



# **DNA Outsourcing and CODIS**

## **A Guide for LEOs in North Carolina**

John A. Byrd, Director  
North Carolina State Crime Laboratory

April 17, 2015



## Selection of a Vendor Laboratory

- Data must be generated in an accredited laboratory that is audited externally at least every two years according to the FBI's *Quality Assurance Standards for Forensic DNA Testing Laboratories*.
- An on-site visit of the vendor lab must be conducted by a CODIS-participating lab.
- Before any analysis is conducted by a vendor laboratory, the North Carolina State Crime Lab (NCSCCL) must have a signed Memorandum of Agreement (MOA) or signed pre-approval form from the vendor lab.
- The NCSCCL has MOAs with several vendor laboratories. Please contact the State CODIS Administrator for further information.

If you have any questions regarding these guidelines or need assistance in evaluating the evidence based on the facts of the case, please contact the State CODIS Administrator at 919-582-8860 or by email at [CODIS@ncdoj.gov](mailto:CODIS@ncdoj.gov).

# What is CODIS?



The Combined DNA Index System (CODIS) is a network of computer databases that house DNA profiles at the local (LDIS), state (SDIS), and national (NDIS) levels.

CODIS is comprised of three (3) main indexes:

- **FORENSIC**—A DNA profile from crime scene evidence. Depending on the quality of the profile obtained, certain profiles may be uploaded up to the national level.
- **OFFENDER**—Reference samples from convicted offenders/arrestees. These profiles are eligible for entry up to the national level.
- **SUSPECT**—A reference sample from a known suspect. These profiles are eligible for entry up to the state level only.
- Per the DNA Identification Act of 1994 (42 U.S.C. §14132), the release of DNA records is not authorized until a database search is conducted and a match found. Therefore, the NCSCL cannot release any offender DNA profiles to a vendor lab for comparison purposes.

## Evidence Requirements for CODIS Entry

CODIS eligibility is determined based on the quality of the profile and the facts of the case. The NCSCL accepts/enters profiles from a variety of crime types, including property crimes.

Prior to outsourcing your evidence, certain considerations must be taken into account for CODIS eligibility:

**Have you collected crime scene evidence or a known reference standard?**

- Not everything submitted to the lab is considered crime scene evidence.

# Evidence Requirements for CODIS Entry

(continued)

- If the suspect's profile is obtained from an item that is seized from the suspect's person or was in his or her possession, then it is probably not eligible for entry into the Forensic Index, but it may be considered as a suspect standard.

Can you articulate why this evidence is linked to the perpetrator of the crime?

- Was the item left at the scene by the suspect?
- Is the scene of the crime typically open to the general public (e.g., convenience store, parking lot, sidewalk, etc.)? If so, how do you know that the item collected was not left behind by a customer, employee, or someone other than the perpetrator?
- Details matter—sometimes minor details can be the deciding factor in the determination of CODIS eligibility.
- Consider victim/witness statements, video surveillance footage, proximity to the crime scene, direction of the suspect flight from the scene, etc.

Is the DNA profile obtained attributable to the alleged perpetrator of the crime?

- Not all profiles probative to the case are eligible for CODIS entry. For example, the victim's profile found on the suspect's clothing may be probative for investigative purposes, but is not eligible for CODIS entry.
- The DNA profiles of any victims, witnesses, or consensual sexual partners are not CODIS eligible.
- If possible, any LEO, crime scene personnel, or laboratory staff should be compared to the evidence as well.