible for security of the software.
- 4.4.2 When a user is finished with a CODIS work session the user will log out of CODIS and out of the Network.
- 4.4.3 CODIS Server room will remain locked at all times while unattended.
- 4.4.4 SAIC users shall be monitored while using PC Anywhere on the NCSBI network.

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- 4.4.5 Refer to the NCSBI Molecular Genetics Section, Technical Procedures Manual, Computer Security Procedures for additional computer security information and procedures.

5 Statutory Authority

North Carolina General Statute (NCGS) ' 15A-266 provides statutory authority to the SBI to establish and maintain a DNA Database and Databank. This bill was written in 1993 by Assistant Attorney General Valerie Spalding and Special Agent in Charge Mark Nelson, and sponsored by Representative Billy Richardson from Cumberland County (see Appendix B).

The SBI is given the authority to establish guidelines for administering the DNA Database and Databank.

NCGS ' 15A-266.7 specifically states that A The SBI shall adopt rules governing the procedures to be used in the submission, identification, analysis, and storage of DNA samples and typing results of DNA samples submitted under this Article. A The statute goes on to state that @ These procedures shall also include quality assurance guidelines to insure that DNA identification records meet standards and audit standards for laboratories which submit DNA records to the State Database.

' 15A-266.8 specifically states that AThe SBI shall adopt rules governing the methods of obtaining information from the State Database and CODIS and procedures for verification of the identity and authority of the requester.@ This material is covered in the DNA Database Unit Operating Policy and Procedures Manual.

' 15A-266.9 specifically states AThe SBI is authorized to revoke the right of a forensic DNA laboratory within the State to exchange DNA identification records with federal, State, or local criminal justice agencies if the required control and privacy standards specified by the SBI for the State DNA Database are not met by these agencies. A

This section of the CODIS SOP details how the SBI will follow it=s statutory authority to administer the DNA Database and Databank.

5.1 Sample Retention

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- 5.1.1 DNA Database samples enter the SBI Laboratory as liquid blood samples. Analysts then prepare two stains, one on S&S 903 paper and one on FTA paper. The bloodstain on the S&S 903 paper is stapled to the DNA Database Submission Card and stored frozen in a large, locked walk-in freezer. The bloodstain on the FTA paper is stored at room temperature in the laboratory in a locked filing cabinet. When the filing cabinet is filled, it will be transferred to the main evidence vault of the laboratory.
- 5.1.2 NCGS ' 15A-266.5 states that A The DNA sample itself will be stored and maintained by the SBI in the State DNA Databank. (1993, c. 401.) ADN A DNA Database samples will be maintained for fifty (50) years, after which time they shall be destroyed. This lengthy sample retention is necessary when the testing technology changes, for quality control purposes, and to confirm any hits obtained.

5.2 Legitimate Sample Uses

- 5.2.1 North Carolina General Statute ' 15A-266 specifies the uses of DNA Database samples as being:

- 5.2.1.1 For law enforcement identification purposes.

- 5.2.1.2 For research and administrative purposes, including:

- 5.2.1.2.1 Development of a population database when personal identifying information is removed.

- 5.2.1.2.2 To support identification research and protocol development of forensic DNA analysis methods

- 5.2.1.2.3 For quality control purposes.

- 5.2.1.2.4 To assist in the recovery or identification of human remains from mass disasters or for other humanitarian purposes, including identification of missing persons.

- 5.2.2 The use of the DNA Database or Databank for A humanitarian purposes@ will be very restrictive. The authors of NCGS ' 15A-266 envisioned that the DNA Database/Databank might have utility in identification of remains, either by prison riot and fire, auto or plane crashes, or identification of remains from missing persons.

The use of the SBI=s DNA Database/Databank for paternity testing is expressly prohibited. Several requests have been

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received to date for this purpose, and all have been summarily denied.

Any requests received for use of the SBI DNA Database/Databank for humanitarian purposes, not expressly covered above will be received and reviewed by the Special Agent In Charge of the Molecular Genetics Section. Only those requests which common sense dictates receive serious consideration will be recommended by the Special Agent In Charge to the Assistant Director of Laboratory Services, the Director of the SBI, and to the SBI Legal Counsel for further consideration and approval. Final approval of such requests will be by the Director of the SBI.

5.2.3 Other Local CODIS Laboratories

Any local CODIS laboratory in North Carolina which wishes to link to the SBI will:

- 5.2.3.1 Meet all NDIS requirements.
- 5.2.3.2 Be accredited by the American Society of Crime Lab Directors-Laboratory Accreditation Board in Forensic Biology and/or DNA.
- 5.2.3.3 Meet National Quality Assurance Standards for Forensic DNA Testing Laboratories, including, but not limited to the requirement for a yearly audit, proficiency tests, and analyst qualifications.
- 5.2.3.4 Provide NDIS required paperwork to the SBI in a timely fashion.
- 5.2.3.5 Follow the guidelines in this manual and those in the SBI DNA Database Unit Operating Policy and Procedures Manual.

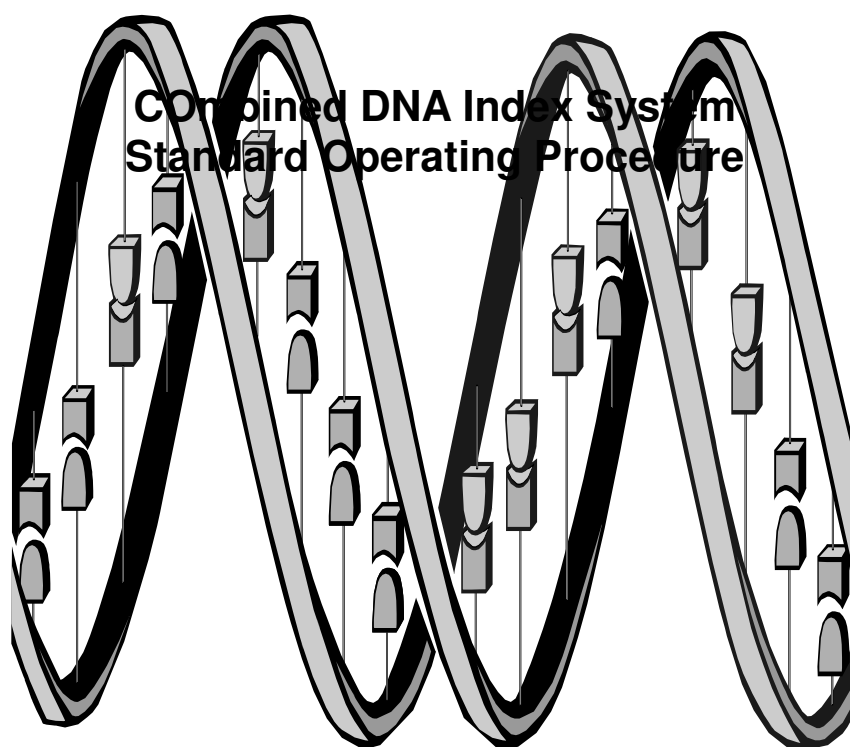
Any CODIS laboratory within North Carolina linked to the SBI's DNA Database which fails to comply with the above listed requirements or to maintain the required control and privacy standards specified by the SBI for the State DNA Database will have its CODIS connection and rights to the SBI DNA Database/Databank terminated. The decision to take these steps will be made by the Special Agent In Charge of the Molecular Genetics Section (the CODIS Designated State Official) and/or the DNA Database Manager (the CODIS State Administrator). This decision will be made ONLY after notification is given to the SBI

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Assistant Director of Laboratory Services and the SBI Director of the necessity to take these steps and the facts supporting this decision, and after seeking guidance from the SBI Legal Counsel. Notification of revocation of CODIS rights will be made via official letter to the Laboratory Director of the laboratory in question.

N. C. Department of Justice
State Bureau of Investigation



APPENDIX A

CODIS FORMS

PAGE NUMBER	_____
SBI LAB FILE NUMBER	_____
ANALYST	_____
DATE	_____

DNA SAMPLE SUBMISSION DATA FORM

ITEM #	DESCRIPTION OF EVIDENCE AND PACKAGING CONTAINERS

DNA profiles for the following items have been entered in CODIS:

--

Only the following categories will be uploaded to CODIS:

- ☐ Suspect Standard - Item # _____
- ☐ Unsolved/unidentified forensic unknown profile - Item # _____
- ☐ Transfer of suspect=s DNA to victim or scene (forensic unknown) - Item # _____
- ☐ Mixture of victim/suspect or unknown profile - Item # _____ (as much of victim profile as possible has been removed)

First Reader _____ Second Reader _____

Verification of sample identity and samples marked for upload to CODIS by:

Second Reader _____

DNA PROFILE DELETION REQUEST FORM

Case / item # _____ to be removed
from _____.

Reason: _____

Requesting Analyst _____

Date _____

Approved by SAC _____

Date _____

Removed by CODIS Administrator _____

Date



MICHAEL F. EASLEY
ATTORNEY GENERAL

NORTH CAROLINA
STATE BUREAU OF INVESTIGATION
DEPARTMENT OF JUSTICE

3320 GARNER ROAD
P. O. BOX 29500
RALEIGH, NC 27626-0500
(919) 662-4500
FAX (919) 662-4523



BRYAN E. BEATTY
DIRECTOR

DNA SEARCH REQUEST BY FACSIMILE OFFICIAL FORM

Dear CODIS Laboratories:

Date:

1. The DNA profile was developed in compliance with the DNA Identification Act of 1994.
2. The DNA profile was developed in compliance with FBI approved Quality Assurance Standards for Forensic DNA testing Laboratories.
3. The specimen category is Forensic Unknown, therefore the identity of the person(S) that contributed the DNA profile is an unknown perpetrator.
4. The laboratory=s specimen ID number is: _____
5. The Laboratory=s ORI number is: _____
6. The laboratory that performed the DNA analysis is: _____

STR Profile:

Locus	Allele 1, Allele 2	Locus	Allele 1, Allele 2
CSF1PO		D5S818	
TPOX		FGA	
TH01		D8S1179	
vWA		D18S51	
D16S539		D21S11	
D7S820		D3S1358	
D13S317		Amelogenin	
Penta E		Penta D	

Thank you very much and please contact me with any candidate matches.

Printed Name : _____ Signature: _____

Telephone: (919) 662-4500 ext. 2506

FAX Number:(919) 662-4462

Organization : North Carolina State Bureau Of Investigation
121 East Tryon Rd.
Raleigh, NC 27603



PAGE NUMBER _____
SBI LAB FILE NUMBER _____
ANALYST _____
DATE _____

TELEPHONE REQUEST FOR DNA COMPARISON

AGENT=S NAME WHO TOOK THE REQUEST _____

Requesting Officer : _____

Requesting Agency : _____

Agency Address : _____

Agency File Number : _____

Phone Number : _____

Date Of Request : _____

Date Of Offense : _____

Type Of Case : _____

County : _____

VICTIM (s) : _____

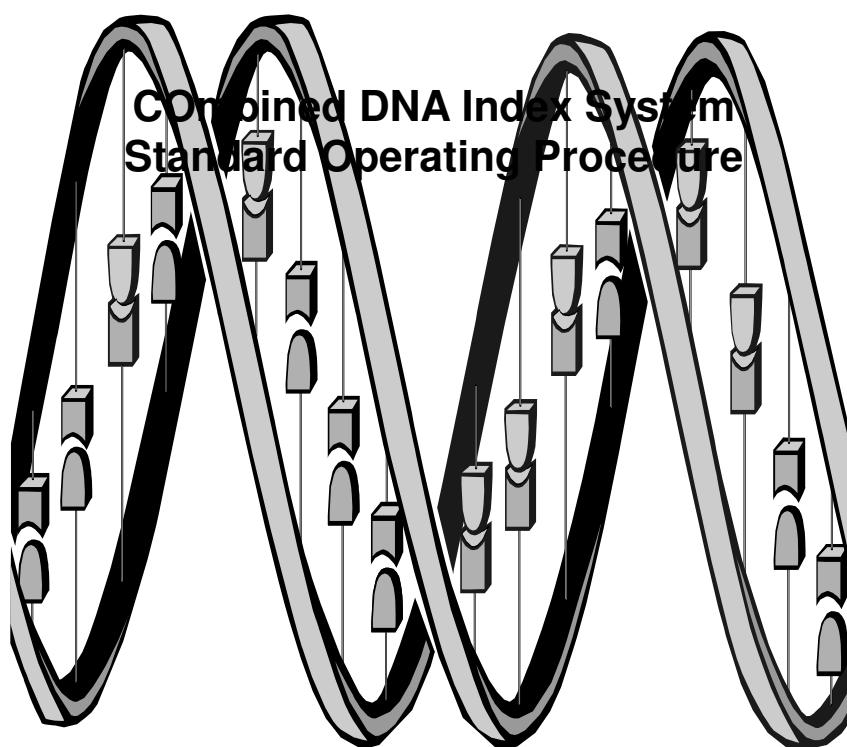
SUSPECT (s) : _____

SPECIFIC REQUEST

NOTE: Submit a copy of this form to Evidence Control at the time of the request so that an entry can be made in the evidence files.



N. C. Department of Justice
State Bureau of Investigation



APPENDIX B
N.C. GENERAL STATUTE '15A-266

ARTICLE 13.

DNA Database and Databank.

¶ 15A-266. Short title.

This Article may be cited as the DNA Database and Databank Act of 1993. (1993, c. 401.)

¶ 15A-266.1. Policy.

It is the policy of the State to assist federal, State, and local criminal justice and law enforcement agencies in the identification, detection, or exclusion of individuals who are subjects of the investigation or prosecution of violent crimes against the person. Identification, detection, and exclusion is facilitated by the analysis of biological evidence that is often left by the perpetrator or is recovered from the crime scene. The analysis of biological evidence can also be used to identify missing persons and victims of mass disasters. (1993, c. 401.)

¶ 15A-266.2. Definitions.

As used in this Article, unless another meaning is specified or the context clearly requires otherwise, the following terms have the meanings specified:

- (1) "CODIS" means the FBI's national DNA identification index system that allows the storage and exchange of DNA records submitted by State and local forensic DNA laboratories. The term "CODIS" is derived from Combined DNA Index System.
- (2) "DNA" means deoxyribonucleic acid. DNA is located in the nucleus of cells and provides an individual's personal genetic blueprint. DNA encodes genetic information that is the basis of human heredity and forensic identification.
- (3) "DNA Record" means DNA identification information stored in the State DNA Database or CODIS for the purpose of generating investigative leads or supporting statistical interpretation of DNA test results. The DNA record is the result obtained from the DNA typing tests. The DNA record is comprised of the characteristics of a DNA sample which are of value in establishing the identity of individuals. The results of all DNA identification tests on an individual's DNA sample are also collectively referred to as the DNA profile of an individual.
- (4) "DNA Sample" in this Article means a blood sample provided by any person convicted of offenses covered by this Article or submitted to the SBI Laboratory for analysis pursuant to a criminal investigation.
- (5) "FBI" means the Federal Bureau of Investigation.
- (6) "SBI" means the State Bureau of Investigation. The SBI is responsible for the policy management and administration of the State DNA identification record system to support law enforcement, and for liaison with the FBI regarding the State's participation in CODIS.
- (7) "State DNA Database" means the SBI's DNA identification record system to support law enforcement. It is administered by the SBI and provides DNA records to the FBI for storage and maintenance in CODIS. The SBI's DNA Database system is the collective capability provided by computer software and procedures administered by the SBI to store and maintain DNA records related to forensic casework, to convicted offenders required to provide a DNA sample

under this Article, and to anonymous DNA records used for research or quality control.

(8) "State DNA Databank" means the repository of DNA samples collected under the provisions of this Article. (1993, c. 401.)

‘ 15A-266.3. Procedural compatibility with the FBI. The DNA identification system as established by the SBI shall be compatible with the procedures specified by the FBI, including use of comparable test procedures, laboratory equipment, supplies, and computer software. (1993, c. 401.)

‘ 15A-266.4. Blood sample required for DNA analysis upon conviction.

(a) On or after 1 July 1994, a person who is convicted of any of the crimes listed in subsection (b) of this section shall have a DNA sample drawn upon intake to a jail or prison. In addition, every person convicted on or after 1 July 1994, of any of these crimes, but who is not sentenced to a term of confinement, shall provide a DNA sample as a condition of the sentence. A person who has been convicted and incarcerated as a result of a conviction of one or more of these crimes prior to 1 July 1994 shall have a DNA sample drawn before parole or release from the penal system.

(b) Crimes covered by this Article include:

G.S. 14-17 Murder in the first and second degree.

G.S. 14-27.2 First degree rape.

G.S. 14-27.3 Second degree rape.

G.S. 14-27.4 First degree sexual offense.

G.S. 14-27.5 Second degree sexual offense.

G.S. 14-28 Malicious castration.

G.S. 14-29 Castration or other maiming.

G.S. 14-30 Malicious maiming.

G.S. 14-30.1 Malicious throwing of corrosive acid or alkali.

G.S. 14-31 Malicious assault in secret manner.

G.S. 14-32 Felonious assault with deadly weapon with intent to kill.

G.S. 14-32.1 Assaults on handicapped persons.

G.S. 14-34.1 Discharging barreled weapon or firearm in to occupied property.

G.S. 14-34.2 Assault with firearm or other deadly weapon upon governmental officers or employees, company police officers, or campus police officers.

G.S. 14-34.5 Assault with firearm or other deadly weapon upon law enforcement officer, fireman, or EMS personnel.

G.S. 14-39(a)(3) Kidnaping for the purpose of doing serious bodily harm to the person.

G.S. 14-49 Malicious use of explosive or incendiary.

G.S. 14-58.2 Burning of mobile home, manufactured-type house, or recreational trailer home.

G.S. 14-202.1 Taking indecent liberties with children.

G.S. 14-87 Robbery with a dangerous weapon.

G.S. 14-277.3 Stalking.

Common law robbery.

First degree arson. (1993, c. 401.)

- ‘ 15A-266.5. Tests to be performed on blood sample.
 - (a) The tests to be performed on each blood sample are:
 - (1) To analyze and type the genetic markers contained in or derived from the DNA.
 - (2) For law enforcement identification purposes.
 - (3) For research and administrative purposes, including:
 - a. Development of a population database when personal identifying information is removed.
 - b. To support identification research and protocol development of forensic DNA analysis methods.
 - c. For quality control purposes.
 - d. To assist in the recovery or identification of human remains from mass disasters or for other humanitarian purposes, including identification of missing persons.
 - (b) The DNA record of identification characteristics resulting from the DNA testing shall be stored and maintained by the SBI in the State DNA Database. The DNA sample itself will be stored and maintained by the SBI in the State DNA Databank. (1993, c. 401.)

‘ 15A-266.6. Procedures for withdrawal of blood sample for DNA analysis. Each DNA sample required to be drawn pursuant to G.S. 15A-266.4 from persons who are incarcerated shall be drawn at the place of incarceration. DNA samples from persons who are not sentenced to a term of confinement shall be drawn at a prison or jail unit to be specified by the sentencing court. Only a correctional health nurse technician, physician, registered professional nurse, licensed practical nurse, laboratory technician, phlebotomist, or other health care worker with phlebotomy training shall draw any DNA sample to be submitted for analysis. No civil liability shall attach to any person authorized to draw blood by this section as a result of drawing blood from any person if the blood was drawn according to recognized medical procedures. No person shall be relieved from liability for negligence in the drawing of any DNA sample. (1993, c. 401.)

‘ 15A-266.7. Procedures for conducting DNA analysis of blood sample. The SBI shall adopt rules governing the procedures to be used in the submission, identification, analysis, and storage of DNA samples and typing results of DNA samples submitted under this Article. The DNA sample shall be securely stored in the State Databank. The typing results shall be securely stored in the State Database. These procedures shall also include quality assurance guidelines to insure that DNA identification records meet standards and audit standards for laboratories which submit DNA records to the State Database. Records of testing shall be retained on file at the SBI. (1993, c. 401.)

‘ 15A-266.8. DNA database exchange.

(a) It shall be the duty of the SBI to receive DNA samples, to store, to analyze or to contract out the DNA typing analysis to a qualified DNA laboratory that meets the guidelines as established by the SBI, classify, and file the DNA record of identification characteristic profiles of DNA samples submitted pursuant to G.S. 15A-266.7 and to make such information available as provided in this section. The SBI may contract out DNA typing analysis to a qualified DNA laboratory that meets guidelines as established by the SBI. The results of the DNA profile of individuals in the State Database shall be made available to local, State, or federal law enforcement agencies, approved crime laboratories which serve these agencies, or the district attorney's office upon written or electronic request and in furtherance of an official investigation of a criminal offense. These records shall also be available upon receipt of a valid court order directing the SBI to release these results to appropriate parties not listed above, when the court order is signed by a superior court judge after a hearing. The SBI shall maintain a file of such court orders.

(b) The SBI shall adopt rules governing the methods of obtaining information from the State Database and CODIS and procedures for verification of the identity and authority of the requester.

(c) The SBI shall create a separate population database comprised of blood samples obtained under this Article, after all personal identification is removed. Nothing shall prohibit the SBI from sharing or disseminating population databases with other law enforcement agencies, crime laboratories that serve them, or other third parties the SBI deems necessary to assist the SBI with statistical analysis of the SBI's population databases. The population database may be made available to and searched by other agencies participating in the CODIS system. (1993, c. 401.)

† 15A-266.9. Cancellation of authority to exchange DNA records.

The SBI is authorized to revoke the right of a forensic DNA laboratory within the State to exchange DNA identification records with federal, State, or local criminal justice agencies if the required control and privacy standards specified by the SBI for the State DNA Database are not met by these agencies. (1993, c. 401.)

† 15A-266.10. Expungement.

(a) Any person whose DNA record or profile has been included in the State Database and whose DNA sample is stored in the State Databank may apply for expungement on the grounds that the felony conviction that resulted in the inclusion of the person's DNA record or profile in the State Database or the inclusion of the person's DNA sample in the State Databank has been reversed and the case dismissed. The person, either individually or through an attorney, may apply to the court for expungement of the record as provided in G.S. 15A-146. A copy of the application for expungement shall be served on the district attorney for the judicial district in which the felony conviction was obtained not less than 20 days prior to the date of the hearing on the application. A certified copy of the order reversing and dismissing the conviction shall be attached to an order of expungement.

(b) Upon receipt of an order of expungement, the SBI shall purge the DNA record and all other identifiable information from the State Database and the DNA sample stored in the State Databank covered by the order. If the individual has more than one entry in the State Database and Databank, then only the entry covered by the expungement order shall be deleted from the State Database or Databank. (1993, c. 401.)

‘ 15A-266.11. Unauthorized uses of DNA Databank; penalties.

(a) Any person who, by virtue of employment, or official position, has possession of, or access to, individually identifiable DNA information contained in the State DNA Database or Databank and who willfully discloses it in any manner to any person or agency not entitled to receive it is guilty of a Class 1 misdemeanor in accordance with G.S. 14-3.

(b) Any person who, without authorization, willfully obtains individually identifiable DNA information from the State DNA Database or Databank is guilty of a Class 1 misdemeanor in accordance with G.S. 14-3. (1993, c. 401; 1994, Ex. Sess., c. 14, s. 15.)

‘ 15A-266.12. Confidentiality of records.

(a) All DNA profiles and samples submitted to the SBI pursuant to this Article shall be treated as confidential except as provided in G.S. 15A-266.8.

(b) Only DNA records that directly relate to the identification of individuals shall be collected and stored. These records shall not be used for any purpose other than to facilitate personal identification of an offender; provided that in appropriate circumstances such records may be used to identify potential victims of mass disasters or missing persons. (1993, c. 401.)

Revision History		
Effective Date	Revision Number	Reason
Dec. 14, 2000	-----	Draft
Dec. 28, 2000	00	Original Document
April 26, 2001	01	Section 3.10 - Expungement of Profiles added
September 13, 2001	02	Procedure Update
November 26, 2002	03	Update Page Numbers and Header. Add Revision # to

		Header. Procedure Update.
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