

Department of Forensic Science

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

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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 felony and misdemeanor 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 Establish and monitor quality requirements for reagents, supplies, equipment, and analytical procedures.
- 1.1.5 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 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 Work Profile (EWP).

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 (the FB PM, QA). 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 Forensic Biology Section Data Bank Procedures Manual Fluorescent Detection PCR – Based STR DNA Protocol: AmpFℓSTR® Yfiler™ System (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. 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 and Release of Convicted Offender and Arrestee Sample Information and Verifying and Reporting a CODIS Match 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 the Quality Assurance Coordinator (the QAC).

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 Retention

1.16.1 Proficiency tests - files will be retained by the QAC 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 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 the QAC as specified in the QM, Nonconformities and Corrective Actions.
- 1.16.7 Audits - files will be retained by the QAC 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 to the VSP VCIN Section, by DFS' VCIN Terminal Agency Coordinator (TAC).

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 Information Release and Sample Destruction

The information contained in both the Data Bank LIMS (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.

- 2.1.2.1 Refer to the Code of Virginia § 19.2-310.5 for specific requirements for the release of information.
- 2.1.2.2 Refer to the Code of Virginia § 19.2-310.6 for penalties for unauthorized use of the Data Bank.
- 2.1.2.3 Refer to the Code of Virginia § 19.2-310.2:1 (arrestees) for specific instructions for sample destruction and associated records.
- 2.1.2.4 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 should be used for the collection of a blood sample (preservative EDTA). 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.

2.2.4 All samples received into the Data Bank are considered reference samples.

2.2.5 On a weekly basis, DFS will electronically send a file to the Virginia State Compensation Board IT Section containing a list of all new arrestee and convicted offender samples that have been added to the DB LIMS. This information will subsequently be transferred to the LIDS website for use by user agencies to determine whether a blood, buccal or tissue sample has been previously collected from an arrestee or a convicted offender.

3 RECEIPT OF BLOOD SAMPLES BY DFS

NOTE: PROPER PERSONAL PROTECTIVE GEAR (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, date of birth, race, gender, SID number and alias information.
 - 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. Subsequently, the duplicate samples will be discarded.

4.2 Preserving and Storing Blood Samples

- 4.2.1 Blood samples will be preserved by aliquotting the blood sample onto a labeled stain card and drying.
- 4.2.1.1 Proper personal protective gear (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 aliquotting 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 aliquotting the blood and witnessing the procedure will be recorded on the accompanying documentation.
- 4.2.1.3 After the blood has been aliquotted 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 other 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 (if included with the sample), the return address of the mailing envelope, 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, 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 of the problem and requesting the missing information, if possible, be provided to the Data Bank.

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

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 was provided, the letter found in Appendix B, will be sent to the collecting officer/submitted agency notifying them of the problem and requesting the missing arrest warrant 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 (“Arrestee”, “Convicted Felon”, “Misdemeanor” or “Other”, etc.), any court documents accompanying the sample may be used to discern the reason. A VCIN search may also be conducted 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 court order, *capias*, or indictment 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 buccal DNA collector storage envelope or submission form, the arrestee warrant should be reviewed for the name and if available entered on the buccal submission form. The individual entering the information will initial and date the form.

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 Access the “Problem Letter Applications Program” and check the field “Felon Letter (Buccal Swab)” or the “Arrestee Letter”, as appropriate, to obtain the electronic version of the Offender or Arrestee Buccal Letter (Appendix A or Appendix B). While the form letter is on the computer screen, as represented in the diagrams below, 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 on the “Create Letter” tab. The “Problem Letter Applications Program” will automatically add

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

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 for review and signature before the letter is mailed. The “Problem Letter Applications Program” will automatically generate the letterhead portion of the form letter.

Offender Buccal Letter Screen:

Arrestee Letter Felon Letter (buccal swab) Felon Letter (blood)

Sample Number: Addressed to (Complete name)

Dear: Copy to:

Saliva (buccal) sample not delivered ...

Illegible handwriting

No thumbprints

Sample collected by box not completed

Top copy of submission from not returned

Collecting Agency ORI Number field not completed

Arrestee/Convicted Felon designation

Duplicate sample received

Create Letter

Arrestee Buccal Letter Screen:

Arrestee Letter Felon Letter (buccal swab) Felon Letter (blood)

Sample Number: Addressed to (Complete name)

Dear: Copy to:

Saliva (buccal) sample not delivered ...

Illegible handwriting

No thumbprints

No arrest warrant submitted

Sample collected by box not completed

DCN field not completed

Top copy of submission from not returned

Collecting Agency ORI Number field not completed

Arrestee/Convicted Felon designation

Duplicate sample

Create 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, Department of Juvenile Justice, or Clerk of the Court to verify the juvenile offender’s age at the time of the commission of the offense.

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

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. A copy of the court order will also be requested.

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 of 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, the buccal DNA collector storage envelope will be placed in a box labeled “Problem Box”.

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 Tools>Add samples. 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. If the statement, “Take Buccal Sample If LIDS Shows No Sample In Data Bank” is missing from the lower left side of the arrest warrant, the offense code on the arrest warrant will be verified against the list of qualifying offenses to determine if the individual was arrested based upon a qualifying offense. Refer to the diagram below for an example of the appearance of the arrest warrant and the location of the above listed statement.

WARRANT OF ARREST - FELONY VA CODE §18.2-70

City/County: **Henrico** General District Court Criminal Traffic
 Juvenile and Domestic Relations District Court

TO ANY AUTHORIZED OFFICER:
 You are hereby commanded in the name of the Commonwealth of Virginia forthwith to arrest and bring the Accused before this Court to answer the charge that the Accused, within this city or county, on or about **01/02/2003** did unlawfully and feloniously in violation of Section **18.2-31** Code of Virginia: **willfully, deliberately, and with premeditation kill and murder Jane Doe in the commission of an abduction as defined in §18.2-48 when such abduction was committed with the intent to extort money or other pecuniary benefit.**

Accused: **Doe, John Anthony**
 2134 South Main North Street
 Richmond, VA 23245

RACE	SEX	HAIR	EYES	HT	WT	DOB	BR
W	M	09	15	70	6	01	BR BR

999-99-9999

Commonwealth of Virginia
WARRANT OF ARREST
 FELONY Class 1

EXECUTED BY delivering a copy to the Accused named above on this day:
 DATE AND TIME OF SERVICE: _____ ARRESTING OFFICER: _____
 BADGE NO. AGENCY AND JURISDICTION: _____
 BY: _____ SHERIFF

Attorney for the Accused: _____

TAKE BUCCAL SAMPLE IF LIDS SHOWS NO DNA SAMPLE IN DATA BANK
 Check if sample previously taken: Check if sample taken for this arrest:

I, the undersigned, have found probable cause to believe that the Accused committed the offense charged, based on the sworn statements of **Mr. Police Officer**, Complainant.
 01/26/2003 02:35 PM
 DATE AND TIME ISSUED
CCRE is Required Test Magistrate

War/Sum
 0870C-XC10310002

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

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.

6.2.10 The DB LIMS will first ask for the ORI of the collecting agency. Alternatively, if the ORI is not present on the submission form, a drop down list of agencies may be used to select the agency.

6.2.11 The entry software will then ask the user to assign the sample to Arrestee Law or Felony/Misdemeanor Law. This is so the software will know how to assign a sample number, 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 will be used to scan the barcodes on the sample submission form and 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 Receipt by the Data Bank, Accessioning, and Storage of Buccal DNA Collector Envelopes

- 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 reverse side (from the preprinted factory barcode) at the bottom of the card, and place the collector in the storage envelope.
- 6.2.15 Once all information is entered, the user must scan documents to attach to the sample record.
 - 6.2.15.1 At a minimum, all samples will have a submission form to be scanned. Other document types include arrest warrants, court documentation, or other 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 to be scanned does not fit the listed types, select “Other” and manually enter the name of the document to be scanned.
 - 6.2.15.3.1 Multiple pages may be scanned into a single file (should be 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 scan of 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 Entry”. 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.

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- 6.2.15.8.1 NOTE: All entered information and scanned documents are not saved to the database until the “Submit” button is clicked and the record is saved.
- 6.2.15.9 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 entry” 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.
- 6.2.15.11.3 There are four choice buttons 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, the “Ctrl” key and mouse may be used 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 contains an * asterisk in first position of the “Middle Name” field. The * asterisk indicates that a replacement sample was requested. 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 DNAweb and click to open the “Pull Batch by Sample” field. Paste the sample number into the appropriate box.
- 6.2.15.11.6.2.1 NOTE: Always use copy/paste for this function. To help ensure the correct sample is pulled for processing, do not hand key the sample number.

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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.

6.2.15.11.6.4 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 “Sample Edit” field (Sample record>Modify).

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 “Sample Edit” field (Sample record>Modify).

6.2.15.13.1 Click on the “Browse” 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.

6.3.2.3 Bode collectors will be permanently stored in a weather tight 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, 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 marked in the witness field on the analytical work sheets.
- 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, a replacement sample request will be attempted (if a duplicate is not already available).

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 100th 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. 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
- “SI” = staff index
- “O” = other, to include proficiencies
- “RNS” = Request new sample
- “RFU” = Relative fluorescence unit
- “DUP” = Duplicate

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 IDx 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 (for CODIS) 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 Reconciliation Report. The number of samples on the report will be compared to the 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 Reconciliation Report, the report will be initialed and filed with the plate documentation.

7.4.2.2 If the SDIS 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, the problem will immediately be investigated and corrected. The analyst will note the problem

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

and corrective action taken, and initial the SDIS 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 2nd 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 for which he/she was arrested, the charges are still pending, or the charges have been reduced or dismissed. If an arrestee's charges have been dismissed or reduced to a non-qualifying offense 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 prior 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 charges against the individual are still pending. No further action will be taken with this sample.
- 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, dismissed, nolle prossed, or cleared, the arrestee's sample will be destroyed and the associated identifying information will be removed from the DB LIMS, the Local Inmate Data System (LIDS) website (www.scb.virginia.gov), 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 buccal swab will be removed from the sample envelope and discarded in a biohazard bag. The sample envelope and any attachments/contents (all personal identifiers, thumbprint, 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, the LIDS website, CODIS, and the date the records were removed.
- 8.1.2.3.3 The cleared report listing the arrestees who have had all qualifying charges against them dropped or the charges have been reduced will be maintained in the Arrestee Sample Destruction Book once the samples and 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 other database to search for the arrestee's correct information.

- 8.1.2.4.1 If all of the personal identifying information is correct with only a slight discrepancy, such as gender, spelling of first or last name, part of the date of birth, social security number, or DCN, the necessary change(s) will be made in the DB LIMS to match the VCIN records. In addition, in the “remarks” field of the DB LIMS, the changes will be noted (e.g., first name changed to Darryl to match VCIN).
- 8.1.2.4.2 If no record is obtained when the arrestee information is searched, the arrestee’s information will be re-searched in two weeks 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, the LIDS website (www.scb.virginia.gov), 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 and LIDS screens containing the convicted offender’s identifying information.
- 9.1.1.4 Subsequently the identifying information will be deleted from the DB LIMS and LIDS and the blank screen for each system will be printed to demonstrate that the identifying information has been removed from the DB LIMS and LIDS database.
- 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 and all associated paperwork will be witnessed and documented. The documentation will include the initials and date of the following: 1) individual who destroyed the sample, 2) individual who witnessed the destruction, 3) individual who removed the electronic records from the DB LIMS, the LIDS database, 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, and the reason for removing the sample from the database, and any other pertinent information.

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 sample envelope/submission form and any attachments/contents (all personal identifiers, thumbprint, 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 computer does not match the information on the submission form (i.e., a different spelling/typo), the Data Bank staff member will correct the DB LIMS information. If the personal identifying information is found to be incorrect when compared to information in VCIN or other database/agency records, the DB LIMS information may be modified as necessary.
- 10.2.3 The 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 other 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 or the clerk of the court's office from the jurisdiction where the offense occurred.
- 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, or the PowerPlex 16 or 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 all analyses have been completed and sized, and the random sample verified, 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 or PowerPlex 16 or 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 all analyses have been completed and sized, and the random sample verified, the casework examiner will be notified of the verification via e-mail.
- 10.3.4 If the hit is to the individual listed (i.e., suspect, victim) in the casework examiner email, 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

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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 Virginia's 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.

Illegible handwriting on submission form.

No thumbprints on submission form.

'Sample Collected By' box not completed.

Top copy of submission form not returned.

Collecting Agency ORI Number field not completed on submission form.

Arrestee/Convicted Felon designation area on submission form not completed properly. Only one box is to be marked.

Duplicate sample received in violation of Virginia Code § 19.2-310.2, which requires that you check the Local Inmate Data System (LIDS) DNA Sample Tracking Application at www.scb.virginia.gov prior to taking sample to make sure that the subject has not been previously sampled.

Comments:

Felony Offender'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

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 Virginia's 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).

Illegible handwriting on submission form.

No thumbprints on submission form.

No arrest warrant 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, used to verify the arrestee's true identity, is required for all arrestee samples.

Top copy of submission form not returned.

Collecting Agency ORI Number field not completed on submission form.

Arrestee/Convicted Felon designation area on submission form not completed properly.

Duplicate sample received in violation of Virginia Code § 19.2-310.3:1(B), which requires that you check the Local Inmate Data System (LIDS) DNA sample Tracking application at www.scb.virginia.gov prior to taking sample to make sure that the Arrestee has not been previously sampled.

Comments:

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

Appendix C – DNA Data Bank Buccal Kit Submission Form (Examples)

Although current forms may differ slightly, the information requested will be similar to what is requested in the form examples below.

VIRGINIA DEPARTMENT OF FORENSIC SCIENCE - DNA DATA BANK SAMPLE SUBMISSION FORM

Last Name												First Name												MI		DFS USE ONLY					
Suffix		Sex		Race		Social Security Number				Date of Birth (MMDDYYYY)				AKA																	
SID#						Qualifying offense code section												Collecting Agency Name													
Arresting or Accompanying Officer's Last Name (Arrestees Only)												DCN (Arrestees only)						Collecting Agency ORI													
<input type="checkbox"/> Felony Conviction <input type="checkbox"/> Sex Offender Registry						Reason for Collection <input type="checkbox"/> Misdemeanor Conviction <input type="checkbox"/> Circ Ct Plea Agr.- send copy						<input type="checkbox"/> Arrestee <input type="checkbox"/> Other:						A25342 Must match barcode on collector						Date Collected (MMDDYYYY)							

SIDE A FRONT ALL INFORMATION IS REQUIRED UNLESS SPECIFIED CONTINUED ON BACK

A-VADFS-DNA18-SCF V1018 7000

Printed name of Subject _____

Sample Collected by _____ PRINT NAME

Collector's Signature _____ Date

For questions concerning DNA collection, please contact:

Virginia DNA Data Bank
 (804) 786-3789
 fax (804) 786-9985

Additional guidance is available at
www.dfs.virginia.gov

RIGHT THUMB _____

LEFT THUMB _____

SIDE B BACK ALL INFORMATION IS REQUIRED

A-VADFS-DNA18-SCB V1018

Thumbnail (Left)

Thumbnail (Right)

Sample Collected By: _____
(Please Print)

Signature: _____

FOR DFS USE ONLY

Received By: _____

Date: _____

21715950

21715950
Peelable barcode

CMP-025-04

DO NOT DETACH

Virginia Department of Forensic Science

21715950

Last Name

First Name

Month

Day

Initial

Year

Suffix

Male Female

Caucasian Hispanic

African Amer.

Other _____

Arrestee Convicted Felon

Convicted Misdemeanor

Other _____

Social Security Number

Date Of Birth

Also Known As (AKA)

Month Day Year

Collecting Agency ORI Number

Date Collected

Qualifying Offense Code Section

Collecting Agency Name

VA _____
SID Number (Required, if available)

Arresting or Accompanying Officer's Last name
(Arrestees only)

DCN (Required for Arrestees)

21715950