

- 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 instrumentation, processes and technologies utilized by DFS's Forensic Biology Section is addressed in the Forensic Biology Section Procedures Manual, Section VI, Quality Assurance Program DNA Typing of Biological Materials (the FB QA Manual). 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 Section 5 of 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 Forensic Biology Section QIAGEN® BioRobot® Universal System Procedures Manual (the QIAGEN Manual), and the Forensic Biology Section Data Bank Procedures Manual (the Data Bank Procedures Manual) Detection PCR – Based STR DNA Protocol: AmpFliStr® (file #115) in the DB (Data Bank Manual). Establishment of these procedures is guided by the QM, Section 4, Quality System Documents, and Section 5, Technical Procedures and Manuals.

- 1.7.2 Estimation of the uncertainty of measurement for 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 LBP-PM VI Quality Assurance. Establishment of these procedures is guided by the QM, Section 5, Technical Procedures and Manuals, Section 8, Supplies and Services, and Section 21, 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, Section 15, 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 Sections 2 and 10 of this manual, as well as the CODIS Operating Policies and Procedures Manual (the CODIS Manual), Section 6, Access and Release of Convicted Offender and Arrestee Sample Information and Section 7, Verifying and Reporting a CODIS Match at SDIS. Establishment of these procedures is guided by the QM, Section 15, Records and Case Files.

- 1.9.3 The procedure for the entry and output of records is addressed in Sections 2 and 10 of this manual, as well as the CODIS Manual, Section 6, Access and Release of Convicted Offender and Arrestee Sample Information. Establishment of these procedures is guided by the QM, Section 15, 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, Section 17.2, Monitoring Results.
- 1.10.2 The procedure for the administrative review of Data Bank hit (hit) information is set forth in Section 10 of this manual.
- 1.10.3 The review procedures associated with the upload of DNA data to CODIS are addressed in in Section 7 of this manual.

- 1.10.4 The procedure for the monitoring of the testimony of Data Bank analysts is addressed in the QM, Section 17.4, Testimony Monitoring.

1.11 Proficiency Testing

- 1.11.1 The proficiency testing program for DFS is defined in the QM, Section 17.5, Proficiency Testing.

1.12 Corrective Action

- 1.12.1 The procedure for corrective action is set forth in the QM, Section 10, Nonconformities and Corrective Actions.

1.13 Audits

- 1.13.1 The procedure for audits of DFS is addressed in the QM, Section 12, 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, Section 7, 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 for at least six years by the QAC as specified in the QM, Section 17.5.8.
- 1.16.2 Analytical results – retention times for all records are specified in the QM, Section 15.1 Records.
- 1.16.3 Sample receipt and processing records - retention times for all records are specified in the QM, Section 15.1 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 have 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, Section 15.1 Records.
- 1.16.6 Corrective action - files will be retained for at least six years by the QAC as specified in the QM, Section 10.4.10.
- 1.16.7 Audits - files will be retained for at least six years by the QAC as specified in the QM, Section 12.4.1.
- 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, Section 19.9.
- 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, Section 19.9
- 1.16.10 Court testimony monitoring - files will be retained for at least six years by the appropriate laboratory as specified in the QM, Section 17.4.5.1.

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2 SAMPLE ORIGIN

- 2.1** 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 Every person convicted of a felony on or after July 1, 1990,
- 2.1.2 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,
- 2.1.3 Every person convicted of a misdemeanor violation of § 16.1-253.2, 18.2-60.3, 18.2-60.4, 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-67.5, 18.2-102, 18.2-121, 18.2-130, 18.2-370.6, 18.2-387, 18.2-387.1, or 18.2-479.1,
- 2.1.4 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),
- 2.1.5 Every person arrested for certain violent felonies and burglaries,
- 2.1.6 Every person required to register with the Virginia State Police (VSP) as a sex offender,
- 2.1.7 Any individual so ordered by a circuit court pursuant to a lawful plea agreement
- 2.2** 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).
- 2.3** 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.
- 2.4** 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 parole and supervised by DOC through the interstate compact.
- 2.5** All samples received into the Data Bank are considered to be reference samples.
- 2.6** The information contained in both the Data Bank LIMS (the DB LIMS) and the CODIS databases is 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.
- 2.6.1 Refer to the Code of Virginia § 19.2-310.5 for specific requirements for the release of information.
- 2.6.2 Refer to the Code of Virginia § 19.2-310.6 for penalties for unauthorized use of the Data Bank.
- 2.6.3 Refer to the Code of Virginia § 19.2-310.2:1 (arrestees) for specific instructions for sample destruction and associated records.
- 2.6.4 Refer to the Code of Virginia § 19.2-310.7 (convicted offenders) for specific requirements for expungement of information and sample destruction.

3 RECEIPT OF BLOOD SAMPLES BY DFS**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** 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. (Note: Employees of doctor's offices and local health departments are **NOT** authorized to submit Data Bank samples.) 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.
- 3.2** The submission of all convicted offender blood samples must be accompanied by the following documentation. This documentation must **NOT** be a Request For Laboratory Examination form, so that it will not be confused with the submission of a suspect known.
- 3.2.1 Offender's name, social security number, date of birth, race, gender, SID number and alias information
- 3.2.2 Agency's name and ORI, printed name and signature of the person collecting the sample, date of sample collection
- 3.3** 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.
- 3.4** 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.
- 3.5** 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 immediately 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.

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**4 RECEIVING, PROCESSING, PRESERVING AND STORING
CONVICTED OFFENDER BLOOD SAMPLES**

- 4.1** 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. Each blood sample (and stain card) is assigned a unique DNA number (barcode) by DFS. All information on the accompanying documentation will be compared against the blood tube. 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).
- 4.2** Prior to processing 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.

**DISPOSABLE GLOVES, DISPOSABLE LABORATORY COAT, HAIR COVER,
AND EITHER FACE MASK AND GOGGLES OR FACE SHIELD
MUST BE WORN WHEN HANDLING BLOOD SAMPLES**

- 4.3** Blood samples will be preserved as outlined in the pertinent section of the Forensic Biology Section Procedures Manual, Section I, General Documentation and Evidence Handling Requirements, Section 5.1, Blood Analysis. 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. After the blood has been aliquotted onto the stain card, the original tube and cap will be discarded. After the stain card has fully dried, the card will be placed in a labeled envelope and stored for analysis. The personal identifying information from the accompanying documentation will be entered into the DB LIMS under the corresponding barcode number.

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5 RECEIPT OF BUCCAL DNA COLLECTOR STORAGE ENVELOPES BY DFS

- 5.1** Each buccal DNA collector storage envelope is assigned a unique DNA number that is pre-printed on the DNA Data Bank Buccal Kit Submission envelope attached to the envelope. Each DNA number contains an eight digit number (e.g., 20419687).
- 5.2** The buccal DNA collector storage envelopes may be hand delivered to any of DFS's four laboratories or may be returned via mail in a sealed mailing envelope to DFS. All buccal DNA collector storage envelopes that are returned to DFS by mail should be addressed to the Central Laboratory.

5.3 Hand Delivered

For buccal DNA collector storage envelopes that are hand delivered to DFS, the procedure outlined below will be followed.

- 5.3.1** Upon receipt of the buccal DNA collector storage envelope, the envelope will be date stamped and initialed by the individual in Evidence Receiving who takes receipt of the envelope. Alternatively, the date of receipt will be hand written on the outside of the envelope followed by the initials of the individual in Evidence Receiving who takes receipt of the envelope.
- 5.3.2** The integrity seal will be verified to ensure the envelope was sealed upon receipt. If the seal has been broken the buccal DNA collector storage envelope will still be accepted. However, this will be noted on the outside of the envelope and dated and initialed by the individual in Evidence Receiving who made the observation.
- 5.3.3** The buccal DNA collector storage envelope will not be opened by the Evidence Receiving personnel receiving the envelope. If an arrest warrant accompanies the buccal DNA collector storage envelope and has not been placed inside the envelope, the Evidence Receiving personnel will attach the arrest warrant to the outside of the buccal DNA collector storage envelope.

5.3.4 Eastern, Northern and Western Laboratories

All buccal DNA collector storage envelopes received by a regional laboratory will be placed into a container/storage bin once date stamped and initialed. Subsequently, the envelopes will be transferred to the Data Bank on the evidence van each week.

5.3.5 Central Laboratory

All of the buccal DNA collector storage envelopes will be placed into a container/storage bin once date stamped and initialed. Once daily, samples will be received into the Data Bank from Evidence Receiving for further processing.

5.4 Returned Via Mail

If the buccal DNA collector storage envelopes are returned to DFS by mail, Evidence Receiving will remove the buccal DNA collector storage envelope from the mailing envelope. The storage envelope will be date stamped and initialed. Samples will be placed back in the original mailing envelope and forwarded to the Data Bank.

6 RECEIPT, PROCESSING AND STORAGE OF BUCCAL DNA COLLECTOR STORAGE ENVELOPES BY THE DNA DATA BANK

- 6.1** Once daily, samples will be received into the Data Bank from the Central Laboratory Evidence Receiving section. 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.

NOTE: All buccal DNA collector storage envelopes will be accessioned within 72 hours of receipt into the Data Bank.

- 6.2** 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 the Virginia Criminal Information Network (VCIN) or other database and/or the procedures outlined below will be followed.

6.2.1 Collecting Agency Originating Agency Identification (ORI) Number (Arrestees and Convicted Offender)

If the “Collecting Agency ORI Number” is 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** If the Collecting Agency can be identified, the VCIN Number/Agency notebook will be used to locate the ORI number, which will be added to the “Collecting Agency ORI” field on 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.

6.2.2 Date Collected, Sample Collected By, and Thumbprints (Arrestees and Convicted Felons)

If the thumbprints and/or date collected are missing, the letter found in Appendix A, DNA Data Bank Offender Buccal Sample Form Letter, or Appendix B, DNA Data Bank Arrestee Buccal Sample Form Letter, will be sent to the collecting officer/submitting agency notifying them of the problem and requesting the missing information, if possible, to be provided to the Data Bank.

- 6.2.2.1** Refer to section 6.2.7 for instructions on how to process the problem letter.

6.2.3 Qualifying Offense Code Section (Only for Arrestees)

If the “Qualifying Offense Code” is missing from the buccal DNA collector storage envelope 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. The individual who made the addition to the sample submission form will initial and date the submission form next to the added information.

- 6.2.3.1** If no arrest warrant was provided, the letter found in Appendix B, will be sent to the collecting officer/submitting agency notifying them of the problem and requesting the missing arrest warrant to be provided to the Data Bank.

- 6.2.3.2** Refer to section 6.2.7 for instructions on how to process the problem letter.

6.2.4 Document Control Number (DCN) (Only for Arrestees)

If the “DCN” is missing from a buccal DNA collector storage envelope and cannot be located by a search of VCIN, then the letter found in Appendix B will be sent to the collecting officer/submitting agency notifying them of the problem and requesting the missing information be provided to the Data Bank.

- 6.2.4.1** Refer to section 6.2.7 for instructions on how to process the problem letter.

6.2.5 Arrestee, Convicted Felon, Misdemeanor or Other Box

If neither the “Arrestee”, “Convicted Felon”, “Misdemeanor” nor “Other” box has been checked, the buccal DNA collector storage envelope will be opened to determine if the storage envelope contains an arrest warrant. A VCIN search may also be conducted to attempt to locate the information needed.

6.2.5.1 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.

6.2.5.2 If no arrest warrant is present, a phone call will be made to the submitting agency to obtain the information. The phone call will be documented (name of person notified and date) on the submission form.

6.2.6 Arresting or Accompanying Officer (Only for Arrestees)

If the arresting or accompanying officer’s name is missing from the buccal DNA collector storage envelope, 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. If the arresting or accompanying officer’s name is not available, the letter found in Appendix B, will be sent to the submitting agency notifying them of the problem and requesting the missing information be provided to the Data Bank.

6.2.6.1 Refer to section 6.2.7 for instructions on how to process the problem letter.

6.2.7 A problem letter will be issued for any of the situations addressed in sections 6.2.1-6.2.6 following the steps outlined below.

6.2.7.1 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..

6.2.7.2 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 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.

6.2.7.3 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.

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Offender Buccal Letter Screen:

Arrestee Letter (selected) 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 (selected) 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

- 6.2.8 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.
- 6.2.8.1 A phone call will be made to the submitting agency or Clerk of the Court to verify the juvenile offender’s age at the time of the commission of the offense. 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.
 - 6.2.8.2 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 Receipt, Processing and Storage of Buccal DNA Collector Storage Envelopes by the DNA Data Bank

6.2.8.2.1 The destruction of the sample will be witnessed and documented on a DNA Data Bank Sample Records and Destruction Form. The documentation will include the initials of the individual who destroyed the sample and the date, as well as the initials of the individual who witnessed the destruction.

6.3 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". Once the missing information has been obtained the processing of the sample will continue.

6.4 Once the submission form has been reviewed and all appropriate information has been obtained, the buccal DNA collector storage envelopes will be separated based on the type of sample (Arrestee and Convicted Offender).

6.4.1 Place the buccal DNA collector storage envelope from each category in numerical order based upon DNA number.

6.4.2 The top page of the sample submission form will be removed and placed in the appropriate stack in numerical order based upon the DNA number. If there is carbon paper between the top and bottom submissions forms, remove this paper and shred.

6.4.3 Stamp or write the appropriate storage box number on the buccal DNA collector storage envelope with the appropriate storage box number. Refer to paragraph 6.4.6 for the procedure used for numbering the storage boxes.

6.4.4 Open the buccal DNA collection storage envelope and remove the arrest warrant.

6.4.5 If the sample was submitted from an arrestee the information on the arrest warrant inside the buccal DNA collection storage envelope 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 §§ 18.2-71, 72

Henrico CITY OR COUNTY 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 DATE 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.

COMPLETE DATA BELOW IF KNOWN
 RACE SEX MO. DAY YR. FT. IN. WT. KYSS HAIR
 W M 09 15 70 6 01 190 BR BR
 SSN 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 JUDGE

HEARING DATE AND TIME _____
 War/Sum
 087CC-XX10310002

FORM DC-312 8/94 PC (1146-010 4/02)

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

6.4.5.1 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.

6.4.5.1.1 The destruction of the sample will be witnessed and documented on a DNA Data Bank Sample Records and Destruction Form. The documentation will include the initials of the individual who destroyed the sample and the date, as well as the initials of the individual who witnessed the destruction.

6.4.6 While wearing proper personal protective gear (lab coat, gloves, hair cover, and either eye protection and face mask or face shield), the buccal collector will be removed from the envelope. For the older style buccal collector, the protective cap will be removed from the collector and discarded in the biohazard trash. For the newer style buccal collector, the back plastic piece will be discarded in the biohazard trash and the slider cover will be slid back exposing the filter paper. The barcode on the sample will be verified to ensure that it matches the barcode on the DNA buccal collection kit, then the collector will be placed back into the envelope. If the barcode on the sample does not match the barcode on the buccal collection kit, the submitting agency will be contacted and a new sample will be requested.

6.4.7 The storage envelopes will be placed in numerical order in a pre-numbered and dated box (i.e., box number followed by a letter designator and the date range). The number will contain the letter "A" for Arrestee, "F" for felony or misdemeanor offenders. The storage envelopes will be stored in the box, which is tracked through the DB LIMS, in numerical order based upon the date of receipt. Each box will hold approximately 200 buccal DNA collector storage envelopes.

NOTE: The numeric box number will not be repeated (e.g., if a box numbered 2000A exists there will not be a box numbered 2000F).

6.4.8 While the storage box is being filled with new samples, the box will be kept in the room where samples are accessioned in temporary storage. Once the storage box has been filled, the box will be placed into the Data Bank Sample Storage Room for permanent storage.

6.5 The top page of the sample submission forms, which were separated from the buccal DNA collector storage envelope, will be used to enter the personal identifying data into the DB LIMS.

6.6 Once the submission forms have been entered and the data has been uploaded into the DB LIMS, manually enter the sample storage box number into the "Box Base Tool" field. Using the hand held barcode scanner scan the DNA barcode number on each sample submission form in order to insert into the DB LIMS the storage box number for each buccal DNA collector storage envelope.

6.7 The top submission forms will be stored in numerical order based upon the date of receipt in numbered files, which correspond with the number on the sample storage box. These submission forms will be stored in a secure file cabinet.

**7 DNA DATA BANK SAMPLE ANALYSIS, DOCUMENTATION, TECHNICAL REVIEW,
AND ENTRY OF DNA PROFILES INTO CODIS**

- 7.1** DNA analysis shall be conducted on blood, saliva, or tissue from convicted offenders and from saliva from arrestees in accordance with the Forensic Biology Section Data Bank Procedures Manual Fluorescent Detection PCR-Based STR DNA Protocol: PowerPlex® Fusion System (the DB Fusion Manual), the QIAGEN Manual, the DB Yfiler Manual, and the FB QA Manual. Sample analyses are prioritized as follows: (1) hits, (2) arrestees, (3) convicted offenders.
- 7.1.1 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.
- 7.1.2 The re-analysis of convicted offender samples for verification purposes as a result of a hit, outlined in Section 10 of 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.
- 7.1.3 If a Data Bank Analyst extracts a sample 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.
- 7.2** 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.
- 7.2.1 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..
- 7.2.2 All notes, worksheets, printouts and other data used by the Data Bank to support the conclusions shall be considered technical documentation.
- 7.2.2.1 Technical documents will contain the plate number, date and analyst’s initials on each page.
- 7.2.2.2 Notes are intended to be permanent in nature and will be organized, neat and understandable, and written in ink.
- 7.2.2.3 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. Noncontemporaneous changes, alterations and additional notations, including interlineations shall also be dated by the person making the change. In limited instances, redaction of text is legally necessary/required. These redactions shall be initialed and dated by the person making the redaction.
- 7.2.2.4 Applicable work sheets will be used as required.

7.2.2.5 Abbreviations used in DFS Data Bank technical documentation (status/CODIS specimen category) are defined as follows:

- “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
- “MN” = misdemeanor, non-juvenile
- “MJ” = misdemeanor, juvenile

7.2.3 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 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 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 data file (for CODIS) will be prepared and exported from the sizing software after technical review is completed.

7.4 All convicted offender and arrestee DNA profiles will be entered into CODIS in accordance with the CODIS Manual.

7.4.1 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.

7.4.1.1 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.

7.4.1.2 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 and corrective action taken, and initial the SDIS Reconciliation Report. The report will be filed with the plate documentation.

7.4.1.3 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 the Specimen Detail Report to indicate this check was completed. This report will be filed with the plate documentation.

7.4.1.4 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.

7.4.1.5 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. This reviewing analyst will initial the Specimen Detail Report to indicate this check was completed. This report will be filed with the plate documentation.

7.4.1.6 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 7.4.1.4 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.

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8 ARRESTEE TRACKING

- 8.1** 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.
- 8.1.1 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).
- 8.1.1.1 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.
- 8.1.1.2 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.
- 8.1.1.3 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.
- 8.1.1.3.1 The destruction of the sample will be documented on the arrestee cleared report. 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 discarded in a different biohazard bag. 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.
- 8.1.1.3.2 The cleared report 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.
- 8.1.1.3.3 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.
- 8.1.1.4 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.
- 8.1.1.4.1 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).

- 8.1.1.4.2 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** 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.
- 8.3** 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.

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**9 REMOVAL/EXPUNGEMENT OF DNA SAMPLE AND ASSOCIATED RECORDS
FROM CONVICTED OFFENDERS**

- 9.1** § 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.”
- 9.2** 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.
- 9.3** 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, will be used by the Data Bank Supervisor or designee to ensure that the sample and all associated information, including electronic data, is expunged.
- 9.3.1** 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.
- 9.3.2** 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.
- 9.3.3** The State CODIS Administrator or designee will delete the associated profile from CODIS and print a copy of the CODIS deletion report.
- 9.4** If it is determined that there is no legal reason for a sample 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, according to the following procedure.
- 9.4.1** 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.

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10 PROCESSING DATA BANK HITS

- 10.1** 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** 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.
- 10.2.1 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..
- 10.2.2 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.
- 10.2.2.1 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.
- 10.2.2.2 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.
- 10.2.2.3 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.
- 10.2.3 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.
- 10.2.4 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** The procedure outlined below will be followed for re-analysis of a Data Bank sample to verify a hit to a convicted offender/arrestee.
- 10.3.1 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:
- 10.3.1.1 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.
- 10.3.1.2 If present, a duplicate of the two samples numerically adjacent to the original hit sample will also be analyzed and verified.
- 10.3.1.3 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.

10.3.2 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:

10.3.2.1 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 analyzed.

10.3.2.2 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.

10.3.3 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.

10.3.4 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.

10.4 Hit verifications will generally be conducted once per week.

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Appendix A – DNA Data Bank Offender Buccal Sample Form Letter



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OFFICE OF THE DIRECTOR
DEPARTMENT OF FORENSIC SCIENCE
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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 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



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DEPARTMENT OF FORENSIC SCIENCE
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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:

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Arresting Officer's Name:

Arrestee's Name:

VIRGINIA

If you have any questions, please feel free to call me at (804) 786-3789 to discuss this issue further.

DEPARTMENT Sincerely,

OF DNA Data Bank Supervisor

FORENSIC SCIENCE

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