




COMMONWEALTH of VIRGINIA

DEPARTMENT OF FORENSIC SCIENCE

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AGENCY NOTICE

To: All Agencies Served by DFS
From: Linda C. Jackson, Department Director 
Date: July 1, 2024
RE: **Removal of Typing Results Tables from Department of Forensic Science Certificates of Analysis**

Historically, Certificates of Analysis for forensic biology (DNA) cases have included a Table of Typing Results as an appendix if the forensic scientist's examination of the evidence resulted in a positive probative association (i.e., non-elimination). In recent years, other forensic laboratories have moved away from the inclusion of these tables in their reports. This change occurred due to (1) genetic privacy concerns and (2) scientific advancements with DNA probabilistic genotyping. Tables of typing results contain genetic information of victims, consensual partners, and/or suspects, and they can be made part of the public record when the Certificate of Analysis is filed in a court proceeding. Furthermore, the allelic tables are not reflective of all the data that is used in current DNA interpretation methods which was not the case when these tables were first introduced over 25 years ago.

Earlier this year, House Bill 898, carried by Delegate Hillary Pugh Kent, was passed by the General Assembly. The bill (now Chapter 210 of the 2024 Acts of the Assembly) amends Virginia Code §§ 19.2-270.5 and 19.2-310.4 to eliminate the requirement that DNA profiles be included in any DFS Certificates of Analysis for the results of that analysis to be admissible in criminal proceedings. Additional language was added to Virginia Code § 19.2-270.5 to clarify that the underlying case file documentation, including the developed evidentiary and comparison profiles, could be obtained with a lawfully served subpoena *duces tecum* under Virginia Code § 19.2-187.2 (as with any other DFS case file documentation). Please note that DFS is not considered a party under Rule 3A:12(i) of the Rules of the Supreme Court of Virginia.

Accordingly, DFS will discontinue the inclusion of the Tables of Typing Results on Certificates of Analysis effective July 1, 2024. Please note that parties to the proceeding may obtain copies of the electropherograms (data from which the tables were made) and all other DNA case file documentation upon lawful service of a subpoena *duces tecum*. In addition, our forensic scientists are available for pretrial consultations to review their findings and conclusions or to assist in the preparation of any demonstrative evidence needed for trial by either party.

If you have any questions or concerns, please contact:

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