

DNA Processing

375.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the processing of DNA samples. The San Bernardino County Sheriff's Department-Scientific Investigations Division, routinely analyzes DNA collected by law enforcement agencies in both San Bernardino and Riverside counties. The increased numbers of requests for DNA analysis creates time delays for completion. For this reason, it is necessary to establish guidelines to minimize lengthy case completion.

375.2 CASE ACCEPTANCE

Each case submitted to the Sheriff's Department for DNA analysis must be accompanied by enough detailed investigative information to help evaluate the ability of DNA results to associate a suspect and/or victim to the evidence. The Sheriff's Department will not continue without this information.

This information should include a full description of the evidence, where it was found or collected, how it relates to the perpetrator and/or victim, if there may be a mixture of DNA on the item, and whether reference DNA samples have been collected from all major subjects in the case.

If a case has been filed with the courts, the name of the prosecuting attorney and the date of the next court hearing should be included.

If the case has no suspect, focus will be placed on evidence that likely will contain DNA from the perpetrator of the crime and, thus, allow entry of the DNA results into the Combined DNA Index System (CODIS) for comparison to the offender database. Sufficient information must be submitted to ensure that potential DNA results qualify for inclusion into this database.

To ensure we are accommodating this requirement the following procedure will be followed to request DNA analysis.

375.2.1 FPD FORM #433

FPD Form # 433 DNA Analysis Request Form and SBSD-General Request Form shall be completed.

There are three categories related to a DNA request listed on FPD form #433:

- Property Crimes
- Sexual Offense Crimes
- Major Crimes

The appropriate sections of the DNA Request form must be completed or the report will be returned for completion.

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375.2.2 SBSD-GENERAL REQUEST FORM (PINK TRIPLICATE0

This form is required when submitting a request for DNA analysis. Only DNA may be listed on this form when associated with the request for DNA analysis. Unrelated items shall be placed on a separate request for analysis form if necessary.

375.3 SUBMISSION AND CASE ASSIGNMENT PROCEDURES

There are a variety of criminal investigations where DNA is recovered and the suspect is unknown. However, in cases where the crime report results in an arrest of a known suspect (such as in the case of sex related crimes) the District Attorney's Office will submit the relative DNA request through established procedures with the San Bernardino County Sheriff's Department. In cases where a DNA analysis is requested for an unknown suspect in an on-going investigation, the following procedure is established:

- The criminal investigation shall be routed to Investigations.
- The Investigations Secretary is the established department liaison with the San Bernardino County Sheriff's Department related to all DNA correspondence.
- The crime report and FPD Form #433 DNA Request For Analysis shall be reviewed by the relative Investigations sergeant (Crimes against Persons or Crimes against Property) to ensure the form is complete.
- It shall be the responsibility of the reviewing Investigations sergeant to complete the online San Bernardino County Sheriff's Department DNA Request for Analysis form and to submit it for analysis.
- The criminal case shall be assigned in Case Management to a detective for continued investigation until such time the criminal case is closed or adjudicated.

375.4 SEROLOGY & DNA TESTING SAMPLE SUBMISSION AND PROCESSING LIMITS

The number of evidential items accepted for examination will be dependent on the type of investigation. These limits are described in the following sections. The lab personnel will determine the course of analysis and which of the accepted items will actually be examined.

For all investigations, reference DNA samples from victim(s) or subject(s) must be collected and submitted; they are not considered as evidential items with regard to the accepted limit of items for a case.

An evidential item is comprised of one piece of evidence (e.g. one shirt, one pair of pants, swab of blood from one area, or one weapon). If such items are packaged together, the number of items in the package will be considered to be the number of these items submitted. (e.g., pants, T-shirt, and shoes packaged together will be considered three items.) Multiple stains on a submitted evidential item will not be considered as separate items processed for DNA (e.g. three bloodstains processed for DNA on a T-shirt will be considered one item).

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375.4.1 SEXUAL ASSAULTS

First submission: Limited to the sexual offense kits plus one pair of underwear and one condom, if applicable. Case circumstances may dictate if other items are examined instead.

- If victim has participated in consensual intercourse within 5 days prior to the incident (usually stated in the Medical Exam report) a reference DNA sample from the consensual partner(s) will be needed for case assignment.
- If the sexual offense kit provides informative DNA results, no additional items will be accepted, unless case circumstances (such as multiple perpetrators) dictate a need for additional processing.
- If the sexual offense kit does not provide informative DNA results, additional items such as clothing or bedding may be requested by the investigating agency; limit of second submission is 4 items.

375.4.2 HOMICIDES

It is highly recommended that the investigating detective make contact, either in person or electronically, with the case manager at SBSB prior to case assignment to determine the items that will likely be probative to the case. The initial request for biological evidence examination will be limited to the 4 items likely to be the most informative.

- Serology screening and/or DNA testing will be performed on the 4 items in the first submission.
- If informative results are obtained from DNA testing, additional items will not be examined unless circumstances (such as multiple perpetrators) dictate the need for additional analysis.
- If no informative results are obtained from the items in the first submission, then a request for a second submission of 4 items will be accepted.

375.4.3 BURGLARY OR PROPERTY CRIMES

First submission: Limited to 2 items. Typically blood sample(s) from the scene or items left by the perpetrator (e.g., cigarette butt or item of clothing).

- If a probative profile is developed, additional items will not be examined unless case circumstances (such as multiple perpetrators) dictate the need for additional analysis.
- If no informative results are obtained from the items in the first submission, then a request for a second submission of 2 items will be accepted

375.4.4 OTHER CASES (ROBBERY, ASSAULT)

Each submission is limited to 4 items.

- If a probative profile is developed, additional items will not be examined unless case circumstances (such as multiple perpetrators) dictate the need for additional analysis.

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- If no informative results are obtained from the items in the first submission, then a request for a second submission of 4 items will be accepted.

375.5 TOUCH EVIDENCE

Touch evidence is defined as evidence which has no visible staining and would contain DNA that only results from touching an item with the skin. Touch evidence does not include cigarette butts, swabbing from cans, bottles, straws or other items in which the substance being tested is most likely saliva. Touch evidence does not include items submitted for identifying the 'usual wearer' of a garment (such as shirt, shoes, hats, etc.) where there is a probability of prolonged contact by a single individual.

Touch evidence will be accepted for DNA analysis when there is a high likelihood that the evidence submitted will provide informative results or investigative leads. A high degree of likelihood may be established by means of witness corroboration, visual monitoring systems, or sound deductive reasoning.

Touch evidence will not be processed by the Forensic Biology unit if the item has been previously processed without wearing gloves.

Items submitted for touch evidence processing will comply with existing policy relating to the number of items of evidence that may be submitted based on case type.

Swabs of items such as the exterior of cars, dwellings, businesses, etc. will not be examined unless there is a high degree of likelihood an association between the perpetrator and the evidence may be established by means of witness corroboration, visual monitoring systems, or sound deductive reasoning.

Swabs from public common areas will not be worked (public telephones, business doors, pens from a counter, etc.).

375.6 CRIMINAL PATERNITY CASES

Submissions must include:

- an evidential sample from the child (buccal swab OR the product of conception)
- a buccal swab from the mother or alleged mother
- a buccal swab from the father or alleged father

No partial submissions will be accepted unless dictated by case circumstances (e.g., mother is deceased or maternity is in question and the father is known).

375.7 DNA ANALYSIS FOR COURT

Requests must be submitted to the lab a minimum of 90 days prior to the trial date. This will allow the lab to perform the analyses in an adequate manner.