



COMMONWEALTH of VIRGINIA

DEPARTMENT OF CRIMINAL JUSTICE SERVICES

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

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NOTICE OF DFS POLICY CHANGE

To: All Agencies Serviced by Division of Forensic Science Laboratories
From: Paul B. Ferrara, Ph.D., Director
Date: October 12, 2004
RE: DNA Backlogs and Proposed Solutions

Given the overwhelming backlogs facing the Division of Forensic Science's DNA section, we met today with the Board of the Virginia Association of Commonwealth's Attorneys to discuss creative solutions to this crisis. The Board voted unanimously to approve the implementation of the following two policies that are effective immediately:

1. REQUESTS FOR DNA ANALYSIS OF "TOUCH" EVIDENCE WILL NOT BE ACCEPTED WITHOUT WRITTEN REQUEST FOR TESTING FROM THE COMMONWEALTH'S ATTORNEY

No request for DNA analysis shall be accepted or performed on "touch" evidence unless there is a specific written request from the Commonwealth's Attorney for such analysis. A letter request from the Commonwealth's Attorney will not be required for the analysis of touch evidence in major crimes cases where screening by a DNA examiner as described in Item 2 below has occurred.

"Touch" evidence is evidence resulting from limited casual contact by an individual with a surface or material. This would include primarily objects touched by an individual's hand, such as cigarette lighters, keys, door handles, gun grips, triggers, light switches, drawer handles, countertops, gear shift knobs, steering wheels, etc. This does not refer to items of evidence on which blood is observed or other biological fluids would expect to be found (for example, items of clothing, gloves, etc. are not considered "touch" evidence and will be analyzed in an attempt to identify the wearer of these items; additionally, evidence that has allegedly come in contact with a person's mouth such as a bottle, can or cigarette butt is also not deemed "touch" evidence).

2. PRIOR TO INITIAL SUBMISSION OF LARGE MULTI-ITEM (DNA) CASES, CONSULTATION WITH A DNA EXAMINER/SUPERVISOR WILL BE REQUIRED BEFORE EVIDENCE IS ACCEPTED

Large evidence submissions will be reviewed by DNA examiners/supervisors via telephone communication or in-person meetings in order to identify the most probative evidence for the respective case and evidence submission will be limited to those items.

Determination of probative evidence will be decided based on a number of factors including the type of case, the evidence collected, the number of victim(s) and perpetrator(s), etc. In the event that additional evidence submission is necessary, communication between the assigned examiner and the Investigator will occur to facilitate this process and the examination of the subsequent submission in a timely manner.