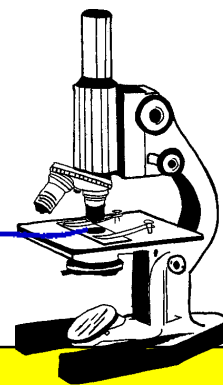


**A CURRENT
EDUCATIONAL
BULLETIN FOR
SUBMITTING LAW
ENFORCEMENT
AGENCIES**

A Closer Examination From The Benchtop...

UNDER^{the}SCOPE



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WHEN SUBJECT TO AN INVESTIGATION, A PERSON CAN REFUSE TO GIVE A DNA SAMPLE. STANDARDS SHOULD BE COLLECTED VIA CONSENT OR COURT ORDER.

- DNA CASEWORK PROCESSES EVIDENCE FROM CRIME SCENES AND ENTERS CASEWORK SAMPLES INTO CODIS
- DNA PROFILING ENTERS PROFILES FROM OFFENDERS INTO CODIS

CURRENTLY, ONLY DEPARTMENT OF CORRECTIONS IS COLLECTING OFFENDER SAMPLES FOR CODIS FROM INDIVIDUALS EITHER INCARCERATED OR ON PROBATION/PAROLE. HOWEVER, THE LAW ALSO ALLOWS COUNTY JAILS TO COLLECT SAMPLES FROM OFFENDERS HOUSED IN COUNTY FACILITIES. COUNTY JAIL COLLECTION HAS NOT YET BEEN IMPLEMENTED, BUT THE PLANNING PROCESS IS UNDERWAY.



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Why Do We Have Two DNA Units?

The DNA units at the MSHP lab have been busy recently by processing cases and profiling convicted offenders. Our submitting agencies may not realize that there are two separate DNA sections at the MSHP Lab to handle the DNA workload: DNA Casework and DNA Convicted Offender Profiling. Even though both sections have different responsibilities and requirements of our submitting agencies, the ultimate goal of placing DNA profiles into the database is the same.

The DNA casework section is responsible for processing crime scene cases that agencies submit to the lab. Types of cases range from missing persons and burglaries to sexual assaults and homicides. The primary duties are stain identification and DNA typing of evidence, with subsequent comparison to known reference standards. Profiles generated from evidence may be entered into the Combined DNA Index System (CODIS) for periodic searches against the database. Submitting agencies receive a report upon case completion. Casework criminalists routinely testify to exam results.

The Convicted Offender Profiling Unit is responsible for generating profiles for all felons per state law. RSMo 650.055 requires those individuals convicted of felony offenses, some sexual misdemeanors, and any committed violent sexual predator to provide a DNA sample for the CODIS database. Department of Corrections personnel currently collect samples from eligible individuals who are either incarcerated or on probation/parole. Once DOC personnel submit those samples to the lab, the Convicted Offender Profiling Unit then generates profiles for CODIS entry. Offender samples are used for investigative purposes and are not considered evidence.

Both DNA sections have access to the CODIS database. Profiles from cases are searched against each other as well as against the offenders, with the goal of possibly linking cases to each other and/or to an offender. When a match (hit) is made on a case, the submitting agency is notified, and the offender's name is released. The DNA casework section will request the agency to obtain a known reference standard, typically a mouth (buccal) swab, for comparison back to the case. When comparisons are completed, a report is issued.

Officers should be aware of the differences between the Casework and Convicted Offender sections, particularly when obtaining reference standards for a case. When collecting standards for casework comparison, the standards should be collected

under consent or warrant (a simple mouth swab collected by you, using your supplies, is efficient and practical). The collection kits for the Department of Corrections are not intended to be used to obtain a DNA sample for casework. Here's why: State law requires all felons to submit a DNA sample for the database, and provides funding for collection kits for only that purpose. Felons do not have the right to refuse to give a sample under this circumstance. However, an individual who is subject to an investigation has the right to refuse to submit a DNA sample, and a court order may be necessary to obtain a DNA sample. Using the offender collection kit to collect a casework standard may convey the message that the standard was obtained pursuant to the convicted offender law, when in fact the officer actually had consent or a warrant. This could possibly result in undue confusion for both sections of the lab and possibly court. Moreover, State money is wasted when the offender collection kit is used in place of a swab for collecting standards.

The all-felon DNA database collection expansion law went into effect on January 1, 2005. Not much time passed before we witnessed the success of expanding the law from violent/sexual felonies to include all felons. Interestingly, of the 175 total database hits in 2005, 144 of the hits involved offenders who were collected for qualifying offenses due to the expansion of the law. At the end of May, 2006, 240 of the 266 total hits for the year were also directly due to law expansion. Ultimately, the numbers show that 384 hits would never have occurred had the law not been revised.

With the database expansion in full force and thousands of offenders being added to the database every month resulting in daily CODIS hits, the chance of your receiving a hit report is pretty good. You should be knowledgeable and prepared when the time comes for you to collect a reference standard. Remember, in order to avoid any lab delays or search/seizure related issues, you should obtain consent or a warrant and use your swabs to collect a standard from someone associated with a case.

The database is used to support law enforcement by providing investigative leads to cases. Even though both DNA sections of the lab are independent of each other, they complement each other through CODIS. The database and courtroom success relies upon properly collected offender and casework samples. We appreciate the hard work our submitting agencies are doing to keep the DNA system running efficiently.