

- 3.8.3 Forensic Partial profiles with DNA results at 8 or more original CODIS core loci and satisfy the MME threshold for NDIS will use the specimen category “Forensic Partial”. Forensic Partial profiles that satisfy the MME threshold for SDIS only will use the specimen category “Forensic Partial SDIS.”
- 3.8.4 Forensic Partial and Forensic Mixture profiles that satisfy neither the NDIS nor SDIS statistical threshold should not be uploaded to SDIS, unless the section supervisor (or designee) has evaluated the profile and concurs with the examiner’s reason for entering the profile into CODIS. The supervisor shall document approval by initial of the profile on the primary landscape sheet or LDIS Specimen Details Report.

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4 DATA UPLOAD INTO SDIS

- 4.1** All profiles in the regional laboratories suitable for upload to SDIS shall be uploaded promptly into SDIS. To ensure that the data in SDIS is as current as practically possible, data upload to SDIS will normally take place once every week for each laboratory.
- 4.1.1 The upload of data will be performed by the Local CODIS Administrator or designee or alternate in the regional laboratory or automatically executed by the CODIS software as configured by the Local Administrator.
- 4.1.2 The upload schedule for the regional laboratory may be extended at the discretion of the Local CODIS Administrator if no new profiles were entered during that one week interval.
- 4.2** Under normal circumstances, the upload of data from the regional laboratories will be executed automatically by the software when the data is received at SDIS. Upon completion of the upload, an Upload Reconciliation Report will be generated automatically and returned to the originating laboratory.
- 4.2.1 The Local CODIS Administrator, or designee, from each regional laboratory will review the Upload Reconciliation Report to ensure that new specimens and any specimen changes contained in that particular upload were successfully incorporated into SDIS.
- 4.2.2 If necessary, the Local CODIS Administrator at the regional laboratory will resolve any discrepancy noted in the Upload Reconciliation Report in consultation with the State CODIS System Administrator.

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5 SEARCHING THE CODIS INDICES

- 5.1** Autosearcher and Searcher are CODIS software modules that permit the searching of DNA profiles. Searcher is also used for quality control purposes such as the Random Sample (Data Bank samples only) and Staff Index searches.
- 5.2** **Random Samples** will be searched at all loci against the SDIS Offender Index.
- 5.2.1 Random Samples analyzed in the Central Laboratory will be searched against the State Offender Index by the DNA Data Bank analyst.
- 5.2.2 The Random Sample search result will be verified and initialed and dated by the CODIS State Administrator or designee.
- 5.2.2.1 If the Random Sample cannot be verified, the DNA Data Bank analyst will be notified immediately. No further action will be taken on the offender or arrestee samples being analyzed until this is resolved.
- 5.2.2.2 If the Random Sample appears to match two or more offender samples, the result cannot be verified until the problem is resolved. The State CODIS System Administrator or designee will be notified to resolve the issue. Each Random Sample should match one and only one convicted offender sample.
- 5.2.3 The verified Searcher Match Result Report will be maintained in the batch sample file for Convicted Offender and Arrestee sample analysis.
- 5.3** A search of the **Staff Index** will be conducted by the case examiner for all forensic evidence profiles that do not match any reference sample profiles in the case, unless the evidence profile is considered inconclusive or uninterpretable. In the case of a mixture profile where part of the mixture is unknown (and suitable for search or comparison), it may be desirable to search the entire mixture profile rather than only searching the unknown portion of the profile. When making this decision, consideration should be given to the complexity of the mixture (such as considering the possibility of allelic dropout and alleles overlapping between the known and unknown portions of the profile). Profiles characterized as unidentified persons and deduced missing persons will be searched when the profile has results at six or more loci. Relatives of Missing Persons and spouse profiles will not be searched. The search for the regional laboratories will be conducted by the Remote Searcher function unless otherwise instructed by the State CODIS System Administrator. Casework non-subject profiles shall be reviewed before they are searched against the Staff Index. Refer to Section 5.8 for the aspects of this review.
- NOTE:** Profiles developed from samples submitted as “Presumed To Be” unidentified persons for purposes of body identification, submitted by the Office of the Chief Medical Examiner of Virginia, will not be staff searched if the purported relationship of the remains to the submitted known is supported by the genetic data.
- 5.3.1 The Staff Index search will be conducted at moderate stringency. The Match Result Report will be maintained in the appropriate case file for documentation.
- 5.3.2 If a match is made to the Staff Index, the examiner will immediately consult with his/her supervisor to resolve the match and will notify the Biology Program Manager (Technical Leader) or Assistant Technical Leader.
- 5.3.2.1 Any search resulting in a match of a case profile to a profile in the Staff Index will be resolved before further action on the case profile is taken.
- 5.3.2.2 If a match of the forensic profile to a profile in the Staff Index cannot be resolved, that profile will be considered inconclusive.

- 5.3.2.3 Any Match Report that includes a profile in the Staff Index will have the profile of the staff member redacted, dated and initialed after technical review. The redacted Match Report will be maintained in the appropriate case file for documentation.

5.4 Forensic case profiles will be searched using the procedures set forth below.

- 5.4.1 A **forensic subject case** profile is not required to be searched against any Indices.

Depending on the specific case scenario, DNA profiles in certain **subject cases** obtained from items of evidence that do not match any submitted known samples (such as victim, suspect, or elimination samples) may be treated as non-subject case profiles and searched accordingly.

- 5.4.2 **Forensic non-subject case** profiles will routinely be searched at Moderate stringency.

- 5.4.2.1 When searched with Moderate stringency at all loci, some forensic non-subject case profiles (such as mixture profiles, partial profiles, and profiles with homozygous results at many loci) will result in a large number of ambiguous candidate matches. The search stringency may be customized to High for some loci to allow for a more efficient search, but the stringency customization must be documented in the case file. Such profiles are entered into CODIS with an "X" designation. Refer to Section 3 for information on "X" profile entry.

- 5.4.2.1.1 Customization of the search stringency must be made with careful consideration. The main goal is not to erroneously eliminate the actual perpetrator from the pool of candidates by improper stringency customization when the search is conducted.

- 5.4.2.1.2 After such an "X" profile has been entered into CODIS, the examiner will provide the loci customization information of that profile to the State CODIS System Administrator in writing. A copy of the LDIS Specimen Details Report, with the appropriate loci stringency indicated, may be used for this purpose.

- 5.4.2.2 A **forensic non-subject case** profile from the **regional laboratories** will be searched against the SDIS Offender, Arrestee, Forensic, Forensic Partial, Forensic Mixture, Unidentified Human Remains, and Missing Persons Indices in the Central Laboratory.

- 5.4.2.2.1 *The specimen profile must be entered into CODIS at LDIS before the remote search can be conducted.* Casework non-subject profiles shall be reviewed before they are remotely searched against SDIS. Refer to Section 5.8 for the aspects of this review.

The SDIS search will be conducted with the Remote Searcher function of CODIS unless otherwise instructed by the State CODIS System Administrator. The result of the search will automatically be returned by the CODIS software to the originating laboratory.

- 5.4.2.2.2 The complete search result will be maintained as case file documentation of the search process.

- 5.4.2.3 A **Central Laboratory forensic non-subject case** profile will be searched by the examiner against the SDIS Offender, Arrestee, Forensic, Forensic Partial, Forensic Mixture, Unidentified Human Remains, and Missing Persons Indices. Casework non-subject profiles shall be reviewed before they are searched against SDIS. Refer to Section 5.8 for the aspects of this review.

- 5.4.2.4 The complete search result will be maintained as case file documentation of the search process.

- 5.4.2.5 Subsequent searches of all forensic non-subject case profiles against the SDIS Offender, Arrestee, Forensic, Forensic Partial, Forensic Mixture, Unidentified Human Remains, and Missing Persons Indices will be conducted by the State CODIS System Administrator, or designee, following the periodic entry of additional convicted offender and/or arrestee profiles.
- 5.4.2.5.1 The subsequent searches of forensic profiles with the Source ID field “No” (with the exception of the “X” profiles) will be batch searched at moderate stringency for all loci. These profiles will be subsequently searched once a week, typically on Tuesday.
- 5.4.2.5.2 The subsequent searches of forensic profiles configured with “X” will be conducted manually with customized stringency. These profiles will be searched at least three times each year.
- 5.4.2.5.3 Subsequent Searcher results are automatically forwarded electronically to the individual examiner for review, and the match will be appropriately “dispositioned” by the examiner in the Match Manager part of CODIS.
- 5.4.2.6 Profiles generated from Missing Persons cases **will not** be searched prior to release of the Certificate of Analysis. These profiles will be searched by the next and all subsequent executions of Autosearcher where the Autosearcher configurations invoke the specified index. Autosearcher configurations for Missing Persons searches are established by the State CODIS System Administrator in consultation with the Biology Program Manager. Typically, the searches of these profiles will reflect those conducted at the National level in both configuration and frequency.
- 5.5 Requests from law enforcement agencies outside the Commonwealth of Virginia** for searches of the Virginia CODIS Indices must be made in writing. The request must, at a minimum, include the DNA profile to be searched, the identity and agency of the requesting individual, and the name and phone number of a contact person. The request will be directed to the State CODIS System Administrator, who will process the search request.
- 5.5.1 Routinely, only profiles with 7 or more loci in common with the STR loci utilized by the Virginia Department of Forensic Science will be searched. However, at the discretion of the State CODIS System Administrator or Biology Program Manager, profiles with fewer than 7 loci in common with the Virginia Department of Forensic Science may be searched.
- 5.5.2 Unless specifically requested, such search requests will be conducted against the Indices routinely used for forensic searches by the Department except the Staff Index.
- 5.5.3 Unless otherwise specified by the requesting agency, the contact person will only be notified if a question arises about the request and/or when a possible significant match is made.
- 5.5.4 CODIS matches generated as a result of such requests will be verified in a manner similar to that outlined in Section 7, with due consideration given to specific needs of the requesting agency.
- 5.5.5 CODIS matches generated as a result of such requests will generally be reported to the outside agency in the format found in Appendix C, with due consideration given to specific needs of the requesting agency.
- 5.6 Requests can be made by law enforcement agencies within the Commonwealth of Virginia** for searches of the CODIS Indexes of other states. For example, a Virginia non-subject case profile may contain results at fewer than 8 original CODIS core loci and is therefore ineligible for uploading and searching at NDIS. In addition, other state databases may contain samples not acceptable at NDIS.

- 5.6.1 The request, made in writing or verbally by an investigator to an examiner, will be documented in the case file and brought to the attention of the State CODIS System Administrator, who will make the official written request for the search.
- 5.6.2 At a minimum, the examiner will provide the Specimen ID and the DNA profile to be searched to the State CODIS System Administrator in writing (e-mail may be used). A copy of the LDIS Specimen Details Report, containing the necessary information, may be used for this purpose.
- 5.6.3 The State CODIS System Administrator, or designee, will make the official request in writing (using the NDIS FAX Network Search request format) for such searches of the CODIS Indices of other states. The examiner will be identified as the point of contact in the official search request. The request will be sent to the specific state(s) requested or to NDIS, where the request will be transmitted to all participating CODIS laboratories. Refer to Document 210-F100 for the sample format used for the request. A copy will be forwarded to the examiner for documentation in the case file.
- 5.6.4 CODIS matches generated as a result of such requests will be verified and reported in a manner similar to that outlined in Section 7 using information provided in writing by the other state. The search results and other information regarding the match received from the other state will be maintained in the case file.
- 5.7** Requests can be made by **law enforcement agencies within the Commonwealth of Virginia** for a search of the DNA databases of foreign countries via **Interpol**. The request, made in writing or verbally by an investigator to an examiner, will be documented in the case file and brought to the attention of the State CODIS System Administrator, who will make the official request via Interpol. Refer to Appendix B.
- 5.8** A CODIS Review (as mentioned in Section 3 and Section 5) shall be conducted as follows:
- 5.8.1 This review is conducted in compliance with the FBI QAS and NDIS requirements that prohibit the entry or search of unreviewed casework DNA data at SDIS.
- 5.8.2 The purpose of the review is to ensure that profiles that will be searched and all profiles entered into CODIS are verified for eligibility for CODIS, correct DNA types and appropriate specimen category prior to upload to SDIS.
- 5.8.3 This **CODIS review** shall be conducted by another qualified examiner of the relevant documentation in the case file, prior to a profile being searched or entered into SDIS:
- 5.8.3.1 Review of “correct DNA types” and/or haplotype: Evaluation of the data printouts, to ensure the relevant profile data is correct. The positive and negative control data will also be evaluated to ensure no unexpected results are obtained for the controls. (Documents to review = landscape sheets and/or data printouts.)
- 5.8.3.2 Review of “correct DNA types”: Evaluation of the alleles in a mixture profile selected for entry into SDIS or searching are correct, given any reference profiles submitted in the case. (Documents to review = Copy of landscape sheet and/or data printout with an indication of selected alleles for search or entry into CODIS. Alternatively, review of the LDIS Specimen Details Report can serve this purpose.)
- 5.8.3.3 Review of “appropriate specimen category”: Ensure an evidence profile is given the appropriate specimen category when it is entered into SDIS or searched. (Documents to review = landscape sheet or mtDNA profile validation report with an indication of proposed specimen category, and the RFLE. Alternatively, review of the LDIS Specimen Details Report and RFLE can serve this purpose)
- 5.8.3.4 Review of “eligibility for CODIS”: Ensure that an evidence item is from the crime scene or is otherwise eligible for CODIS entry or search. If questions arise regarding CODIS eligibility for an evidence item, the examiner/supervisor shall contact the investigating agency to confirm the eligibility and document the (attempt at) communication. Ensure that an evidence

profile that is attributed to the victim or elimination sample is not inadvertently entered into SDIS or searched. (Documents to review = RFLE, either landscape sheet or data printout, and MFR if appropriate.)

- 5.8.3.5 Review of “proposed pedigree tree” worksheet if necessary. Ensure that the tree is properly constructed and that the correct sample(s) will be associated to the proper node(s).
 - 5.8.3.6 This CODIS review by another qualified examiner will be documented on the primary landscape sheet, mtDNA validation report, or LDIS Specimen Details Report by “CODIS review, *reviewer initials*, and *date of review*”. This documentation will also appear on the “proposed pedigree tree” worksheet if present.
- 5.8.4 This **CODIS review** can also be accomplished by a documented technical review (as described in the Department Quality Manual) of the entire case file up to that point of analysis, prior to any profile being searched or entered into SDIS. Once this technical review is completed, the relevant profile can then be entered and searched at SDIS. This option will necessitate another technical review after the entry and search of the relevant profile at SDIS.

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**6 ACCESS TO AND RELEASE OF CONVICTED OFFENDER AND ARRESTEE
SAMPLE INFORMATION**

6.1 Requests for information on a convicted offender's or arrestee's profile shall be in accordance with the Code of Virginia § 19.2-310.5.

6.1.1 Requests must be in writing and forwarded to the DNA Data Bank Supervisor or CODIS Administrator.

NO TELEPHONE REQUESTS WILL BE ACCEPTED.

6.1.1.1 A request received via mail or facsimile must be on the requestor's agency letterhead.

6.1.1.2 A request made by personal contact must be put in writing by the requestor on a piece of plain paper and must include the requestor's agency address. The requestor's identity must be verified before a request submitted in this manner can be accepted. This is generally accomplished by viewing the requestor's agency identification card and confirming that the photograph and name on the card match the requestor. Documentation of the verification will be made on the bottom of the request in the following format: "Identification verified by viewing requestor's identification card - code # _____ or badge # _____." This verification of identity statement will be dated and signed by the DFS employee who verified the requestor's identity.

6.1.1.3 The request must be made by sworn law-enforcement and signed by the requesting official.

6.1.1.4 Requests must state that the information is being requested in furtherance of an official investigation of a criminal offense.

6.1.1.5 Requests must specify ALL AVAILABLE identifying information for the Convicted Offender or Arrestee, such as full name, social security number, date of birth, race, sex, and SID number.

6.1.1.6 The exemplar letter in Appendix D can be provided to the requestor to use to draft the request to ensure that all requirements are met.

6.1.2 Responses to requests will be made in writing and are routinely faxed to the requestor at the fax number on the requesting agency's letterhead. However, the request response may be provided via US Mail.

6.1.2.1 The DNA Data Bank Supervisor or CODIS Administrator will provide the written response using the form letter in Appendix D or a modification thereof.

6.1.2.2 If the request specifies a fax response, the confirmation of successful transmittal will be retained with the request and response. If it is deemed necessary to verify a fax number, the verification of the fax number will be documented. Documentation will include how the fax number was verified, the date verified, and the initials of the person verifying the number.

6.1.2.3 If a request is denied, that denial shall be in writing, signed by the DNA Data Bank Supervisor or CODIS Administrator. The denial letter will be in narrative form and will specify the reason for the denial. Any denial letter must be approved by the Biology Program Manager prior to being sent to the requestor.

6.2 The DNA Data Bank Supervisor will maintain all requests, associated responses, and as appropriate, confirmation of successful fax transmittal of responses. These will be filed by agency and the date of the request.

6.2.1 If the requestor indicated a relationship to a specific case or cases by including the FS Lab #(s) in the request for information, a copy of the request, associated response, and as appropriate, confirmation of successful fax transmittal of the response, will be forwarded to the case examiner(s) to place in the case file(s).

- 6.3** When a CODIS match is made between a non-subject case and a Convicted Offender or Arrestee sample, the information on the individual will be provided to the investigator in a Certificate of Analysis after the match has been verified. Refer to Section 7 for information on verifying a CODIS match.
- 6.3.1 The identifying information reported for the individual will be confined to the information that is available in the Data Bank LIMS system (DB LIMS).
- 6.4** Access to the Convicted Offender or Arrestee samples and identifying information associated with these samples stored in the DB LIMS will be limited to those personnel whose job function requires access to the samples and such information.
- 6.4.1 Access to the Convicted Offender and Arrestee samples and associated individual information is limited to the CODIS Administrator, alternate CODIS Administrator, DNA Data Bank Supervisor and designees, such as DNA Data Bank analysts and support staff.
- 6.4.2 The addition or removal of personnel and the degree of access for each level of personnel will be determined by the DNA Data Bank Supervisor in consultation with the CODIS Administrator.
- 6.5** Access to the Convicted Offender or Arrestee profiles in CODIS will be limited to personnel whose job function requires such access.
- 6.5.1 In the Central Laboratory Forensic Biology Section this may include the State CODIS System Administrator, the Local CODIS Administrator, the Biology Program Manager (Technical Leader), Assistant Technical Leader, molecular biologist, casework supervisors, examiners, DNA Data Bank Supervisor, DNA Data Bank analysts, and Data Bank support staff.
- 6.5.2 In the Forensic Biology Section of each regional laboratory this may include the designated Local CODIS Administrator, casework supervisor and casework examiners.
- 6.5.3 The addition or removal of personnel and the degree of access for each level of personnel will be determined by the Local CODIS Administrator in consultation with the State CODIS System Administrator.

7 VERIFYING AND REPORTING A CODIS MATCH/ASSOCIATION AT SDIS

- 7.1** The case examiner will verify or eliminate the possible CODIS match between a **non-subject case profile and a Convicted Offender or Arrestee profile** as soon as possible by comparing the STR allele values of the non-subject case profile and the STR allele values of the possible matching DNA profile of the Convicted Offender or Arrestee. If the examiner determines that the convicted offender or arrestee is not eliminated, the DNA Data Bank staff will be contacted for verification of the profile. Best effort shall be made to resolve matches within thirty business days.
- 7.1.1 Generally, the presence of alleles in one profile and not in the other profile will constitute an elimination. However, the examiner shall use all factors concerning the profiles in question (such as relative allele intensities, difference in amplification kits, possible allelic dropout, nature of the evidence, mixture interpretation) to make the determination.
- 7.1.2 For matches involving a non-subject case forensic profile and an Arrestee or Convicted Offender sample, the examiner will immediately contact the Central Laboratory DNA Data Bank Supervisor and the Data Bank staff in writing (via e-mail or fax) and provide the case number, DNA sample number, and case-related information such as the date of the offense (if available). When a hit is obtained to duplicate profiles for two different samples, the notification to the Data Bank Supervisor should include both DNA sample numbers.
- 7.1.2.1 The DNA Data Bank Supervisor or designee will process the data bank hit verification request in accordance with Section 10 of the DNA Data Bank Operating Policies and Procedures Manual (DB PM), to include obtaining the identifying information for the Arrestee or Convicted Offender (such as name, social security number, date of birth, race, sex, SID number) from the DB LIMS, verification and/or reanalysis of the sample's DNA profile, and confirmation of the qualifying conviction or arrest.
- The Data Bank Sample verification and individual information shall be provided to the requesting examiner. This information shall be maintained in the case file as documentation.
- 7.1.2.2 If the hit is to samples from identical twins, two forms (one for each individual) will be provided to the examiner.
- 7.1.2.3 If the hit is to duplicate samples belonging to the same offender, that information will be provided to the examiner in writing (via e-mail or fax) by the DNA Data Bank Supervisor or designee. This documentation will be placed in the case file and the Searcher Match Result Report reflecting both DNA sample numbers will be maintained in the case file and documented to reflect that the samples are from the same individual.
- 7.1.2.4 For hits generated by the scheduled weekly subsequent search, the State System Administrator or designee will immediately review the results of the subsequent search, and notify the relevant examiner, the examiner's supervisor, and DNA Data Bank staff in writing (for example, via e-mail) of a potential hit so the process can begin promptly.
- 7.1.3 Verbal hit information (such as the name and other individual information of the offender/arrestee) can be provided to an investigator prior to the Certificate of Analysis being issued. However, prior to the contact with the investigator, that hit information must be reviewed by another examiner and appropriate permission obtained from the laboratory management. **It must be emphasized to the investigator that the match constitutes an investigative lead only, and any possible connection to the non-subject case must be determined through further investigation.** Additionally, the investigator will be informed that, in order to confirm the match, a new sample from the individual must be submitted to the laboratory for STR analysis and direct comparison to the DNA profile from the evidence.
- 7.1.3.1 Another examiner shall review that the correct Data Bank sample number was provided to the databank, and that individual information for the correct offender/arrestee is returned to the

examiner. This information review will be documented as “Verbal hit review, *initial of reviewer and date of review*” on the Searcher Match Result report.

- 7.1.4 At the same time that information is being obtained from the DNA Data Bank Supervisor or designee, the examiner will also notify the State CODIS System Administrator or designee in writing (e-mail or fax) of the possible match, so that the appropriate data can be added to the CODIS Hit Counting Charts.
- 7.1.4.1 This written notification should contain the offender/arrestee sample number and information about the case, such as the FS Lab Number, jurisdiction, type of evidence, date and type of offense, whether a suspect sample was compared and if so, if the suspect was eliminated, and whether the match occurred as a result of an original or subsequent search.
- 7.1.4.2 In addition, paper or electronic copies of the Data Bank Hit Information should be provided to the State CODIS System Administrator (or designee) as they are available for Hit# assignment purposes.
- 7.1.5 The results will be reported in a Certificate of Analysis in accordance with procedures set forth in the current versions of the QM and the FB PM, Report Writing. Additional identifying information such as alias, alternate Social Security numbers and/or alternate birth dates may be reported, but will be confined to the information available in the DB LIMS.
- 7.1.5.1 The Arrestee or Convicted Offender information will be provided to the investigator in a Certificate of Analysis **after** the confirmation of a qualifying arrestee offense or conviction and, if necessary, the re-analysis of the sample by the DNA Data Bank.
- 7.1.6 If the forensic profile associated with the match has not been entered into CODIS, it will be entered in accordance with Section 3.
- 7.1.6.1 For a match resulting from a subsequent search, the specimen would have been previously entered into CODIS. As a result of the match, the Source ID field for that specimen will be changed from “no” to “yes”, if applicable. When a match from a subsequent search occurs for profiles with a “Forensic Mixture” specimen category, the mixture profile shall be removed from CODIS. However, if the mixture profile is determined by the examiner and supervisor to be suitable for retaining in CODIS, the specimen category should be “Forensic Mixture-SDIS”.
- 7.1.6.2 The change or removal will be performed by the case examiner and documented by placing a copy of the new LDIS Specimen Details Report or Specimen Deletion Report in the case file.
- 7.2** When a potential match is made between a forensic profile and an Arrestee or Convicted Offender profile, the laboratory will make every effort to ensure that the sample is qualified to be in the Virginia DNA Data Bank.
- 7.2.1 If during the verification process it is determined that the sample does not qualify for entry, the procedure set forth below will be followed. When necessary, consultation will be made with the Department legal counsel regarding the qualification of a sample and compliance with current Code of Virginia. If it is determined that the sample does not qualify for reporting, the procedure set forth below will be followed. This applies to potential hits within the Commonwealth of Virginia and potential hits with other states, to include NDIS hits.
- 7.2.1.1 When it is determined that an Arrestee or Convicted Offender sample is unqualified for reporting, the DNA profile for that sample will be immediately removed from CODIS by the State CODIS System Administrator or designee. The deletion report will be provided to the DNA Data Bank Supervisor.
- 7.2.1.2 The Arrestee or Convicted Offender identifying information will be removed from the DB LIMS, in accordance with the DB PM.

- 7.2.1.3 The Arrestee or Convicted Offender information will **NOT** be provided to the investigating agency. In addition, the agency will **NOT** be informed of the existence of the potential match.
- 7.2.1.4 The case examiner will maintain documentation in the case file concerning the search, the potential match and why the match was not reported, but **WILL NOT** maintain any identifying information of the Arrestee or Convicted Offender in the case file.

7.3 The case examiner will confirm or eliminate a **possible CODIS match between a forensic non-subject case profile and another forensic profile** as soon as possible by comparing the STR allele values for the profiles from each case. Generally, the presence of additional alleles in one profile and not in the other profile will constitute an elimination. However, the examiner shall use all factors concerning the profiles in question (such as relative allele intensities, difference in amplification kits, possible allelic dropout, nature of the evidence, experience in mixture interpretation) to determine whether a possible match is an elimination or an inclusion. The match is considered verified when the manual comparison reveals no unexplained differences between the DNA profiles involved.

7.3.1 The examiner of the non-subject case will notify his/her supervisor and the State CODIS System Administrator of the match.

7.3.1.1 The written notification should contain information about the cases such as the FS Lab Numbers, jurisdictions, types of evidence, dates and types of offenses, and whether the match occurred as a result of an original or subsequent search.

7.3.1.2 If multiple examiners are involved, the examiners will promptly exchange pertinent information (such as agency case number, jurisdiction, investigator, case type) on the matching cases.

7.3.1.3 The information will be provided to the investigator(s) in a Certificate of Analysis.

7.3.1.3.1 The results will be reported in accordance with the procedures set forth in the current versions of the QM and the FB PM, Report Writing.

7.3.1.3.2 In general, if multiple examiners are involved in a match between non-subject cases and all of the cases have been previously reported, the examiner of the non-subject case listed as the target profile will be responsible for generating the Certificate(s) of Analysis providing notification of the match in accordance with the Forensic Biology Procedures Manual, Report Writing.

7.3.1.3.3 In general, if reports have not been generated for one or more of the non-subject cases involved in a match, the examiner of the non-subject case(s) that has not been reported will be responsible for generating the Certificate of Analysis providing notification of the match in accordance with the Forensic Biology Procedures Manual, Report Writing.

7.3.1.3.4 If a non-subject case profile matched profiles in more than one index the examiner will report all the matches in Certificates of Analysis in accordance with the Forensic Biology Procedures Manual, Report Writing.

7.3.1.4 If the forensic profile associated with the match has not been entered into CODIS, the specimen will be entered in accordance with Section 3.

7.3.1.5 If a forensic non-subject case profile involved in the match has previously been entered into CODIS, the Source ID field for that specimen will be changed from “no” to “yes”, if applicable. This change will be performed by the case examiner and documented by placing a copy of the new LDIS Specimen Details Report in the case file.

7.4 SDIS matches and associations involving DNA profiles from Missing Persons cases will be handled following the most current NDIS Procedures Manual.

8 POPSTATS CALCULATIONS

- 8.1** The Popstats program is the part of the CODIS software that permits the calculation of statistical probabilities based on allele frequency information for specific loci or the number of times a haplotype has been observed. The allele frequency data for PowerPlex® 16 data entered into CODIS are based on the official Virginia population database. The allele frequency data for PowerPlex® Fusion data entered into CODIS are based on the NIST database. These allele frequency data are identical for all four laboratories.
- 8.2** Use of Popstats for statistical calculations will be in accordance with the policies set forth below, and in accordance with the applicable Forensic Biology Procedures Manuals and the Mitochondrial DNA Section Procedures Manual.
- 8.2.1 Paternity and relationship calculations utilizing Popstats will be reported only by individual(s) specifically trained to do so.
- 8.2.2 In unusual cases, statistical calculations may be conducted using modifications of the “Forensic Single Sample” or “Forensic Mixture” configuration, but only with the explicit permission of the Biology Program Manager.
- 8.3** The official Virginia population database contains frequencies for the Caucasian, Black, and Hispanic populations. The NIST population database contains frequencies for the Caucasian, African American, Hispanic and Asian populations as well as combined frequencies. No population frequencies other than Caucasian, Black/African American and Hispanic will be used for statistical calculation of STR profile frequency without the explicit permission of the Biology Program Manager.
- 8.4** For estimation of population frequency of a mtDNA haplotype the FBI database supplied with the CODIS software will be used.
- 8.5** No changes to the Popstats configuration parameters or additions/changes to the STR database allele values within Popstats will be made without the explicit permission of the State CODIS System Administrator in consultation with the Biology Program Manager.
- 8.6** The Popstats Report will be maintained in the case file as documentation.

9 NDIS-RELATED PROCEDURES

- 9.1** In accordance with NDIS requirements, information from all DFS CODIS users (as defined by NDIS) will be provided to the FBI for security clearance. Forms for such information shall be provided by NDIS (or as updated by the FBI) to include the following:
- FD-484: Privacy Act Explanation
 - FD-258: Fingerprint (10 Print) Card, two copies
 - FD-816: Background Data Information Form
 - CODIS User Information Form
- 9.2** Only data within SDIS that complies with the Memorandum of Understanding signed between the FBI and the Department will be uploaded to NDIS. The data will comply with the current versions of the NDIS Procedures Manual, the FBI's "Quality Assurance Standards for Forensic DNA Testing Laboratories" and "Quality Assurance Standards for Convicted Offender DNA Databasing Laboratories", and the Federal Justice for All Act 2004.
- 9.2.1** The State CODIS System Administrator, or designee, will be responsible for uploading eligible arrestee, convicted offender, forensic and missing persons case profiles from SDIS to NDIS. The upload to NDIS is currently scheduled by NDIS to occur once each week, but may be changed at the discretion of NDIS.
- 9.2.2** Forensic profiles are required to have data for at least 8 of the original 13 CODIS core loci (CSF1PO, D3S1358, D5S818, D7S820, D8S1179, D13S317, D16S539, D18S51, D21S11, FGA, TH01, TPOX, and vWA) to qualify for upload into NDIS. Refer to Section 3 for details.
- 9.2.2.1** Currently, new offender and arrestee STR profiles generated by the Department will be uploaded to NDIS only if the specimens contain results at all 13 original CODIS core loci.
- 9.2.2.2** **Forensic non-subject** STR profiles in SDIS with the "Forensic Unknown" specimen category that can be "attributed to the putative perpetrator" will be uploaded to NDIS.
- 9.2.2.3** **Forensic non-subject** STR profiles in SDIS with either the "Forensic Partial" or "Forensic Mixture" specimen category will be uploaded to NDIS.
- 9.2.2.4** **Forensic subject** STR profiles in SDIS with the "Forensic Unknown" specimen category that can be "attributed to the putative perpetrator" will be uploaded to NDIS.
- 9.2.2.5** **Forensic subject** STR profiles in SDIS with the "Forensic Partial" specimen category that can be "attributed to the putative perpetrator" may be uploaded to NDIS.
- 9.2.2.6** **Forensic subject** STR profiles in SDIS with the "Forensic Partial SDIS" or "Forensic Mixture SDIS" specimen category that can be "attributed in part to the putative perpetrator" will **NOT** be uploaded to NDIS.
- 9.2.2.7** When a forensic non-subject profile is determined to be unsuitable for NDIS after a Certificate of Analysis has been issued indicating that the profile has been submitted to NDIS, another supplemental Certificate of Analysis will be issued to notify the investigator that the profile has been removed from NDIS.
- 9.2.3** Unidentified Human (Remains), Missing Persons, Relatives of Missing Persons, and Spouse casework profiles will be uploaded to NDIS according to the most current version of the NDIS Procedures Manual. In addition, relatives of missing persons and spouses will require a signed consent form from the individual providing the sample. Signed consent forms may not exist for historical profiles.
- 9.2.4** NDIS requires that each CODIS user receive training annually and acknowledge the specimen categories and additional rules for DNA profiles uploaded to NDIS, as described in the NDIS Procedures Manual and the NDIS Standards for Acceptance of DNA Data. This NDIS training is also required for each new

CODIS User prior to their access to the CODIS software. This NDIS training is conducted via the CODIS network.

- 9.3** All complete DNA profiles uploaded to NDIS will be automatically searched by NDIS against the DNA profiles from other states. Currently, this search is conducted by NDIS twice a week. NDIS searches profiles related to missing persons on a variable schedule with multiple search configurations.
- 9.3.1 Matches obtained as a result of such searches will be sent automatically via the CODIS network to SDIS. These potential matches will be reviewed by the State CODIS System Administrator, or designee, who will coordinate the communication between the System Administrator or personnel of the other state(s) and the Department personnel involved in the evaluation and verification of the potential hit.
- 9.3.2 The evaluation and verification of NDIS matches will be in accordance with the procedures outlined in the section “Confirmation and Hit Dispositioning” in the NDIS Procedures Manual (most current version, published by the FBI, US-DOJ), and Section 7 of this document, with due consideration given to the requirements of the other state(s) involved in the NDIS Match. Forms used for communication with other states for this purpose shall be in the general format described in “SEARCHES Confirm an Interstate Candidate Match” in the NDIS Procedures Manual.
- 9.3.2.1 An NDIS match may occur between a Virginia convicted offender or arrestee profile and a forensic subject case profile from another state. When requested, the individual’s name will be provided to confirm the individual’s identity. These NDIS matches will not be counted as NDIS hits.
- 9.3.2.2 An NDIS match may occur between a Virginia forensic subject case profile and a Convicted Offender or Arrestee profile from another state. Sufficient case information shall be provided to the other state for verification purposes. These NDIS matches will not be counted as NDIS hits.
- 9.3.2.3 An NDIS match may occur between a Virginia forensic subject case profile and a forensic subject case profile from another state. Sufficient case information shall be provided to the other state for verification purposes. These NDIS matches will not be counted as NDIS hits.
- 9.3.3 The reporting to a Virginia agency of a NDIS hit involving a Virginia forensic profile uploaded from SDIS to NDIS will be in accordance with procedures set forth in the Forensic Biology Procedures Manuals. This applies to a NDIS hit involving a Virginia forensic profile to an offender/arrestee profile or a forensic case profile from another state. Examiners will request confirmation of the NDIS hit from the other laboratory. The hit shall not be reported until the appropriate information is provided in writing by the other state involved. At the request of the other laboratory, the following information may be provided: Whether the match was determined to be a match or non-match, whether the VA case is solved or unsolved, the VA Investigator’s contact information and minimal case information to include the offense date and the offense type.
- The verification and offender/arrestee information received from the other state’s Data Bank shall be maintained in the case file as documentation.
- 9.3.4 A NDIS hit involving a Virginia convicted offender or arrestee to a forensic non-subject case profile outside the Commonwealth of Virginia will be reported to the outside agency in accordance with the procedures outlined in the section “SEARCHES Confirm an Interstate Candidate Match” in the NDIS Procedures Manual (most current version, published by the FBI, US-DOJ). A written report of the NDIS match will be provided to the outside agency. An administrative review shall be conducted to confirm accuracy of the personally identifiable information (name, date of birth, SID#, etc.) contained in the correspondence. This review shall be documented by the reviewer’s initial on the correspondence. Refer to Appendix C for the format used to report the CODIS match to the outside agency.
- 9.3.5 NDIS matches and associations involving Virginia DNA profiles from Missing Persons cases will be handled following the most current version of the NDIS Procedures Manual.

- 9.4** The expungement of a convicted offender DNA profile that has been previously uploaded to NDIS will be performed in accordance with Section 3.8 of this document and Section 10 of the DB PM.

The expungement of an arrestee DNA profile that has been previously uploaded to NDIS will be performed in accordance with Section 9.1.1.3 of the DB PM.

In compliance with 42 USC § 14132 (d) (2) (a) (ii) (DNA Fingerprinting Act 2005), a request for expungement of an arrestee DNA profile accompanied by a certified copy of a final court order establishing that the person was not convicted of a qualifying offense (i.e., charge dismissed, resulted in acquittal, nolle prossed, or reduced to misdemeanor) will be processed in the same manner described above. There is currently no statute of limitation time periods applicable to any qualifying arrestee offenses in Virginia.

- 9.5** The CODIS Fax Network Search Request was established by the FBI to facilitate the search of DNA profiles between states that are not routinely uploading profiles to NDIS and those states participating in NDIS. This also allows NDIS participating laboratories to search profiles in state databases that do not qualify for upload to NDIS.

9.5.1 An examiner who has a profile requiring a CODIS Fax Network Search will make the request in accordance with Section 5 of this manual.

9.5.2 The request will be faxed to the FBI NDIS Custodian, who will coordinate the dissemination of the search request to all CODIS laboratories via the CODIS network or by fax. Refer to Document 210-F100 for the CODIS Fax Network Search Request form, which contains the requirements for such searches.

9.5.3 The State CODIS Administrator, or designee, will process the CODIS Fax Network Search requests received by the laboratory in accordance with Section 5 of this manual. CODIS matches generated as a result of such requests will be verified in the manner outlined in Section 7, with due consideration given to the requirement of the other state(s) involved. Refer to Appendix C for the general format used to report the CODIS match to the outside agency.

- 9.6** NDIS required documents concerning external audit information will be provided to NDIS at the specified time and in the format prescribed in the NDIS Procedures Manual or by direct communication and/or instructions from NDIS.

10 CODIS DATA MAINTENANCE

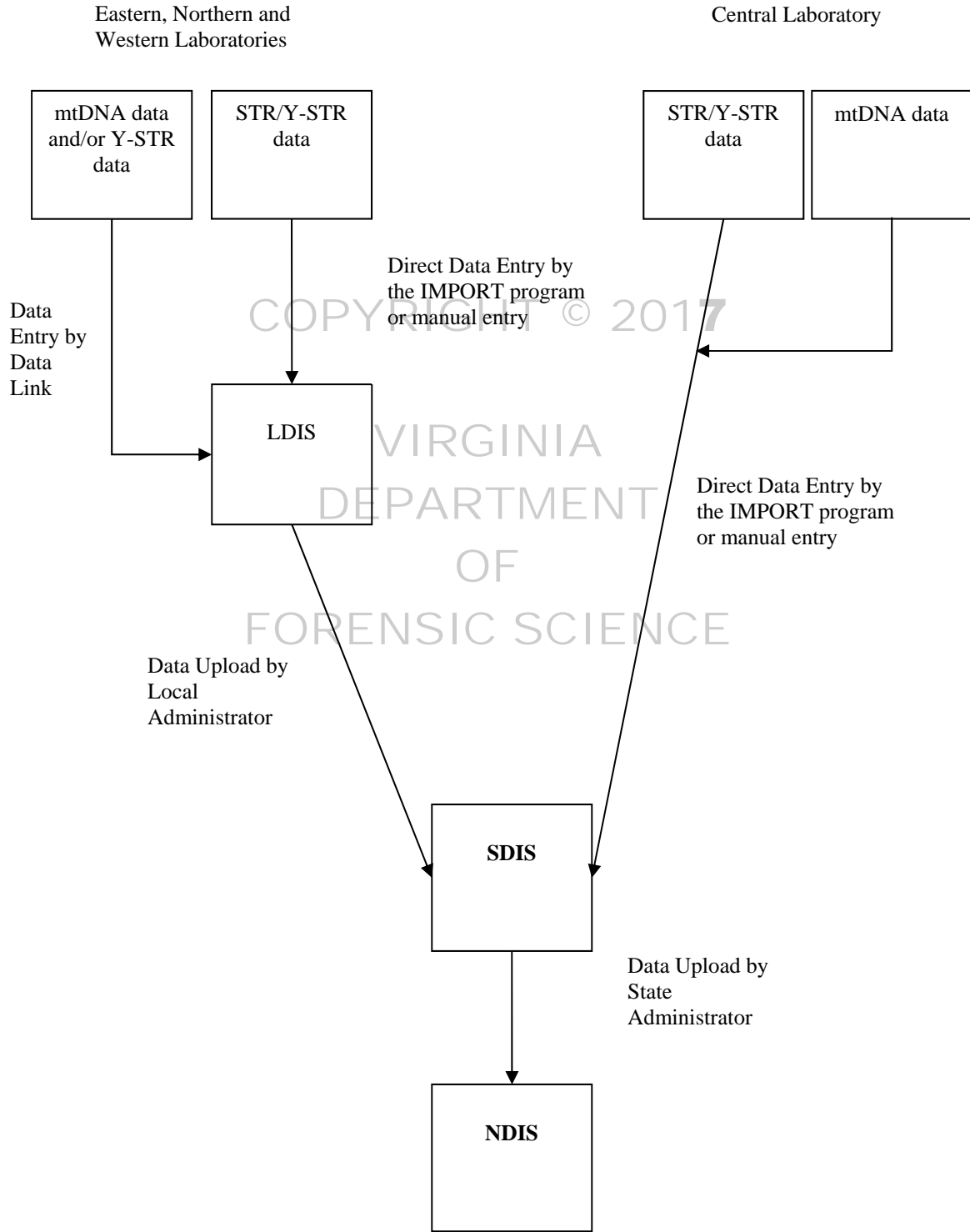
- 10.1** Maintenance tasks will be periodically performed on the data in SDIS to reduce the unnecessary duplication of data in the CODIS Indices.
- 10.1.1 New DNA profiles within the Offender and Arrestee Indices will be searched, typically on a monthly basis, against all other profiles in the same index to detect the presence of duplicate profiles of the same individual or identical twins. DNA profiles in the Offender Index will also be searched against profiles in the Arrestee Index.
- 10.1.1.1 Duplicate offender and/or arrestee profiles will be provided to the DNA Data Bank Supervisor, who will obtain information to resolve the identities of the matched offender profiles. If it is determined that the matching profiles are duplicates of the same individual, one of the duplicate profiles from CODIS will be removed. If it is determined that the matching profiles are from twins, both profiles will remain in CODIS.
- 10.2** At least three times each year, a subsequent search of all forensic non-subject case profiles will be conducted at the special search configuration of High stringency at all loci, allowing for one locus mismatch. The results of this search will be evaluated by the State CODIS System Administrator, or designee, and forwarded to the examiner for further confirmation/verification if it is determined that there is a potential match.
- 10.3** If a convicted offender or arrestee profile that has been entered into SDIS is subsequently determined to be unqualified to remain in CODIS, the State CODIS System Administrator will be notified AS SOON AS POSSIBLE and the profile will be promptly removed from CODIS. For example, the DNA Data Bank receives notification of an Arrestee sample status change to a non-conviction.

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11 CODIS ACCESS, DATA SECURITY, AND COMMUNICATION

- 11.1** The user ID of each individual with access into the CODIS system must be different. **NO SHARING OF USER ID OR PASSWORD IS PERMITTED.**
- 11.2** Password access to the CODIS system in each laboratory will be limited to individuals whose job function requires access to information contained in the CODIS system.
- 11.2.1 The granting of access rights and the level of access granted to each individual will be determined by the Local System Administrator in consultation with the section supervisor of the laboratory and the State CODIS System Administrator.
- 11.3** The data within all CODIS levels in Virginia will be backed up onto storage devices.
- 11.3.1 Backup of CODIS data will be conducted via methods that are in compliance with DFS data security policies.
- 11.3.2 One set of backup data for each laboratory, to be updated weekly, will be kept in a physically separate location. This off-site back up will be in compliance with DFS data security policies.
- 11.4** The CODIS software in the regional laboratories will only communicate and exchange data with CODIS in the Central Laboratory via the CODIS network. SDIS in the Central Laboratory will communicate and exchange data with NDIS via the CODIS network.
- 11.4.1 Remote access of any laboratory's server and workstations using software such as "pcAnywhere" via the CODIS network will only be granted, on a case-to-case basis, by the System Administrator, or designee, of that laboratory or the State CODIS System Administrator or designee. Such access will be granted for purposes such as CODIS training, software troubleshooting and repairs, and software upgrades.
- 11.4.2 The configuration for communication via the CODIS network will not be changed without the explicit instructions of the State CODIS System Administrator, upon instructions from the FBI or FBI Contractor.
- 11.4.3 The configuration of the CODIS network may be changed by the State CODIS System Administrator in consultation with the FBI, FBI Contractor and/or DFS IT staff.

APPENDIX A – CODIS DATA FLOW CHART



APPENDIX B – INTERPOL DNA SEARCH PROCEDURE

- 1 Consult with the investigator to determine that there is a potential for the perpetrator in an unsolved case to possibly have international connections.
- 2 Determine that the evidence profile has sufficient loci for a meaningful search. The Interpol Standard Set of Loci (ISSOL), a standard of 7 STR loci (vWA, TH01, D21S11, FGA, D8S1179, D3S1358, D18S51), has been established. A profile must have results at 6 of these 7 loci before the request will be processed. Refer to the “Interpol Handbook on DNA Data Exchange and Practice” (Interpol, 2001) for further information.
- 3 Provide the evidence profile to the State CODIS System Administrator in writing (e-mail may be used), together with relevant information about the case and nature of the evidence.
- 4 The State CODIS System Administrator, or designee, will submit the profile for a search using the appropriate Interpol DNA search request form. The search will be sent to the United States Interpol liaison officer, who will transmit the search request to Interpol. The Virginia State Police Interpol liaison officer will also be notified of this search by a copy of the Interpol DNA search request.
- 5 Potential positive search results will be transmitted by Interpol back to the State CODIS System Administrator, who will coordinate the verification of the potential hit.
- 6 A copy of the Interpol DNA search request and, as appropriate, the positive search results will be maintained in the case file as documentation.

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APPENDIX C – SAMPLE MATCH REPORT – NON-VIRGINIA LAW ENFORCEMENT AGENCY REQUEST

MUST BE ON LETTERHEAD STATIONARY

(Date)

(Agency)
Attn: (Investigator)
(Address)

Re: NDIS Match Result

Your Specimen ID: _____ Laboratory ORI: _____
Specimen Type: _____

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This is to inform you that an investigative lead was generated by a search at the National DNA Index System (NDIS).

The above specimen was found to match the following convicted offender/arrestee:

Specimen ID: _____ Laboratory ORI: VA122015Y

Name: _____ SSN#: _____ DOB: _____

(Race/Gender) SID#/DCH#/DOC# _____

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Based on information available to the Virginia Department of Forensic Science the current whereabouts of this individual is unknown.

OR

This individual is currently incarcerated at the (Correctional Facility/Jail) in _____, Virginia.

This information is provided only as an investigative lead, and any possible connection or involvement of the individual to the case must be determined through further investigation.

It is recommended that your submitting agency obtain a reference sample from this individual for a DNA comparison by your laboratory.

Please call me at 804-786-9824 if you have any questions regarding this match.

Sincerely,

George C. Li, CODIS State CODIS System Administrator

**APPENDIX D – SAMPLE FORM LETTER FOR REQUEST FOR RELEASE OF CONVICTED OFFENDER
SAMPLE INFORMATION AND RESPONSE LETTER**

MUST BE ON AGENCY LETTERHEAD STATIONARY

(Date)

DNA Data Bank Supervisor
Virginia Department of Forensic Science
700 North Fifth Street
Richmond, VA 23219

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Dear Data Bank Supervisor:

It is believed that the Virginia Department of Forensic Science has a DNA Data Bank sample on file for a previously convicted felony offender:

Offender's Full Name: _____
(First Name) (Middle Name) (Last Name)

a.k.a.: _____
(First Name) (Middle Name) (Last Name)

Social Security #: _____

Date of Birth: _____
(Month, Day, Year)

Race: _____
(No abbreviations, please.)

Sex: _____
(M or F)

DOC #: _____

Please advise if you are in possession of the sample specified and if it has been analyzed. This information is requested in furtherance of an official criminal investigation.

Sincerely,

(Name)
(Title)

MUST BE ON LETTERHEAD STATIONARY

(Date)

(Requestor's Name)
(Requestor's Address)

Dear (Requestor's Name):

The following information is provided in response to your request dated (Date). The Virginia Department of Forensic Science DNA Data Bank (has/has not) received a sample of blood from the following individual: (convicted offender identifying information provided by requestor). [The sample (has/has not) been analyzed. **when the DNA Data Bank has received a sample**]

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Sincerely,

(Name)
(Title)

APPENDIX E - DEFINITIONS

Association

A search result that pairs unidentified human (remains) with one or more reference samples or Pedigree Trees; it does not reflect a direct identity match between profiles.

Biological Child (Specimen Category)

The known reference sample voluntarily provided by an adult child or provided with the parental/guardian consent for a minor child of a reported missing person. The DNA record for this specimen category is stored in the Relatives of Missing Person Index and the Pedigree Tree Index.

Biological Father (Specimen Category)

The known reference sample voluntarily provided by the biological father of a reported missing person. The DNA record for this specimen category is stored in the Relatives of Missing Person Index and the Pedigree Tree Index.

Biological Mother (Specimen Category)

The known reference sample voluntarily provided by the biological mother of a reported missing person. The DNA record for this specimen category is stored in the Relatives of Missing Person Index and the Pedigree Tree Index.

Biological Sibling (Specimen Category)

The known reference sample voluntarily provided by the full or half biological adult sibling or provided with the parental/guardian consent of a full or half biological minor sibling of a reported missing person. The DNA record for this specimen category is stored in the Relatives of Missing Person Index and the Pedigree Tree Index.

Deduced Missing Person (Specimen Category)

The DNA profile of a reported missing person that has been generated by examining intimate items purported to belong to the missing person such as a toothbrush, and compared to close biological relatives, if possible. Considered a reference sample, this DNA record is stored in the Missing Person Index.

DNA Profile

The genetic constitution of an individual at defined locations (also known as loci) in the DNA. A DNA profile derived from nuclear DNA typically consists of one or two alleles at several loci (e.g., short tandem repeat loci). The DNA profile derived from mitochondrial DNA is described in relation to the revised Cambridge Reference Sequence (Nature Genetics 1999, 23:147).

DNA Record

A database record that includes the DNA profile as well as data required to manage and operate the database, i.e., the Originating Agency Identifier which serves to identify the submitting laboratory; the Specimen ID, metadata, and DNA personnel associated with the DNA profile analyses.

Maternal Relative (Specimen Category)

The known reference sample voluntarily provided by a maternal biological relative who is not a mother, child or sibling of a reported missing person. The DNA record for this specimen category is stored in the Relatives of Missing Person Index and the Pedigree Tree Index.

Metadata

Data that describes the unique characteristics of some CODIS specimens to aid in the identification of a missing person.

Missing Person (Specimen Category)

The known reference sample from an individual that is missing. The source of the DNA has been verified as originating from the missing person and is stored in the Missing Person Index.

Missing Person Index

A Missing Person Index consists of DNA records from missing persons and deduced missing persons.

Paternal Relative (Specimen Category)

The known reference sample voluntarily provided by a paternal biological relative who is not a father, child or sibling of a reported missing person. The DNA record for this specimen category is stored in the Relatives of Missing Person Index and the Pedigree Tree Index.

Pedigree Tree

A Pedigree Tree contains genetic information from two or more biological relatives of missing persons (may include spouses, where applicable). A Single Typed Node Pedigree contains the genetic information from only one biological relative of the missing person.

Pedigree Tree Index

A Pedigree Tree Index consists of DNA records of biological relatives and spouses of missing persons that are associated with a Pedigree Tree.

Relatives of Missing Person Index

A Relatives of Missing Person Index consists of DNA records from the biological relatives of individuals reported missing.

Spouse (Specimen Category)

The known reference sample voluntarily provided by a presumptive parent of a common child. The DNA record for this specimen category is stored in the Spouse Index and the Pedigree Tree Index.

Spouse Index

A Spouse Index consists of the DNA records of a presumptive parent of a common child of a missing person.

Unidentified Human (Remains) Index

An Unidentified Human (Remains) Index consists of DNA records from recovered living persons (e.g., children who can't and others who can't or refuse to identify themselves), and recovered dead persons (including their body parts and tissues) whose identities are not known.

Unidentified Person (Specimen Category)

The DNA profile developed from the recovered deceased (including body parts and tissue) or an individual who is unidentified (e.g., children who can't and others who can't or refuse to identify themselves). The DNA record for this specimen category is stored in the Unidentified Human (Remains) Index.