



**Department of Forensic Science**

**DNA DATA BANK  
OPERATING POLICIES  
AND  
PROCEDURES MANUAL**

## TABLE OF CONTENTS

- 1 [Quality Assurance Program](#)**
  - 1.1 Goals and Objectives
  - 1.2 Organization and Management Structure
  - 1.3 Personnel, Training, and Professional Development
  - 1.4 Facilities
  - 1.5 Sample Control
  - 1.6 Validation
  - 1.7 Analytical Procedures
  - 1.8 Equipment Calibration and Maintenance
  - 1.9 Documentation
  - 1.10 Review
  - 1.11 Proficiency Testing
  - 1.12 Corrective Action
  - 1.13 Audits
  - 1.14 Safety
  - 1.15 Outsourcing
  - 1.16 Document and Sample Retention
  - 1.17 Virginia Criminal Information Network (VCIN)
- 2 [Sample Origin](#)**
  - 2.1 Statutory Authority
  - 2.2 Sample Collection
- 3 [Receipt of Blood Samples by DFS](#)**
  - 3.1 Delivery of Samples
  - 3.2 Receipt of Blood Samples
- 4 [Receiving, Preserving, and Storing Convicted Offender Blood Samples in the Data Bank](#)**
  - 4.1 Receiving Blood Samples
  - 4.2 Preserving and Storing Blood Samples
- 5 [Receipt of Buccal DNA Collector Envelopes by DFS](#)**
- 6 [Receipt by the Data Bank, Accessioning, and Storage of Buccal DNA Collector Envelopes](#)**
  - 6.1 Receipt by the Data Bank
  - 6.2 Accessioning
  - 6.3 Storage of Samples
- 7 [Sample Analysis, Documentation, Technical Review, and Entry of DNA Profiles into CODIS](#)**
  - 7.1 Sample Analysis
  - 7.2 Documentation
  - 7.3 Technical Review
  - 7.4 Entry of DNA Profiles into CODIS
- 8 [Arrestee Tracking](#)**
  - 8.1 Arrestee Reports
  - 8.2 Arrestee Statistics

**9 [Removal/Expungement of Sample and Associated Records from Offenders](#)**

- 9.1 Sample Expungements**
- 9.2 Sample Removal/Destruction – In Database**
- 9.3 Sample Removal/Destruction – Not in Database**

**10 [Processing Data Bank Hits](#)**

- 10.1 Notification**
- 10.2 Sample Record Query**
- 10.3 Sample Reanalysis**

**Appendix A [DNA Data Bank Offender Buccal Sample Form Letter](#)**

**Appendix B [DNA Data Bank Arrestee Buccal Sample Form Letter](#)**

**Appendix C [DNA Data Bank Buccal Kit Submission Form \(Examples\)](#)**

## 1 QUALITY ASSURANCE PROGRAM

### 1.1 Goals and Objectives

- 1.1.1 To provide a repository (Data Bank) for blood, saliva or other known samples from convicted offenders and arrestees in accordance with the Code of Virginia.
- 1.1.2 To analyze samples in the repository to develop a DNA profile for entry into the Virginia DNA Data Bank (the Data Bank). DNA profiles are stored in the Combined DNA Index System (CODIS), which is maintained by the FBI.
- 1.1.3 To ensure the quality, integrity, and accuracy of the analytical data through the implementation of a detailed quality assurance program.
- 1.1.4 To establish and monitor quality requirements for reagents, supplies, equipment, and analytical procedures.
- 1.1.5 To ensure that the entire DNA typing procedure is operating within the established performance criteria and that the quality and validity of the analytical data is maintained.
- 1.1.6 To ensure that problems are noted and that remedial or corrective action is taken and documented.

### 1.2 Organization and Management Structure

- 1.2.1 The organization and management of the Virginia Department of Forensic Science (DFS) is addressed in the Department Quality Manual (the QM), Organization and Management. The Data Bank is in the Division of Technical Services under the Biology Program Manager.
- 1.2.2 The management structure for DFS is set forth in the DFS Organizational Chart. The responsibilities of Data Bank personnel can be found in each individual's Employee Performance Profile (EPP).

### 1.3 Personnel, Training, and Professional Development

- 1.3.1 The procedure for the qualification and training of personnel is addressed in the QM, Personnel and Training.
- 1.3.2 The policy that addresses attending meetings and seminars is addressed in the QM, Continuing Education and Training.
- 1.3.3 All analysts must receive 8 hours of continuing education on a yearly basis. The technical leader shall approve the continuing education program, which will be documented using the Department's Report of Training/Conference Attendance workflow in Qualtrax.
- 1.3.4 A review of scientific literature will be conducted through the use of a reading list. The technical leader shall approve the articles on the list. Documentation of the completion of the required reading shall be maintained by the Data Bank Section Supervisor or designee.
- 1.3.5 The procedure for the monitoring of the testimony of Data Bank analysts is addressed in the QM, Testimony Monitoring.

### 1.4 Facilities

- 1.4.1 The facilities of DFS are addressed in the QM, Facilities, Security and Safety.

### 1.5 Sample Control

- 1.5.1 All samples received into the Data Bank are not evidence and are considered to be reference samples.

- 1.5.2 The procedures for receipt, processing, and storage of blood and buccal samples in the Data Bank are addressed in this manual.
- 1.5.3 Work product: Material that is generated as a function of analysis, which includes extracts, amplified product, amplification tubes or plates, and instrument plates. All work product generated by the Data Bank is discarded after the DNA profile has been reviewed and uploaded to CODIS.

## 1.6 Validation

- 1.6.1 The validation of new DNA technologies/methodologies utilized by DFS's Forensic Biology Section is addressed in the Forensic Biology Section Procedures Manual, Quality Assurance Program (the FB PM, QA Program). In addition, a summary of each validation study is maintained with the data. The summary and data are maintained by the Biology Program Manager as directed by the QM, Technical Procedures and Manuals.

## 1.7 Analytical Procedures

- 1.7.1 The analytical procedures used by DFS's Data Bank are set forth in this manual, the Data Bank PowerPlex® Fusion Procedures Manual (the DB Fusion Manual), and the DNA Data Bank Procedures Manual, Yfiler™ (the DB Yfiler Manual). Establishment of these procedures is guided by the QM, Quality System Documents, and Technical Procedures and Manuals.
- 1.7.2 Estimation of the uncertainty of measurement: no critical measurements are taken during the analytical process in the Data Bank; therefore, no estimation of uncertainty of measurement is required.

## 1.8 Equipment Calibration and Maintenance

- 1.8.1 Procedures for the calibration and maintenance of laboratory equipment are set forth in the FB PM, QA Program. Establishment of these procedures is guided by the QM, Technical Procedures and Manuals, Supplies and Services, and Equipment.

## 1.9 Documentation

- 1.9.1 The Data Bank does not issue reports. All administrative and technical documentation generated in the Data Bank will be handled according to procedures set forth in this manual. Establishment of these procedures is guided by the QM, Records and Case Files.
- 1.9.2 Procedures relating to the confidentiality/release of information from the Data Bank and/or CODIS are set forth in this manual, as well as the CODIS Operating Policies and Procedures Manual (the CODIS Manual), Access to and Release of Convicted Offender and Arrestee Sample Information and Verifying and Reporting a CODIS Match/Association at SDIS. Establishment of these procedures is guided by the QM, Records and Case Files.
- 1.9.3 The procedure for the expungement/removal of records is addressed in this manual, as well as the CODIS Manual, CODIS Data Maintenance. Establishment of these procedures is guided by the QM, Records and Case Files.

## 1.10 Review

- 1.10.1 The procedure for the technical review of Data Bank analytical data is addressed in the QM, Monitoring Results.
- 1.10.2 The procedure for the administrative review of Data Bank hit (hit) information is set forth in this manual.
- 1.10.3 The review procedures associated with the upload of DNA data to CODIS are addressed in this manual.

### **1.11 Proficiency Testing**

1.11.1 The proficiency testing program for DFS is defined in the QM, Proficiency Testing.

### **1.12 Corrective Action**

1.12.1 The procedure for corrective action is set forth in the QM, Nonconformities and Corrective Actions.

### **1.13 Audits**

1.13.1 The procedure for audits of DFS is addressed in the QM, Audits.

1.13.2 An FBI Quality Assurance Audit of the Forensic Biology Section is conducted by an external agency at a minimum of every other year.

1.13.3 The official record and response to prior audits is maintained by DTS.

### **1.14 Safety**

1.14.1 The policies and procedures for safety in the laboratory are addressed in the Safety Manual.

### **1.15 Outsourcing**

1.15.1 Outsourcing is addressed in the QM, Subcontracting of Tests.

1.15.2 Technical specifications of the outsourcing agreement are approved by the technical leader prior to the outsourcing agreement being awarded.

1.15.3 A technical review of the vendor's data is conducted prior to uploading sample profiles into SDIS. The following elements are included in the technical review:

1.15.3.1 DNA types to ensure they are supported by the analytical data

1.15.3.2 Associated controls, ILS, and ladder

1.15.3.3 Verification of the DNA types, eligibility, and correct specimen categories for entry to CODIS.

1.15.4 On-site visits are conducted prior to the beginning of DNA analysis. Annual on-site visits are conducted as required. The on-site visit will be documented and maintained by the laboratory.

### **1.16 Document and Sample Retention**

1.16.1 Proficiency tests – files will be retained by the QA Section Supervisor/QA staff as specified in the QM, Monitoring Results.

1.16.2 Analytical results – retention times for all records are specified in the QM, Records.

1.16.3 Sample receipt and processing records – retention times for all records are specified in the QM, Records.

1.16.4 Sample retention – Samples are retained by DFS and stored indefinitely in accordance with the Code of Virginia. Allowances are provided in the Code of Virginia for destruction of the sample and associated information in the event of expungement of a felony conviction or after the final disposition of the qualifying arrest charge has been provided and the charge is dismissed, nolle prossed, or the defendant is acquitted at trial.

1.16.5 Hit confirmation – retention times for all records are specified in the QM, Records.

- 1.16.6 Corrective action – files will be retained by DTS as specified in the QM, Nonconformities and Corrective Actions.
- 1.16.7 Audits – files will be retained by DTS as specified in the QM, Audits.
- 1.16.8 Training records – files will be retained as part of the permanent training record by the appropriate laboratory as specified in the QM, Personnel and Training.
- 1.16.9 Continuing education – files will be retained as part of the permanent training record by the appropriate laboratory as specified in the QM, Personnel and Training.
- 1.16.10 Court testimony monitoring – files will be retained by the appropriate laboratory as specified in the QM, Monitoring Results.

**1.17 Virginia Criminal Information Network (VCIN)**

- 1.17.1 VCIN is accessed through the Virginia State Police (VSP) Criminal Justice Information Services (CJIS) Division. The system provides access to criminal history record information that is available through the Federal Bureau of Investigation (FBI) National Criminal Information Center (NCIC) and National Law Enforcement Telecommunications System (NLETS) interfaces.
- 1.17.2 Access to criminal history/VCIN information will be limited to those individuals authorized to receive criminal history information.
- 1.17.3 Any violations of VCIN/NCIC policies relating to the unauthorized accessing of, or unauthorized dissemination of any criminal justice information obtained from the VCIN system will be immediately reported in writing (via email) to the VSP VCIN Section, by DFS' VCIN Terminal Agency Coordinator (TAC).
  - 1.17.3.1 Reported information should include: Date and location of incident, system(s) affected, method of detection, nature of incident, description of incident, action taken/resolution, date and contact information for the agency.

## 2 SAMPLE ORIGIN

### 2.1 Statutory Authority

- 2.1.1 Samples are to be collected as required by the Code of Virginia (§§ 9.1-903, 16.1-299.1, 19.2-310.2 and 19.2-310.2:1) for DNA analysis and incorporation into the Data Bank and subsequent entry into CODIS.
- 2.1.1.1 Every person convicted of a felony on or after July 1, 1990,
- 2.1.1.2 Every person convicted of a felony offense under Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 who was incarcerated on July 1, 1989,
- 2.1.1.3 Every person convicted of a misdemeanor violation as specified in §19.2-310.2,
- 2.1.1.4 Any juvenile convicted of a felony or adjudicated delinquent on the basis of an act which would be a felony if committed by an adult (provided the juvenile was fourteen years of age or older at the time of the commission of the offense),
- 2.1.1.5 Every person arrested for certain violent felonies and burglaries,
- 2.1.1.6 Every person required to register with the Virginia State Police (VSP) as a sex offender, and
- 2.1.1.7 Any individual so ordered by a circuit court pursuant to a lawful plea agreement.
- 2.1.2 Pursuant to the Code of Virginia (§§ 9.1-903, 16.1-299.1, 19.2-310.2 and 19.2-310.2:1) if, upon review of the Department of Forensic Science DNA Data Bank Sample Tracking System (DBSATS), a DNA sample from the individual is already stored in the DNA Data Bank, no additional sample shall be taken.
- 2.1.3 Information Release and Sample Destruction
- The information contained in both the Data Bank Laboratory Information Management System (the DB LIMS) and the CODIS databases are used by DFS Forensic Biology examiners to provide information to federal, state, and local law enforcement officers that may be useful in the investigation of any criminal offense.
- 2.1.3.1 Refer to the Code of Virginia § 19.2-310.5 for specific requirements for the release of information.
- 2.1.3.2 Refer to the Code of Virginia § 19.2-310.6 for penalties for unauthorized use of the Data Bank.
- 2.1.3.3 Refer to the Code of Virginia § 19.2-310.2:1 (arrestees) for specific instructions for sample destruction and associated records.
- 2.1.3.4 Refer to the Code of Virginia § 19.2-310.7 (convicted offenders) for specific requirements for expungement of information and sample destruction.

### 2.2 Sample Collection

- 2.2.1 All samples must be taken in accordance with the Code of Virginia §§ 19.2-310.3 (convicted offenders) and 19.2.310.3:1 (arrestees).
- 2.2.2 Either buccal cells, blood, or tissue may be collected from convicted offenders. A purple top vacutainer tube (preservative EDTA) should be used for the collection of a blood sample. A buccal DNA collection kit provided by DFS will be used to collect buccal cells from arrestees and convicted offenders.

- 2.2.3 The majority of Data Bank samples originate from inmates housed in facilities of the Virginia Department of Corrections (DOC), regional and local jails throughout the state, and state juvenile detention facilities. Arrestee samples are typically taken at the booking/intake station. Convicted offenders who are not required to serve time should be sampled prior to release. Samples may also be submitted from Virginia inmates who are housed in out-of-state correctional facilities through the Virginia Interstate Corrections Compact. Samples associated with convictions in other states may also come from inmates on probation/parole and supervised by DOC through the interstate compact.

### 3 RECEIPT OF BLOOD SAMPLES BY DFS

**NOTE: PROPER PERSONAL PROTECTIVE EQUIPMENT (LAB COAT, GLOVES, AND EITHER FACE MASK AND EYE PROTECTION OR FACE SHIELD) MUST BE WORN WHEN HANDLING BLOOD SAMPLES**

#### 3.1 Delivery of Samples

- 3.1.1 Data Bank samples may be hand delivered to any of DFS's four laboratories and must be submitted to DFS by a person authorized to deliver the samples, i.e., from law enforcement personnel or employees of jails, detention facilities, etc. Samples may also be received from authorized persons via mail or parcel service. If a blood sample is submitted for inclusion in the Data Bank, Evidence Receiving staff should notify the Data Bank Supervisor immediately.
- 3.1.2 When samples are received via mail or parcel service, the accompanying documentation will be signed and dated by a member of the Data Bank staff upon receipt of the samples. All accompanying paperwork, which documents the delivery of the samples, will be stapled to the back of the blood sample submission documentation. These documents will be retained as a permanent record by the Data Bank.

#### 3.2 Receipt of Blood Samples

- 3.2.1 The submission of all convicted offender blood samples must be accompanied by the following documentation:
  - 3.2.1.1 Offender's name, social security number (if available), date of birth, race, and gender. Race and gender can be entered as unknown, if necessary. SID number and alias information will also be accepted if provided with the sample.
  - 3.2.1.2 Agency's name and ORI, printed name and signature of the person collecting the sample, date of sample collection.
  - 3.2.1.3 This documentation must NOT be on a Request for Laboratory Examination (RFLE) form, so that it will not be confused with the submission of a casework suspect known.
- 3.2.2 A member of the DFS Evidence Receiving staff, a member of the Data Bank staff, or any other authorized DFS staff member will verify that the samples to be submitted are sealed and are the same as those listed on the accompanying documentation.
- 3.2.3 The submitter will then sign and date the accompanying documentation. The DFS staff member receiving the samples will also sign and date the accompanying documentation for receipt of the samples. All accompanying paperwork which documents the delivery of the samples will be stapled to the back of the blood sample submission documentation. These documents will be retained as a permanent record by the Data Bank.

## **4 RECEIVING, PRESERVING, AND STORING CONVICTED OFFENDER BLOOD SAMPLES IN THE DATA BANK**

### **4.1 Receiving Blood Samples**

- 4.1.1 The Data Bank staff member receiving the samples will sign and date the accompanying documentation. Upon receipt of the samples in the Data Bank, the samples will either be stored in a locked refrigerator or the Data Bank staff will immediately proceed with the steps outlined below.
- 4.1.1.1 Each blood sample (and stain card) is assigned a unique DNA number (barcode) by DFS.
- 4.1.1.2 All information on the accompanying documentation will be compared against the blood tube.
- 4.1.1.2.1 This procedure will be witnessed by a second Data Bank staff member and both sets of initials will be recorded on the accompanying documentation (VERIFIED BY).
- 4.1.2 Prior to preserving a blood sample, the convicted offender information associated with the sample will be checked against the information in the DB LIMS to ensure that a sample from the offender has not previously been submitted to DFS. If the new sample is a duplicate, this will be noted and initialed by Data Bank staff on the accompanying documentation, and it will still be preserved and entered into the DB LIMS.

### **4.2 Preserving and Storing Blood Samples**

- 4.2.1 Blood samples will be preserved by aliquoting the blood sample onto a labeled stain card and drying.
- 4.2.1.1 Proper personal protective equipment (lab coat, gloves, and either face mask and eye protection or face shield) must be worn when handling blood samples.
- 4.2.1.2 The aliquoting of the blood sample onto the stain card will be a witnessed procedure in the Data Bank. The initials of the Data Bank staff members aliquoting the blood and witnessing the procedure will be recorded on the accompanying documentation.
- 4.2.1.3 After the blood has been aliquoted onto the stain card, the original tube and cap will be discarded.
- 4.2.1.4 After the stain card has fully dried, the card will be placed in a labeled envelope and stored for analysis.
- 4.2.1.5 The personal identifying information from the accompanying documentation will be entered into the DB LIMS under the corresponding barcode number.

**5 RECEIPT OF BUCCAL DNA COLLECTOR ENVELOPES BY DFS**

Refer to Evidence Receiving Training Manual for procedures pertaining to the receipt of DNA Data Bank Buccal Collector samples by DFS.

## 6 RECEIPT BY THE DATA BANK, ACCESSIONING, AND STORAGE OF BUCCAL DNA COLLECTOR ENVELOPES

### 6.1 Receipt by the Data Bank

- 6.1.1 Once daily, samples will be received into the Data Bank from the Central Laboratory Evidence Receiving section. For Bode collectors, the area on the sample submission form designated “FOR DFS USE ONLY” will be completed by the member of the Data Bank staff who accessions the samples. For FTA collectors, the Data Bank staff member will date and sign (date/signature stamp may be used) Side B of the submission form in the blank area underneath the collector’s signature.

### 6.2 Accessioning

- 6.2.1 The DNA Data Bank Buccal Kit Submission Form will be reviewed by a Data Bank staff member to ensure that all appropriate information is complete. If any required information is missing from the submission form, the information will either be obtained from VCIN or another database and/or the procedures outlined below will be followed. For Bode collector kits, the submission form will be reviewed before the kit is opened since the submission form is attached to the outside of the collector envelope. For FTA collector kits, the submission form will be reviewed once the kit is opened, since the submission form is contained inside the kit shipping envelope.

#### 6.2.1.1 Collecting Agency Originating Agency Identification (ORI) Number and Collecting Agency Name (Arrestees and Convicted Offenders)

If the “Collecting Agency ORI Number” or “Collecting Agency Name” are missing, the information can be obtained from an arrest warrant or court documents (if included with the sample), the return address of the mailing envelope, the “Sample Collected By” information, or examination of surrounding samples to find if the missing information is present on an adjacent sample collected by the same person.

6.2.1.1.1 If the “Collecting Agency” cannot be identified, the sample may be entered into the DB LIMS system without this information.

6.2.1.1.2 If the “Collecting Agency ORI” or name can be identified, this information will be added to the sample submission form. The individual who made the addition to the sample submission form will initial and date the submission form next to the added information.

#### 6.2.1.2 Date Collected (Arrestees and Convicted Offenders)

6.2.1.2.1 If the “Date Collected” is missing and cannot be found on Side B of the submission form or on any corresponding court documents, a phone call will be made to the submitting officer/agency to obtain the missing information. If obtained, the missing information will be added to the submission form and dated/initialed.

6.2.1.2.2 If the date received by the DNA Data Bank (if hand delivered) or postmarked (if mailed) is greater than 15 days after the “Date Collected”, the letter found in Appendix A or the letter found in Appendix B will be sent to the submitting agency notifying them of the problem.

6.2.1.2.3 Refer to section 6.2.2 for instructions on how to process the problem letter.

#### 6.2.1.3 Sample Collected By (Arrestees and Convicted Offenders)

6.2.1.3.1 If the “Sample Collected By” is missing, the letter found in Appendix A or the letter found in Appendix B will be sent to the submitting agency notifying them

## 6 Receipt by the Data Bank, Accessioning, and Storage of Buccal DNA Collector Envelopes

of the problem and requesting the missing information, if possible, be provided to the Data Bank.

6.2.1.3.2 Refer to section 6.2.2 for instructions on how to process the problem letter.

### 6.2.1.4 Qualifying Offense Code Section, Document Control Number (DCN) and Arrest Warrant (Arrestees Only)

6.2.1.4.1 If the “Qualifying Offense Code” and/or “DCN” are missing and the arrest warrant is included with the sample, the Qualifying Offense Code will be obtained from the arrest warrant. Add the qualifying offense code to the “Qualifying Offense Code Section” on the submission form. A VCIN search may also be used to obtain the information. Any modifications to the sample submission form must be dated and initialed.

6.2.1.4.2 If no arrest warrant or DCN was provided, and the DCN cannot be found in VCIN, the letter found in Appendix B will be sent to the collecting officer/submitting agency notifying them of the problem and requesting the missing arrest warrant and/or DCN be provided to the Data Bank.

6.2.1.4.2.1 Refer to section 6.2.2 for instructions on how to process the problem letter.

### 6.2.1.5 Reason for Collection

6.2.1.5.1 If the reason for collection has not been identified by checking the appropriate box on the submission form, any court documents accompanying the sample may be used to discern the reason. Data Bank staff can also conduct a search using VCIN and/or another database to attempt to locate the information needed.

6.2.1.5.1.1 If an arrest warrant is present and contains a qualifying offense code, check the “Arrestee” box. A true bill or capias can also be used.

6.2.1.5.1.2 If no arrest warrant/court documents are present and a phone call is made to the submitting agency to obtain the information, then the phone call will be documented (name of person notified and date/initials) on the submission form.

### 6.2.1.6 Arresting or Accompanying Officer (Arrestees Only)

If the arresting or accompanying officer’s name is missing from the submission form, the arrest warrant should be reviewed for the name. If the name is available on the warrant, the missing information will be added to the submission form and dated/initialed.

## 6.2.2 Problem Letters

6.2.2.1 If a problem letter will be issued for any of the situations addressed above, follow the steps outlined below.

6.2.2.2 Open DB LIMS and navigate to Tools > Problem Letters and check the “Felon Letter” or the “Arrestee Letter”, as appropriate, to obtain the electronic version of the Offender or Arrestee Letter (Appendix A or Appendix B). While the form letter is on the computer screen, enter the DNA sample number and to whom the letter will be addressed into the appropriate designated fields.

6.2.2.3 To generate the form letter containing only the information in the category(ies) selected, click the “Create Letter” button. The “Problem Letter Applications Program” will automatically

## 6 Receipt by the Data Bank, Accessioning, and Storage of Buccal DNA Collector Envelopes

add the agency name and address, the name of the arresting or accompanying officer (if applicable), and the name of the arrestee or convicted offender to the form letter.

- 6.2.2.4 The letter will be printed on plain paper and then provided to the Data Bank Supervisor or designee for review and signature before the letter is mailed. The “Problem Letter Applications Program” will automatically generate the letterhead portion of the form letter.
- 6.2.3 The information contained in the “Date of Birth” box will be verified to ensure that all buccal samples submitted from juveniles meet the requirement of “fourteen years of age or older at the time of the commission of the offense” as required by the Code of Virginia. If it appears that a sample was submitted from a juvenile who was under fourteen years of age at the time of the commission of the offense, the procedures outlined below will be followed.
  - 6.2.3.1 A phone call will be made to the submitting agency, or the Department of Juvenile Justice, to verify the juvenile offender’s age at the time of the commission of the offense. The phone call will be documented listing the problem, the date, the name of the person contacted, and the initials of the person making the contact.
  - 6.2.3.2 If the juvenile was under the age of fourteen at the time of the commission of the offense, the sample will be destroyed. No identifying information will be entered into the DB LIMS.
    - 6.2.3.2.1 The destruction of the sample will follow the procedure set forth in Section 9.3 of this document.
- 6.2.4 If all the information on the submission form has not been provided and it is not possible for the Data Bank staff member to go any further with the sample until the information is provided, a Data Bank staff member will take the appropriate steps to obtain the information prior to sample entry into the DB LIMS.
- 6.2.5 Samples will be opened and entered into the DB LIMS individually. Only ONE sample may be accessioned at a time, per workstation.
- 6.2.6 Open the DB LIMS and navigate to Add > Sample. Make sure the barcode printer, barcode scanner, and flatbed scanner are all powered on.
- 6.2.7 While wearing proper personal protective equipment (lab coat, gloves, hair cover, and either eye protection and face mask or face shield), open the buccal DNA collection envelope and remove the buccal collector and any enclosed documentation.
- 6.2.8 If the sample was submitted from an arrestee, the information on the arrest warrant enclosed with the sample will be reviewed to ensure that the sample was collected based upon a qualifying offense.
  - 6.2.8.1 If the arrest warrant does not indicate the sample was collected in accordance with the Code of Virginia, check VCIN and/or other databases to determine if the individual has been arrested for another qualifying offense or convicted of a qualifying offense. If no information is found related to the offense for which the individual has been arrested and no other qualifying arrest or conviction exists, then the sample will be destroyed and no identifying information will be entered into the DB LIMS.
    - 6.2.8.1.1 The destruction of the sample will follow the procedure set forth in Section 9.3 of this document.
- 6.2.9 Remove the sample submission form and begin entering the information into the DB LIMS. For older style Bode kits, if there is carbon paper between the top and bottom submission forms, remove this paper and destroy.

**NOTE:** All dates entered into the DB LIMS must use a four digit year format.

## 6 Receipt by the Data Bank, Accessioning, and Storage of Buccal DNA Collector Envelopes

- 6.2.10 The sample kit type and agency name can be selected from the drop-down list of options available in the DB LIMS. Alternatively, the agency ORI number can be typed into the DB LIMS and the agency name will autopopulate.
- 6.2.11 DB LIMS will assign a sample number based on the selection in the “Obtained By” dropdown, which will be the unique CODIS number.
- 6.2.12 The format of this sample number is a three-digit prefix which is representative of the year that the sample was entered (e.g., 218- [2018]) and will be changed automatically to the next prefix (year) by the software on January 1 of each year. The last five digits of the sample number will count up sequentially.
  - 6.2.12.1 Convicted offender samples will be assigned in the range of -00001 through -49999.
  - 6.2.12.2 Arrestee samples will be assigned in the range of -50000 through -99999.
- 6.2.13 The barcodes contained in the kit will be verified. The handheld barcode scanner should be used to scan the barcodes on the sample submission form and the sample. If the barcodes cannot be scanned with the handheld scanner, a visual comparison shall be done to ensure that the barcode from the submission form matches the barcode from the buccal swab.
  - 6.2.13.1 If the kit barcodes do not match, the system will produce an error message. If this happens, the user will need to visually check the barcodes in both places. If the barcodes still do not match, the sample will not be entered. The submitting agency will be notified and a new sample will be requested.
- 6.2.14 New barcodes containing the sample (CODIS) number will be printed on barcode labels and applied to three places.
  - 6.2.14.1 For the green Bode collector kits:
    - 6.2.14.1.1 Apply one label to the submission form directly over top of the preprinted vertical barcode.
    - 6.2.14.1.2 Apply one label to the sample envelope just below the preprinted kit number.
    - 6.2.14.1.3 Apply one label to the handle of the buccal collector directly over top of the kit barcode.
    - 6.2.14.1.4 After the new barcode label is applied to the buccal collector, remove and discard the back plastic piece, open the slider cover to expose the filter paper, and return the collector to the storage envelope.
      - 6.2.14.1.4.1 For the older style Bode buccal collector, remove the protective cap and backing from the collector and discard, and return the collector to the storage envelope.
  - 6.2.14.2 For the white FTA collector kit:
    - 6.2.14.2.1 Apply one label to the submission form in the box labeled “DFS USE ONLY”.
    - 6.2.14.2.2 Apply one label to the multi-barrier storage envelope.
    - 6.2.14.2.3 Remove the FTA card from the collector device and discard the device.
      - 6.2.14.2.3.1 Apply one label to the FTA card on the bottom, opposite side of the preprinted barcode, and place the sample in the storage envelope.

## 6 Receipt by the Data Bank, Accessioning, and Storage of Buccal DNA Collector Envelopes

- 6.2.15 Once all necessary information from the submission form is entered, the user must scan documents to attach to the sample record.

**NOTE:** If a sample has been pre-logged in DBSATS, identifying information will auto-populate once the kit barcodes have been verified. The information filled out on Side A and/or Side B of the submission form shall be compared against the auto-populated information for accuracy.

- 6.2.15.1 At a minimum, all samples will have a scanned submission form. Other document types include arrest warrants, court documentation, or other relevant documentation.

- 6.2.15.2 Place the document to be scanned face up on the scanner feeder and click the “Scan Document” button at the bottom of the record being entered. The scan window will open.

- 6.2.15.3 Select the type of document to be scanned. If the document does not fit the listed types, select “Other” and manually enter the name.

6.2.15.3.1 Multiple pages may be scanned into a single file (should be the same document type).

6.2.15.3.2 Multiple document types may be scanned for each sample.

6.2.15.3.3 All documents will scan single-sided with the exception of the submission form.

- 6.2.15.4 For the submission form scan only:

6.2.15.4.1 Orient the form as indicated on the scanner feeder.

6.2.15.4.2 The submission form is preset to scan double-sided. The images will auto-rotate to appear correctly despite the sideways loading on the scanner feeder.

- 6.2.15.5 Click “Scan”. After the document(s) has/have scanned, the scan review window opens. Scroll up/down (if multiple pages) to review. If the scan is acceptable, click “Save” or press “Enter”.

6.2.15.5.1 If the document scan is not acceptable and needs to be rescanned, reload the document onto the scanner feeder and click “Rescan”.

6.2.15.5.2 A pop-up message will be generated if the user selects the same document type for two different scans while in “Add> Sample”. The message will say, “This file has already been uploaded. Do you want to overwrite it?”

6.2.15.5.3 The user may then choose to “Cancel” the scan or “Overwrite” the existing document.

- 6.2.15.6 Scanned files will be named by the DB LIMS and saved as a .pdf file. The user is not permitted by the DB LIMS to alter the name of the file. The format of the name is the sample number followed by the document type (e.g., 218-12345 submission form.pdf).

- 6.2.15.7 The attached files will display at the bottom of each record in the DB LIMS. To access the file, click and the file will open in a new window.

- 6.2.15.8 Click “Submit” at the bottom of the “Add Entry” field to save and enter the record.

**NOTE:** All entered information and scanned documents are not saved to the database until the “Submit” button is clicked and the record is saved.

## 6 Receipt by the Data Bank, Accessioning, and Storage of Buccal DNA Collector Envelopes

- 6.2.15.9 If the DB LIMS detects a duplicate sample (either by SSN or SID), the following pop-up message will appear, “This sample appears to have a duplicate you did not link. Do you want to continue?”
- 6.2.15.10 Click on “Yes” or “No”. Clicking on “Yes” will save the sample record and move forward to the next entry. Clicking on “No” will close the pop-up message and remain in the current sample record so that duplicates may be linked.
- 6.2.15.11 Click on “Link Duplicates” at the bottom of the “Add Sample” screen.
- 6.2.15.11.1 A pop-up window will appear showing the samples that may or may not need to be linked as duplicates.
- 6.2.15.11.2 The pop-up window will display the First Name, Middle Name, Last Name, Date of Birth, Social Security Number, and SID# of each sample and whether it is marked “Request New?”.
- 6.2.15.11.3 There are four button choices in the pop-up window: “Submit”, “Select All”, “Clear All” and “Cancel”.
- 6.2.15.11.4 The top sample on the list is the current sample being entered. The user will first determine (by comparing identifiers) which samples to link, if any.
- 6.2.15.11.4.1 If no samples are to be linked, click “Cancel”.
- 6.2.15.11.4.2 If all displayed samples are to be linked, click “Select All”.
- 6.2.15.11.4.3 The “Clear All” button will clear all highlighted samples.
- 6.2.15.11.4.4 Alternatively, click each checkbox to select or deselect samples.
- 6.2.15.11.5 Once all sample records to be linked have been highlighted, click “Submit” to link and close the “Link Duplicates” pop up window.
- 6.2.15.11.6 When linking duplicates, take note if the new sample will be linked to a duplicate sample that is marked “Yes” in the “Request New?” column. When this occurs, the new sample will need to be pulled in a batch for processing.
- 6.2.15.11.6.1 To pull the batch, copy/paste the sample number of the new sample once the “Link Duplicates” window has been closed, but BEFORE clicking “Submit” to enter the sample record.
- 6.2.15.11.6.2 Open a new tab in the DB LIMS and navigate to Pull Batch > By Sample Number. Paste the sample number into the appropriate box.
- 6.2.15.11.6.2.1 The sample number may also be scanned using the handheld barcode scanner into the appropriate box. To help ensure the correct sample is pulled for processing, do not hand key the sample number.
- 6.2.15.11.6.3 Leave this additional tab open until all samples for that session have been entered. Once all samples have been entered, pull the replacement sample batch for processing.

## 6 Receipt by the Data Bank, Accessioning, and Storage of Buccal DNA Collector Envelopes

6.2.15.11.6.4 Print and post the batch report and place the samples listed for processing in the appropriate box in the sample storage room.

6.2.15.11.7 Once all duplicates have been linked, click “Submit” to enter the sample.

6.2.15.12 Files may also be scanned and attached in the “DNA Sample Information” screen by clicking the Modify button.

6.2.15.12.1 If the same name for scanned documents is used in this field, the DB LIMS will attach the new file(s) with the same name (will NOT overwrite the existing file). The time/date stamp and/or the file size associated can be used to distinguish the files.

**NOTE:** All entered information and scanned documents are not saved to the database until the “Save” button is clicked.

6.2.15.13 A previously scanned file may also be attached to a sample record in the “DNA Sample Information” Screen by clicking the “Modify” button.

6.2.15.13.1 Click on the “Choose Files” button at the bottom of the screen. Navigate to find the file and double click or click “Open” to attach.

6.2.15.13.2 If attaching an already scanned file, the file nomenclature will be the name of the file you are attaching (which is different from a document scanned using the scanning feature of the software).

### 6.3 Storage of Samples

6.3.1 Accessioned samples will be placed in a storage box in numerical order to await analysis. While the storage box is being filled with new samples, it will be kept in temporary storage in the room where samples are accessioned. Once the storage box has been filled and the samples have been analyzed, the samples will be placed into the Data Bank Sample Storage Room for permanent storage.

6.3.2 After processing, Bode sample kits will be placed in numerical order in a labeled bin. The labels will contain the bin number and a range of the samples contained (e.g., 218-00001—218-00250).

6.3.2.1 The format of bins containing convicted offender samples will be the four digit year followed by a sequential count (e.g., 2018-100).

6.3.2.2 Bins containing arrestee samples will, at first, be labeled with only the range of samples contained. At the end of each calendar year, bins containing arrestee samples will be consolidated as needed, re-labeled, and numbered. The first arrestee bin should have the next bin number after the last convicted offender bin for that year.

6.3.2.2.1 For example, if the final convicted offender bin for the year 2018 is 2018-090, then the first arrestee bin for 2018 will be labeled 2018-091.

6.3.2.2.2 Convicted offender and arrestee samples can be stored in the same bin as long as the bin is clearly labelled.

6.3.2.3 Bode collectors will be permanently stored in a weathertight plastic bin containing desiccant. The ideal humidity inside each bin should be <20% as shown by a single humidity measurement strip placed at the front of each bin. Desiccant may be added or replaced to maintain appropriate humidity inside each bin.

6.3.3 After processing, FTA samples will each be placed in a multi-barrier envelope with a small desiccant pack and sealed. Envelopes will be placed in numerical order in a labeled bin.

## 6 Receipt by the Data Bank, Accessioning, and Storage of Buccal DNA Collector Envelopes

- 6.3.3.1 The label on each bin will contain the range of sample numbers contained in that bin.
- 6.3.3.2 If an FTA sample is opened for re-analysis and the multi-barrier envelope does not have an adhesive sealing strip available for resealing, a new barcode must be printed and placed on a new multi-barrier envelope. The desiccant should be replaced before resealing the envelope.
- 6.3.3.3 The submission forms will be stored in numerical order in a secure file cabinet or storage room. Separate bins will be used for convicted offenders and arrestees, using the storage labeling process outlined above.

**7 SAMPLE ANALYSIS, DOCUMENTATION, TECHNICAL REVIEW,  
AND ENTRY OF DNA PROFILES INTO CODIS**

**7.1 Sample Analysis**

- 7.1.1 DNA analysis shall be conducted on blood, saliva, or tissue from convicted offenders and from saliva from arrestees in accordance with the DB Fusion Manual, the DB Yfiler Manual, and the FB PM, QA. Sample analyses are prioritized as follows: (1) hits, (2) arrestees, (3) convicted offenders.
- 7.1.2 The analysis of all convicted offender and arrestee samples conducted by DFS will be witnessed at the appropriate steps (i.e., when placing the sample into a single tube/well and when tube changes are made) as specified on the analytical work sheets. At each step throughout the procedure where a witness is required, the witness will place his/her initials on the analytical worksheet in the designated area.
- 7.1.3 The re-analysis of convicted offender samples for verification purposes as a result of a hit, outlined in this manual, will not be witnessed provided only a hit verification sample is being analyzed and the resultant DNA profile will not be imported to CODIS. In this instance, “verification only” will be noted next to the witness blank on the analytical worksheet.
- 7.1.4 If a sample is analyzed and no results are obtained, the analysis will be attempted a second time. If no results are obtained again, and a duplicate sample is available, the duplicate sample will be analyzed. If a duplicate sample does not exist, the inability to obtain a result for the sample will be documented in the DB LIMS to notify the Data Bank staff to save any duplicate sample(s) that may be received into the laboratory in the future. An attempt will be made by Data Bank staff to locate the individual and request a new sample if the individual is still in custody or under DOC supervision. If an additional sample is received, the sample will immediately be prioritized for analysis.
- 7.1.5 Every effort will be made to avoid completely consuming a Data Bank sample; however, a sample may be consumed, if necessary. In the event that a sample is consumed and a duplicate is not already available, a replacement will be requested.

**7.2 Documentation**

- 7.2.1 A file will be created for maintaining the technical documentation associated with the analysis of all convicted offender or arrestee samples. The plate number will be a unique number assigned to a particular batch of Data Bank samples as specified below.
- 7.2.2 Each plate number generated by DFS will be numbered in consecutive order by year-plate number. If the plate contains only Y STR samples, then the plate number will be followed by the letter “Y”.

**EXAMPLE:** Plate number 2014-100 is the 100<sup>th</sup> consecutive plate processed during the year 2014.

- 7.2.3 All notes, worksheets, printouts and other data used by the Data Bank to support the conclusions shall be considered technical documentation.
  - 7.2.3.1 Technical documents will contain the plate number, date, and analyst’s initials on each page.
  - 7.2.3.2 Notes are intended to be permanent in nature and will be organized, neat and understandable, and written in ink.
  - 7.2.3.3 When any corrections are necessary, the text shall be crossed out, not erased, made illegible, or obliterated. The new text shall be entered alongside the original text. Changes, alterations and additional notations, including interlineations shall be initialed by the person making the change.
    - 7.2.3.3.1 Non-contemporaneous changes, alterations and additional notations, including interlineations shall also be dated by the person making the change.

## 7 Sample Analysis, Documentation, Technical Review, and Entry of DNA Profiles into CODIS

7.2.3.3.2 In limited instances, redaction of text is legally necessary/required. These redactions shall be initialed and dated by the person making the redaction.

7.2.3.4 Applicable work sheets will be used as required.

7.2.3.5 Abbreviations used in DFS Data Bank technical documentation are defined as follows:

- “A” = arrestee
- “CO” = convicted offender
- “FN” = felon, non-juvenile
- “FJ” = felon, juvenile
- “AN” = arrestee, non-juvenile
- “AJ” = arrestee, juvenile
- “M” = misdemeanor/misdemeanor
- “O” = other, to include proficiencies and staff samples
- “RNS” = request new sample
- “RFU” = relative fluorescence unit
- “DUP” = duplicate
- “INJ” = injection

7.2.4 All file documentation will be maintained by the Data Bank in a secure area. File documentation will be maintained in ring binders in the order of the plate number. Appropriate electronic documentation will also be maintained in the binder on CD or other storage medium.

### 7.3 Technical Review

7.3.1 A technical review will be conducted by a qualified DNA analyst on all analysis documentation generated by DFS prior to entering the DNA profile into CODIS.

7.3.1.1 The review of the data generated by DFS will be performed after the DNA analysis has been completed using the Data Bank Technical Review Form.

7.3.2 The “profile comparison” tool in the GeneMapper ID-X software will be run on each plate, both during analysis and technical review. This tool will identify duplicate profiles within the plate.

7.3.2.1 All duplicate sample profiles detected must be satisfactorily explained and documented in the technical file.

7.3.3 The data file will be prepared and exported from the sizing software after technical review is completed.

### 7.4 Entry of DNA Profiles into CODIS

7.4.1 All convicted offender and arrestee DNA profiles will be entered into CODIS in accordance with the CODIS Manual.

7.4.2 After the DNA profiles are imported into CODIS the analyst will print the SDIS Import Reconciliation Report. The total number of samples on the report will be compared to the total number of samples in the imported file.

7.4.2.1 If the number of samples imported is the same as the number of samples in the imported file and there are no problems noted on the SDIS Import Reconciliation Report, the report will be initialed and filed with the plate documentation.

7.4.2.2 If the SDIS Import Reconciliation Report indicates that there are problems on the report or the number of samples on the report does *not* match the number of samples in the imported file,

## 7 Sample Analysis, Documentation, Technical Review, and Entry of DNA Profiles into CODIS

the problem will immediately be investigated and corrected. The analyst will note the problem, corrective action taken and initial the SDIS Import Reconciliation Report. The report will be filed with the plate documentation.

- 7.4.2.3 If a sample profile must be manually entered to CODIS, then the Specimen Detail Report must be printed and another analyst will compare the hand-entered profile to the profile on the landscape sheet. This reviewing analyst will initial and date the Specimen Detail Report to indicate this check was completed. This report will be filed with the plate documentation.
- 7.4.2.4 Once the DNA profiles have been imported into CODIS, the Specimen Inventory Report will be printed. The sample numbers on the Specimen Inventory Report will be compared by a Data Bank staff member to the sample numbers on the landscape sheets to ensure the numbers are the same. The verification will be noted (initials/date) on the Specimen Inventory Report. If a problem is noted, it will be corrected and the correction will be documented. The report will be filed with the plate documentation.
- 7.4.2.5 If a comment (such as “possible 2<sup>nd</sup> peak at XX locus”) must be added to CODIS, then the Specimen Detail Report must be printed and another analyst will verify that the comment was added. The reviewing analyst will initial and date the Specimen Detail Report to indicate this check was completed. This report will be filed with the plate documentation.
- 7.4.2.6 The technical documentation will be saved electronically by burning the file to a CD. This CD will be checked to ensure that all necessary files are present and that they will open. The same Data Bank staff member who performs the check in 7.4.2.4 will perform this CD check and the initials/date on the Specimen Inventory Report will serve as documentation of the CD check. All CDs will be labeled with the plate name, typing system, and analyst initials/date and filed with the plate documentation.

## 8 ARRESTEE TRACKING

### 8.1 Arrestee Reports

- 8.1.1 In conjunction with VSP, DFS will track all arrestee samples to determine if the arrestee has been convicted of a felony or qualifying misdemeanor, the charges are still pending, or the charges have been reduced to a non-qualifying charge, dismissed, nolle prossed, or cleared. If there is no legal reason to keep the arrestee's sample in accordance with the Code of Virginia, the sample must be destroyed and all records thereof.
- 8.1.2 Once each week DFS's IT section will forward to VSP the arrestee information for all appropriate samples. VSP will verify the information against the current records provided by the Clerks of Court. The DB LIMS will then generate four separate reports listing the status of each arrestee (report 1: Convicted Report, report 2: DCN Mismatch Report, report 3: Cleared Report, and report 4: Names Report).
- 8.1.2.1 If an arrestee is listed on the Convicted Report, the individual has been convicted of the felony for which he/she was arrested or was convicted of a different qualifying offense. The DB LIMS system will be updated to reflect the new information and the SID# provided by VSP will be added, if not already present in the DB LIMS record. The DNA profile for the arrestee will be converted by the State CODIS Administrator or designee from the arrestee index to the offender index in CODIS. The wording "arrestee convert" and the date of the conversion will be added to the comment field in CODIS and will serve as documentation.
- 8.1.2.2 If an arrestee is listed on the DCN Mismatch Report assigned by VSP, the DCN listed in the DB LIMS system is not found in VCIN. An authorized member of the Data Bank staff can research these samples in VCIN to correct the information.
- 8.1.2.3 If an arrestee is listed on the Cleared Report, and it is confirmed that the qualifying charge against the individual has been reduced to a non-qualifying charge, dismissed, nolle prossed, or cleared, the arrestee's sample will be destroyed and the associated identifying information will be removed from the DB LIMS and CODIS.
- 8.1.2.3.1 The destruction of the sample will be documented on the arrestee cleared report and/or accompanying documentation. The sample will be pulled from storage and destroyed in a separate time and space. After verifying the barcode number of the sample to be destroyed, the sample will be removed from the envelope and discarded in a biohazard bag. The sample envelope will be shredded if it contains any personal identifiers. Any attachments/contents (all personal identifiers, thumbprints, etc.) will be shredded. The documentation will include the initials of the individual who pulled the sample from storage and the date, as well as the initials of the individual who destroyed the sample and the date.
- 8.1.2.3.2 The cleared report and/or accompanying documentation will also include the initials of the individual(s) who removed the electronic records from the DB LIMS, CODIS, and the date the records were removed.
- 8.1.2.3.3 Documentation of the weekly cleared report and sample destruction will be maintained in accordance with the specified sample retention policy once the samples and any associated records have been destroyed.
- 8.1.2.4 If an arrestee's name and associated information is listed on the Names Report provided to DFS, this indicates there is a discrepancy between the information that VSP has on record and the information DFS has on record. An authorized member of the Data Bank will use VCIN or another database to search for the arrestee's correct information and correct the DB LIMS record as necessary.

- 8.1.2.4.1 If no record is obtained when the arrestee information is searched, the arrestee's information will be re-searched a minimum of two weeks later to provide sufficient time for VSP to receive the arrestee record from the Clerk of Court.

## 8.2 Arrestee Statistics

- 8.2.1 Statistics will be kept for all arrestee samples that have been destroyed. The purpose for the destruction of the sample (e.g., charges reduced, charges dismissed/nolle prossed, acquitted, or a non-qualifying offense) will be listed once determined.

**9 REMOVAL/EXPUNGEMENT OF SAMPLE AND ASSOCIATED RECORDS  
FROM OFFENDERS**

**9.1 Sample Expungements**

- 9.1.1 § 19.2-310.7 states that “A person whose DNA profile has been included in the data bank pursuant to § 19.2-310.2 may request expungement on the grounds that the felony conviction on which the authority for including his DNA profile was based has been reversed and the case dismissed.”
- 9.1.1.1 DFS shall purge all records and identifiable information in the Data Bank pertaining to the convicted offender and destroy all samples from the offender upon receipt of (i) a written request for expungement pursuant to this section and (ii) a certified copy of the court order reversing and dismissing the conviction.
- 9.1.1.2 Upon receipt of the qualifying request, the convicted offender’s sample will be destroyed and the associated identifying information will be expunged from the DB LIMS and CODIS. The DNA Data Bank Expungement Form (211-F101), will be used by the Data Bank Supervisor or designee to ensure that the sample and all associated information, including electronic data, is expunged.
- 9.1.1.3 A member of the Data Bank staff will print a copy of the DB LIMS screen containing the convicted offender’s identifying information, as well as the Pre-Log screen (if applicable) and attached documents (if present).
- 9.1.1.4 Subsequently the identifying information will be deleted from the DB LIMS and the blank screen will be printed to demonstrate that the identifying information has been removed from the DB LIMS.
- 9.1.1.5 The State CODIS Administrator or designee will delete the associated profile from CODIS and print a copy of the CODIS deletion report.

**9.2 Sample Removal/Destruction – In Database**

- 9.2.1 If it is determined that there is no legal reason for a sample to continue to be included in the Data Bank, then the sample will be destroyed and documented using the DNA Data Bank Sample Records and Destruction Form (211-F102), according to the following procedure.
- 9.2.2 The destruction of the sample will be witnessed by another Data Bank staff member and documented. The documentation will include the initials and date of the following: 1) the individual who destroyed the sample, 2) the individual who witnessed the destruction, 3) the individual who removed the electronic records from the DB LIMS and CODIS, and 4) the individual who removed or obliterated the record on the submission form. The documentation will also include either the original submission form, or evidence of the obliteration of the identifying information from the original submission for blood samples, the CODIS deletion report, the reason for removing the sample from the database, and any other pertinent information. All documentation of the destruction will be returned to the Data Bank Supervisor or designee.

**9.3 Sample Removal/Destruction – Not in Database**

- 9.3.1 If it is determined, upon receipt of a sample, that the sample should not be entered into the Data Bank, then the sample will be destroyed. A record of these samples will be logged into an electronic file, and the documentation of the destruction of these samples will be maintained on a printed copy of this file.
- 9.3.2 The name and date of birth of the individual on the sample to be destroyed will be compared to the entry in the electronic file. After verifying this information is the same, the buccal swab will be removed from the sample envelope and discarded in a biohazard bag. The submission form and any

## 9 Removal/Expungement of Sample and Associated Records from Offenders

attachments/contents (all personal identifiers, thumbprints, etc.) will be shredded. Documentation of the destruction will include the date and initials of the person destroying the sample.

## 10 PROCESSING DATA BANK HITS

### 10.1 Notification

- 10.1.1 In accordance with the procedure outlined in the CODIS Manual, when a hit occurs, the casework examiner will notify the Data Bank Supervisor and Data Bank staff of the hit in writing (via e-mail or fax).

### 10.2 Sample Record Query

- 10.2.1 Using the DNA sample number provided by the casework examiner, the Data Bank staff member will access the information associated with the offender/arrestee using the DB LIMS.
- 10.2.2 The DB LIMS information will be compared to the original submission form to ensure that the information in the DB LIMS was transcribed correctly from the submission form. If the information in the DB LIMS does not match the information on the submission form (i.e., a different spelling/typo), the DB LIMS information may be corrected. Personal identifying information in the DB LIMS may be modified as necessary according to information obtained through VCIN or another database/agency records.
- 10.2.3 A Data Bank staff member will ensure that the individual identified as a result of a hit was convicted of a felony or qualifying misdemeanor or was arrested based upon a qualifying offense.
- 10.2.3.1 Felony and/or misdemeanor convictions may be found by using VCIN or another database/agency records. The arrest warrant may be used to verify that the sample was collected for a qualifying offense under the arrestee law.
- 10.2.3.2 Conviction information for a juvenile offender may be obtained from the Department of Juvenile Justice.
- 10.2.3.3 Appropriate conviction information will be recorded in the DB LIMS in the "Verified Inclusion" field and will include the offense, date of conviction and jurisdiction of the conviction.
- 10.2.4 The above information will be verified for accuracy by another Data Bank staff member. After review, the information will be forwarded to the requesting examiner by the Data Bank staff member performing the information verification either via electronic means or hardcopy (fax and lockbox). A record will be kept to document the secondary review. The State CODIS Administrator will be copied on the correspondence.
- 10.2.5 If no qualifying conviction or qualifying arrest information can be found, the pertinent information will be forwarded to DFS Counsel for further consideration.

### 10.3 Sample Reanalysis

- 10.3.1 The procedure outlined below will be followed for re-analysis of a Data Bank sample to verify a hit to a convicted offender/arrestee.
- 10.3.2 For a sample with a DNA number 1992 and lower that was analyzed with both the PowerPlex 1.1 and 2.1 Systems, the PowerPlex 16 System, or the PowerPlex Fusion System:
- 10.3.2.1 If no duplicate sample exists, the original sample will be re-analyzed. If a duplicate sample exists and has not been previously analyzed, the duplicate sample will be re-analyzed.
- 10.3.2.2 If present, a duplicate of the two samples numerically adjacent to the original hit sample will also be analyzed and verified.

- 10.3.2.3 Once the hit plate has been technically reviewed by a qualified analyst, the casework examiner will be notified of the verification via e-mail.
- 10.3.3 For a sample with a DNA number 1993 and higher that was analyzed with both the PowerPlex 1.1 and 2.1 Systems, the PowerPlex 16 System, or the PowerPlex Fusion System:
  - 10.3.3.1 If no duplicate sample exists, the original sample will be re-analyzed. If a duplicate sample exists and has not been previously analyzed, the duplicate sample will be analyzed.
  - 10.3.3.2 Once the hit plate has been technically reviewed by a qualified analyst, the casework examiner will be notified of the verification via e-mail.
- 10.3.4 If the hit is to a listed individual (i.e., suspect, victim, Presumed to Be (PTB)) in the casework examiner e-mail, the sample will not be re-analyzed. The casework examiner will be notified of the verification via e-mail.
- 10.3.5 If there is a duplicate sample that has been previously analyzed and the same DNA profile was obtained, a re-analysis of the sample will not be conducted. The casework examiner will be notified of the verification via e-mail.
- 10.3.6 Hit verifications will generally be conducted once per week.

**Appendix A – DNA Data Bank Offender Buccal Sample Form Letter**



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF FORENSIC SCIENCE

OFFICE OF THE DIRECTOR  
DEPARTMENT OF FORENSIC SCIENCE  
A Nationally Accredited Laboratory

700 NORTH 5TH STREET  
RICHMOND, VIRGINIA 23219  
(804) 786-2281 Fax (804) 786-6857

Date

Collection Officer  
Agency Name  
Agency Address

Dear Collection Officer:

Recently you/your agency submitted a saliva (buccal) sample from a convicted offender for inclusion in the Virginia DNA Data Bank. The sample was received with the following problem(s):

**Saliva (buccal) sample not delivered to the Department of Forensic Science within 15 days of being taken in violation of the Code of Virginia § 19.2-310.3.**

**'Sample Collected By' box not completed.**

Offender:

If you have any questions, please feel free to call me at (804) 786-3789 to discuss this issue further.

Sincerely,

DNA Data Bank Supervisor

**Appendix B – DNA Data Bank Arrestee Buccal Sample Form Letter**



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF FORENSIC SCIENCE

OFFICE OF THE DIRECTOR  
DEPARTMENT OF FORENSIC SCIENCE  
A Nationally Accredited Laboratory

700 NORTH 5TH STREET  
RICHMOND, VIRGINIA 23219  
(804) 786-2281 Fax (804) 786-6857

Date

Collection Officer  
Agency Name  
Agency Address

Dear Collection Officer:

Recently you/your agency submitted a saliva (buccal) sample from an Arrestee for inclusion in the Virginia DNA Data Bank. The sample was received with the following problem(s):

**Saliva (buccal) sample not delivered to the Department of Forensic Science within 15 days of being taken in violation of the Code of Virginia § 19.2-310.3:1(A).**

**No arrest warrant for charge submitted with sample in violation of Virginia Code § 19.2-310.3:1(A).**

**'Sample Collected By' box not completed.**

**DCN (Document Control Number) field not completed on submission form. The DCN is required for all Arrestee samples as it will be used to verify the Arrestee's true identity.**

Arresting Officer's Name:  
Arrestee's Name:

If you have any questions, please feel free to call me at (804) 786-3789 to discuss this issue further.

Sincerely,

DNA Data Bank Supervisor



Thumbprint (Left)		Sample Collected By: _____ <small>(Please Print)</small> Signature: _____	21715950
Thumbprint (Right)		FOR DFS USE ONLY Received By: _____ Date: _____	 <small>21715950</small> Peelable barcode
CMP-025-04			

**DO NOT DETACH**

<b>Virginia Department of Forensic Science</b>						21715950	
Last Name		First Name		Month	Day	Initial	Suffix
<input type="checkbox"/> Male <input type="checkbox"/> Female		<input type="checkbox"/> Caucasian <input type="checkbox"/> Hispanic <input type="checkbox"/> African Amer. <input type="checkbox"/> Other _____		<input type="checkbox"/> Arrestee <input type="checkbox"/> Convicted Felon <input type="checkbox"/> Convicted Misdemeanor <input type="checkbox"/> Other _____		Social Security Number Date Of Birth Also Known As (AKA) Collecting Agency ORI Number Date Collected	
Qualifying Offense Code Section		Collecting Agency Name		Month		Day	Year
VA SID Number (Required, if available)		Arresting or Accompanying Officer's Last name (Arrestees only)		DCN (Required for Arrestees)		 21715950	