



Look for Report on Lawfully Owed DNA Later in 2019

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A false identity blown, thanks to DNA collected at the time of a prior arrest. A carelessly dropped cigarette butt, leading to a DNA hit on a suspect released from prison years ago in another state. Leads generated, suspects identified, cases linked: all thanks to the Combined DNA Index System (CODIS).

CODIS, maintained by the FBI, allows law enforcement agencies throughout the United States to share DNA profiles and information. Like every database, CODIS is only as good as the information entered into it. Recent research, legislative activities, practitioner discussion and media reports indicate that criminal justice agencies fail to consistently populate CODIS with DNA profiles obtained from taking samples from both arrestees and convicted offenders. Including these samples, often termed “lawfully owed DNA” samples, is critical to CODIS’ success.

The National Institute of Justice Forensic Technology Center of Excellence (NIJ FTCoE) conducted a landscape study (working title: *Recommendations for Improved Standard Operating Procedures to Collect, Track and Process Lawfully Owed DNA Samples*) to identify factors that may result in potential barriers related to the collection, tracking and processing of arrestee and convicted offender samples, as well

as identify successful policies and highlighting recommendations and suggested best practices related to improved efficiency for lawfully owed DNA samples.



The report is based on interviews with several criminal justice agencies responsible for the collection and processing of lawfully owed DNA samples, including representatives from courts and corrections, law enforcement and crime laboratories. Key recommendations emerging from this report, tentatively set for release in late summer 2019, follow.

Recommendation 1: Create a process for effective communication and tracking regarding the submission of lawfully owed DNA samples by law enforcement agencies to crime laboratories.

Most, if not all, crime laboratories appear to have efficient tracking systems for processing lawfully owed DNA samples. The majority of collection agencies, however, typically do not have an efficient tracking system in place. Additionally, there is little systematic communication regarding tracking lawfully owed DNA samples between the collection agency and the crime laboratory. This disconnect can result in the labs not being aware of the total number of lawfully owed DNA samples collected compared to the number received.

“There is essentially no quality assurance process to ensure that all lawfully owed samples collected are submitted to, and received by, the crime laboratory. Therefore, samples could be lost and not tested,” says the FTCoE’s Dr. Patricia Melton.

Possible solutions include, at a minimum, having the collection agency provide a manifest of lawfully owed DNA samples collected and submitted to the crime

laboratory. The lab, in turn, can use this manifest to verify the correct samples are received and moved into the testing process. Alternatively, the optimal solution would be a shared tracking system that can easily identify and compare samples collected to samples received and processed.

“Such a system could also identify duplicate samples or failed samples that need to be re-collected in a much more time-efficient manner,” Melton says.

Recommendation 2: Encourage crime laboratory representation at discussions that involve legislation pertaining to the collection and processing of lawfully owed DNA samples.

Melton says that interviewees stated that having crime laboratory representation and involvement in discussions associated with forthcoming legislation can provide an opportunity to help strategize the collection and tracking processes needed to efficiently process these samples. Such discussions would allow crime labs to proactively address possible workflow modifications, identify solutions to identified challenges and ensure the availability of required capacity.

“When crime labs were proactively included, interviewees said their agencies’ ability to respond to the legislation became a smoother, more efficient process,” she says.

Recommendation 3: Appoint a crime laboratory liaison who will be the primary point of contact for collection agencies.

Interviewees believed that creating a position and having a dedicated person to address questions from collection agencies resulted in clear and consistent communication, streamlining issues with submission, duplicate samples and failed samples. Having this position also provided an opportunity to ensure the collection agency received effective training and implemented its procedures. Also, some interviewees observed increased efficiency, resulting in overall cost savings and improved processing productivity, and they highly recommend that crime laboratory administrators create such a position.

“This forthcoming landscape report also discusses differences in the overall legislation and collection procedures pertaining to lawfully owed DNA samples and highlights the need for a new cultural perspective that recognizes their importance,” Melton says. “Collecting a convicted offender sample early in the process as opposed to prior to the individual’s departing the system more effectively identifies serial perpetrators and

avoids the potential pitfalls from failing to collect and process the sample.”

The report will be posted on the FTCoE website when available, and its availability will be promoted through social media.

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