

# DNA EVIDENCE:



## Enhancing Law Enforcement's Impact From Crime Scene to Courtroom and Beyond

**Volume I:**

**Summit Final Report  
October 2003**



**NIJ**



Office for Victims of Crime  
**OVC**  
"Putting Victims First"

Office on  
Violence  
Against  
Women



This project was supported by a contract awarded by the National Forensic Science Technology Center (NFSTC), utilizing funds granted to NFSTC by the Office of Justice Programs, National Institute of Justice, Office of Science and Technology. Additional funds were provided by the Office for Victims of Crime (OVC) and the Office on Violence Against Women (OVW). Points of view or opinions contained in this document are those of the IACP, and do not necessarily represent the official position or policies of the U.S. Department of Justice, or the NFSTC.

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## Acknowledgments

Funding for the DNA Summit and this final report came from the National Forensic Science Technology Center (NFSTC), through grant funds provided to NFSTC by the U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, Office of Science and Technology. Additional funds were provided by the Office for Victims of Crime (OVC) and the Office on Violence Against Women (OVW). We are particularly grateful to NFSTC Executive Director William J. Tilstone, NIJ Director Sarah V. Hart, OVC Director John W. Gillis, and OVW Director, Diane M. Stuart. Their vision made this summit possible.

Throughout the project, and particularly during the conceptualization and planning stages, the summit benefited from the collaboration and contributions of the Advisory Board, whose members are recognized individually at the end of this report.

We are indebted most to the participants who worked so diligently and productively to fashion the recommendations that appear in this report. We hope that we have synthesized and conveyed their contributions faithfully and accurately. Each participant is acknowledged individually at the end of this report.

Several individuals deserve special thanks for their leadership contributions to the summit and to the final report. First, the group of IACP leaders who conceived the summit idea: Joseph G. Estey, Chief, Hartford Police Department, White River Junction, Vermont and IACP Third Vice President; Jim McMahon, Director, New York State Police; Harlin McEwin, Chief of Police (retired), Ithaca, New York, and Chair, IACP Communications and Technology Committee; Milton Nix, Jr., Former Director, Georgia Bureau of Investigation, and Chair, IACP Criminal Justice Information System Committee; Howard Safir, Former Commissioner, New York City Police Department; and Dwight Adams, Director, Federal Bureau of Investigation Crime Lab. Second, the group of expert advisors who helped design and bring the summit to successful conclusion: Kevin L. Lothridge (NFSTC), Joye Whatley (OVC), Meg Morrow (OVC), Kris Rose (OVW), Nick Viggiani (NIJ) and Robin Jones (NIJ consultant).

Lastly, we owe a large debt of thanks to Robert Fisher, Senior Mediator and General Counselor, Resolve Incorporated. Through the generosity of Resolve, Mr. Fisher provided pro-bono training on facilitation skills to all staff who oversaw breakout group activities. Bob's training curriculum and his hands on training were significant in ensuring a successful summit outcome.

## I. Executive Summary

The IACP summit *DNA Evidence: Enhancing Law Enforcement's Impact from Crime Scene to Courtroom and Beyond* was held on April 7 and 8, 2003 in Washington, DC. The summit was a collaborative effort of the IACP and its funding partners: the National Forensic Science and Technology Center (NFSTC), the National Institute of Justice through its Office of Science and Technology, the Office for Victims of Crime (OVC), and the Office on Violence Against Women (OVW).

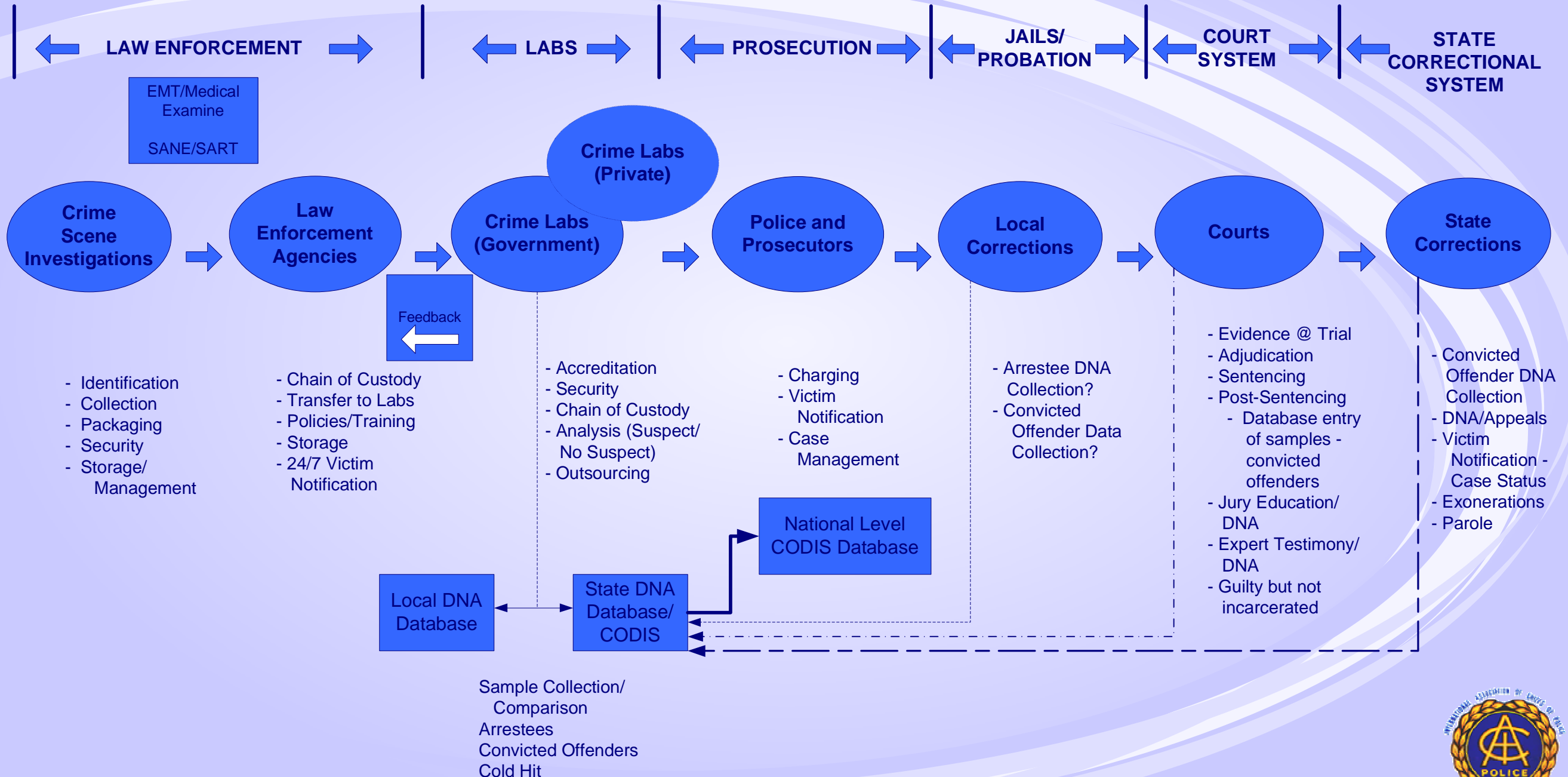
IACP's summit was designed as a policy-making event, bringing together 120 DNA experts from the fields of law enforcement, the justice system, victim advocates and a host of other vital stakeholders in the forensic DNA community. These individuals worked in small breakout sessions to craft national policy on a number of critical DNA evidence management issues. To guide their work, participants used the IACP's DNA Continuum (see next page) as a reference. The continuum identifies the key stakeholders and actions involved along each step of DNA management from crime scene through the courts and ultimately corrections.

At the close of the summit, participants presented 42 policy recommendations covering the following DNA evidence management and use areas:

- ❑ Promoting Interagency Collaboration and Communication (seven recommendations)
- ❑ Informing Victims, the Media and the Public (two recommendations)
- ❑ Maintaining Standards and Accreditation Processes for Forensic DNA Practice (six recommendations)
- ❑ Increasing the Effectiveness of Forensic DNA Practice (six recommendations)
- ❑ Developing New DNA Technologies and Methodologies (one recommendation)
- ❑ Enhancing Education and Training Opportunities (10 recommendations)
- ❑ Evaluating the Process and Impact of Forensic DNA Practice (four recommendations)
- ❑ Advancing Legislative Initiatives to Support Effective Forensic DNA Practice (six recommendations)

As a set, these 42 recommendations focus on each of the critical issues facing law enforcement, the justice system and the forensic community as we move toward enhanced DNA evidence management. The remainder of this report provides detailed explanation of each recommendation and presents an action agenda for law enforcement leaders to help initiate action to begin DNA management improvements immediately. When fully implemented, IACP believes that these 42 recommendations form a national strategy to ensure that DNA evidence serves its ultimate goals: 1) to help convict the guilty, 2) to exonerate the innocent, and 3) and to protect victims' rights.

# DNA CONTINUUM



## II. Summit Background and Purpose

In April 2003, the International Association of Chiefs of Police (IACP) convened a national summit meeting of 120 leaders from law enforcement, other justice system agencies, and vital stakeholders within the forensic DNA community to consider and recommend ways to enhance the efficiency and effectiveness of forensic DNA in the criminal justice system.

Much work has already been done in response to the rapid development of DNA technology and expanded use of DNA evidence during the past decade. The National Commission on the Future of DNA Evidence, active from 1998 to 2000, developed a broad range of recommendations that were published by the National Institute of Justice (NIJ). Since 1990, the Federal Bureau of Investigation (FBI) has set national standards for forensic DNA laboratories conducting casework and convicted offender sample analysis. Additionally, every State in the Nation has enacted legislation that requires criminals to submit a DNA profile to the Combined DNA Index System (CODIS).

The National Institute of Justice's Forensic Resource Network, comprised of the National Forensic Science Technology Center (NFSTC), Marshall University, the National Center for Forensic Science (NCFS) and West Virginia University, conduct research into enhanced applications of DNA technology and provide certification for forensic labs conducting DNA testing.

The American Academy of Forensic Sciences (AAFS) and the American Society of Crime Lab Directors (ASCLD) promulgate standards regarding the education and professional practice of forensic scientists and technicians and the labs that employ them. The ASCLD Laboratory Accreditation Board (ASCLD-LAB) provides national accreditation for forensic laboratories throughout the United States.

Additionally, the IACP, the National District Attorneys Association (NDAA) and other professional organizations, along with federal agencies such as the Office for Victims of Crime (OVC) and (beginning in 2004) the Office on Violence Against Women (OVW), offer technical assistance and training in DNA evidence for their constituencies.<sup>1</sup>

Finally, in March 2003, the President of the United States spearheaded a new initiative, "Advancing Justice Through DNA Technology," which proposes \$232.6 million in federal funding for fiscal year 2004 and calls for continuing this level of funding for five years – a total commitment of more than \$1 billion to ensure that forensic DNA technology reaches its full potential. Agencies within the Office of

Justice Programs (OJP) including NIJ and OVW have partnered with the COPS Office to support the implementation of this program.

The challenge for IACP Summit participants was to build, on this solid foundation, a national strategy that will set the standard for DNA evidence uses and management across all United States law enforcement agencies and the justice system. Participants were provided with background materials for their review prior to the summit, including a DNA continuum developed by the planning committee to help participants identify specific areas throughout the entire justice system. On the first day of the summit, participants heard from a variety of DNA experts who provided important background information on issues ranging from the crime scene to the courtroom and beyond.

Working in small discussion groups, participants developed recommendations in seven issue areas:

- ❑ Case management
- ❑ Laboratory backlogs
- ❑ Continuum of communication among agencies using DNA
- ❑ DNA technologies and databases
- ❑ Leadership and education on DNA
- ❑ Victim-related issues
- ❑ National research and evaluation model

The results of these discussions are summarized in this report. IACP hopes the policy recommendations that emerged from this Summit will help local law enforcement officials, prosecutors, defense attorneys, judges, corrections agencies, and victim advocates maximize their use of DNA to arrest and convict the guilty, protect victims' rights, and exonerate the wrongly accused or convicted.

### **III. Summit Recommendations**

Since DNA testing was first used in forensic studies in 1985, it has become an increasingly powerful forensic tool for investigating and prosecuting a wide range of criminal cases, including cold cases that contain biological evidence. Forensic DNA testing is also playing an increasingly significant role in applications for post-conviction relief to prove actual innocence.

Law enforcement officers, along with medical personnel and other first responders, play crucial roles in the recognition, collection, preservation, transportation and storage of DNA evidence. Law enforcement patrol officers and investigators are also key partners with crime laboratories, prosecutors, and the courts in the application of DNA evidence to current and cold cases, as well as in post-conviction appeals. Victims rely on law enforcement agencies, victim advocates, and prosecutors, to keep them informed about how DNA evidence is being used in their cases. Media representatives and community residents depend on their local justice system agencies, of which law enforcement is often the most visible, to explain the uses and limitations of DNA testing, both in general and with regard to specific criminal cases.

State and local law enforcement agencies have struggled to keep pace with the rapid evolution of DNA testing capabilities. As the range of potential uses of DNA evidence has expanded, so has the demand for its application in criminal casework. The capacity of crime labs, storage facilities, and DNA information systems is strained, causing significant backlogs in analysis of crime scene evidence. In a March 2003 report to the attorney general, the National Institute of Justice (NIJ) estimates that at least 350,000 casework samples in rape and homicide cases are awaiting DNA analysis.<sup>2</sup> There are also a substantial number of convicted offenders for whom DNA samples have not been, but are required by law to be, collected, analyzed, and uploaded to the Combined DNA Index System (CODIS). NIJ estimates the number of collected but unanalyzed convicted offender samples at approximately 300,000, and the number of convicted offender samples that are due but not yet collected at between 500,000 and one million.

If law enforcement officers, medical personnel, and crime lab technicians are not trained to recognize, collect, preserve, transport, and store DNA evidence, then its use may be compromised or even invalidated. Law enforcement officers, attorneys, and judges who are unable to remain current with the expanding potentials of DNA evidence cannot make optimal use of opportunities presented by advancing technologies. If victim advocates are not educated about DNA testing procedures and protocols, they cannot apprise victims about what to expect as their cases go forward. And, without established lines of communication and multidisciplinary working agreements that span agency and jurisdictional boundaries, even the most highly trained professionals may be restricted in their efforts to resolve DNA cases in a timely fashion.

Fulfilling the promise of DNA technology will require collaboration and communication among the many professionals involved in ensuring its application to criminal investigations and casework. It will also require thorough and continuing attention to recommended standards of practice and to the

legislative frameworks that regulate the use of DNA databases across the 50 states. Law enforcement officers and their partners in criminal investigations and prosecutions must have access to multidisciplinary, state-of-the-art training in forensic DNA practice. These practitioners also have much to contribute to the continuing evolution of DNA technologies, and to the evaluation of its multifaceted impacts on local, state, and federal systems of justice. Law enforcement officers and their criminal justice partners must also help to ensure that crime victims, the media, and the general public understand the strengths and limitations of DNA testing as a tool for resolving criminal cases.

Recommendations developed by IACP summit participants are summarized in the remainder of this report, which concludes with an action agenda for law enforcement agencies focusing on strategies they should adopt to expand and enhance the effective use of DNA evidence and DNA databases within their jurisdictions. While many summit recommendations can be implemented without additional funding, some will require a significant investment of resources over a sustained period of time. President Bush's DNA technology initiative, "Advancing Justice Through DNA Technology," proposes to infuse approximately one billion dollars into the criminal justice system over the next five years. The initiative recommends spending \$225.6 million in fiscal year 2004 to assist federal, state and local jurisdictions with using DNA to solve crimes.<sup>3</sup> These funds, which include over \$100 million in new funding, will provide assistance to federal, state and local agencies and professional organizations committed to enhancing the application of DNA technology from crime scene to courtroom and beyond.

#### **A. Promoting Interagency Collaboration and Communication**

In order to make optimal use of DNA technology to investigate and solve criminal cases, all agencies that contribute to evidence processing must communicate effectively and share information across agency and jurisdictional boundaries. Agency heads must lead their staff in developing collaborative approaches to DNA case management. Clarifying working relationships and accountability will help partner agencies establish internal and external modes of communication that will in turn streamline and safeguard the processes of collecting, transporting, storing and analyzing DNA evidence and data.

##### **1. IACP and other national professional organizations should work together to identify models for successful collaboration, communication and information-sharing.**

National professional organizations are uniquely qualified to compile and synthesize information about successful approaches to information sharing already being employed by state and local jurisdictions. With a modest infusion of federal funding and support, a reference and resource tool that highlights successful collaborative models could be made available to help

states and localities learn from models and best practices developed by others.

**2. Federal, state and local agencies involved in the processing of DNA evidence should establish and maintain ongoing communication about shared responsibilities.**

There are many criminal cases in which federal, state, and local justice agencies all have an interest. Therefore, it is essential that agencies at every level be informed of each other's current policies, procedures and protocols with regard to DNA databases, DNA evidence processing and lab reporting. To the extent possible, lines of authority and spheres of responsibility should be comprehensively and specifically defined in memoranda of understanding (MOUs) between the agencies, so that data important to each agency and jurisdiction will be available at the time, and in the form, it is needed.

**3. Local jurisdictions should convene DNA policy planning groups to develop a detailed understanding of current and enhanced DNA evidence processing as an integral part of ongoing strategic planning.**

Local DNA policy planning groups should include representatives of law enforcement agencies, the prosecution, and judiciary, public defenders, crime laboratory personnel, medical professionals and victim advocates. Representatives of state and federal agencies serving the local area should also be invited to participate. Through mapping current DNA evidence processes and procedures and lab capacities, agencies can develop a collective understanding of how they currently interact and share information at key decision points. With this knowledge, they will be able to develop collaborative solutions and enhanced processing methods to streamline DNA casework and data management across the spectrum of the criminal justice system. They should also establish shared missions and goals to serve as a framework for making cost-effective policy and resource allocation decisions for their agencies and the jurisdiction as a whole.

**4. Local agencies should put in place memoranda of understanding (MOUs) that specify how they will collaborate and communicate to achieve shared goals.**

MOUs should be developed within jurisdictions that clarify each agency's role and responsibilities in achieving shared goals. Clear interagency and individual lines of authority and communication can serve to streamline multi-disciplinary evidence processing at crime scenes to ensure that all pertinent biological evidence is promptly and properly identified, collected, preserved, transported, and stored. Delineating the responsibilities and span of authority for partners involved in this process can help to preserve the chain of custody

and maximize the quality and quantity of biological evidence available for DNA analysis.

State and local jurisdictions should establish and sustain standard operating procedures (SOPs) that will ensure effective communication and appropriate protocol among all agencies involved in the processing and storage of biological evidence. SOPs should specify the process for submission and destruction of biological evidence samples to crime labs, and provide guidelines for effective frameworks by which first responders, law enforcement, crime labs, attorneys and judges share information regarding specific cases. Establishing formalized communication channels and protocols will streamline investigative, pre- and post-trial, activities by facilitating constructive feedback among partners who use forensic DNA evidence to solve crime.

**5. Multidisciplinary, multilevel groups should be established by local jurisdictions to coordinate response to crime scenes and DNA case management, and to establish policies, procedures, and protocols for practitioners' activities.**

Law enforcement agencies and crime labs traditionally are the key partners in collecting and analyzing DNA evidence. However, in many cases, medical personnel are essential team members, and prosecutors also have a significant impact on prioritizing cases for analysis. Multidisciplinary response teams should develop best practices to ensure that the activities of practitioners at crime scenes and medical facilities maximize the value of biological evidence collected from the scene of the crime and/or the victim. Multidisciplinary case management teams should focus on developing best practices for information sharing, case prioritization, evidence tracking and analysis with a focus on information technology solutions.

With regular multidisciplinary team (MDT) meetings of designated agency liaisons, ongoing response and case management issues can be proactively addressed and resolved to more efficiently serve all relevant practitioners. Many disciplines and localities already have positive experience with MDTs such as sexual assault response teams (SARTs) and domestic violence intervention teams (DVITs) that can serve as a model for the creation and development of DNA response and case management MDTs.

**6. Local and state jurisdictions should implement integrated information management systems (IIMSs) that enable agencies to document and share information across the DNA evidence continuum.**

By using paperless record-keeping systems that permit tracking of evidence from crime scenes through laboratory analysis to evidence storage, jurisdictions can maximize the security and utility of DNA evidence and promote effective information sharing across agencies. Information management systems support the use of bar codes that verify the chain of custody and tracking the location of stored DNA evidence. Information management systems also provide a uniform platform for data storage that can serve to streamline inter- and intra-agency access and retrieval.

The IACP should work with other national professional organizations such as the ASCLD and NDAA, as well as the Department of Justice, to identify exemplary statewide and local integrated information systems for archiving DNA evidence. The IACP, ASCLD and other stakeholders should also evaluate and identify qualified vendors to assist jurisdictions in selecting the IIMS appropriate for their needs, circumstances, and budget.

**7. Crime labs should implement laboratory information management systems (LIMS) to automate evidence processing and case management.**

LIMS are a key component in any strategy to improve procedural efficiencies and communication between crime labs and other justice system agencies. With LIMS in place, labs can help jurisdictions avoid the unnecessary costs and delays associated with duplicate sample collections, incomplete data submissions, and misplaced evidence. LIMS can also help to reduce backlogs by providing a platform that can interface with automated DNA analysis procedures. President Bush's proposed DNA initiative includes \$60 million in funding in fiscal year 2004 for public DNA labs to implement LIMS and to address other laboratory capacity issues.

**B. Informing Victims, the Media and the Public**

Law enforcement must work with other justice agencies and victim advocates to meet the challenge of communicating appropriately with victims, the media and the public.

**8. As part of their DNA policy planning process, local jurisdictions should develop standard operating procedures (SOPs) to structure their communication with victims, the media, and the public regarding the uses and limitations of DNA evidence.**

It is essential that local criminal justice agencies reach consensus and develop guidelines that can assist stakeholders in their quest for pertinent data and information relevant to their cases. Jurisdictions should explore various means of answering the frequently asked questions of victims, the

media and the public, which could include written brochures and pamphlets as well as Web sites. At the national level, Federal funding should be provided to help jurisdictions develop these communications tools.

**9. Crime victims should be kept informed of DNA analysis results and subsequent decisions made based on those results.**

Agencies should communicate with victims in a uniform, clear, and compassionate manner regarding expectations for the DNA evidence-gathering and analysis process. Policies and procedures should specify from whom, when, and where victims should get information. Jurisdictions should consider developing standard information packages for victims which include basic information on forensic DNA evidence.

As cases move through the judicial system, victims should be informed when significant judicial actions occur, such as filing of charges, pretrial motions, and discovery or admissibility hearings. Importantly, when offenders seek post-conviction relief based on DNA evidence, victims should be notified and informed of possible outcomes and implications specific to their case. Victim advocates or coordinators should also work with victims to explain the results of DNA analysis, particularly if new analyses have led to an exoneration and/or identification of a new suspect.

Note – A pre-summit roundtable, focusing exclusively on victim related DNA issues was held in February 2003. The final report from that roundtable contains a comprehensive set of victim related DNA recommendations. That report is being released as a companion document to this summit final report.

**C. Maintaining Standards and Accreditation Processes for Forensic DNA Practice**

Several professional organizations, including the Commission on Accreditation for Law Enforcement Agencies (CALEA), the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), the American Society of Crime Lab Directors Laboratory Accreditation Board (ASCLD/LAB), the National Forensic Science Technology Center (NFSTC), and the FBI's DNA Advisory Board (DAB) have established, in collaboration with the forensic DNA community, standards of practice and offer accreditation or certification to law enforcement agencies, health care organizations, and/or crime labs involved in forensic DNA evidence collection and analysis.

Federal agencies, such as NIJ, have also published recommended guidelines for varying professional practices related to forensic DNA evidence. As DNA

technology continues to advance, it is critical that these existing standards and guidelines be maintained and updated when necessary. Because standards of practice for each discipline are compatible with one another, multidisciplinary collaboration to fully support, maintain, and update those standards is essential.

**10. NIJ or another appropriate DOJ/OJP agency should fund and support a multidisciplinary national panel to update and consolidate existing standards, guidelines, and auditing procedures related to forensic DNA evidence.**

To facilitate interagency collaboration and communication, as well as to reflect the state of the art in DNA technology and practice, representatives of the standard-setting bodies named above, along with other practitioners from the field, should be convened to review, consolidate, and revise (if necessary) current guidelines, standards, and auditing requirements. The set of national recommendations that this panel produces will serve as a vital mechanism by which processes can be streamlined while providing valuable reference points for localities interested in improving their forensic DNA polices and practices.

**11. National guidelines for forensic DNA examinations of victims should be developed by the Office on Violence Against Women (OVW) in collaboration with JCAHO.**

This recommendation is already in progress, through work of OVW. Building on guidelines in progress developed by OVW and others (e.g., the OVC's guide for Sexual Assault Nurse Examiners) comprehensive protocols to guide health care professionals' collection of DNA evidence from crime victims should be developed and widely distributed. These comprehensive guidelines should provide an outline of questions and appropriate responses that can be used when victim services or healthcare providers are interacting with victims or victims' families. Recommended procedures for collecting, preserving, and temporarily storing biological evidence should be carefully delineated. Strategies that encourage states and localities to use standardized DNA evidence collection kits (particularly rape kits) can help ensure that samples collected are of uniformly high quality.

**12. The ASCLD and NFSTC should work together, with support from NIJ and the FBI, to maintain existing national standards for forensic DNA crime laboratories.**

Using existing standards as a starting point, model policies and procedures for new DNA analysis techniques should be developed by a group representing public and private crime labs, accrediting bodies, LIMS experts, and CODIS administrators. To ensure that all laboratory tasks are performed

in the DNA evidence process, including receiving, processing, analyzing, uploading into databases, and storing the evidence, existing guidelines should be maintained and reviewed.

**13. Within five years, all forensic DNA crime laboratories in the United States should be accredited.**

A strategic plan to achieve accreditation for all forensic DNA labs within a 5 year period should be put in place. Laboratory accreditation plays a vital role ensuring the highest quality data are being produced in our nation's forensic DNA labs. Accredited labs are required to perform routine internal audits and participate in combined external audits for compliance with the FBI's National Quality Assurance Standards for Forensic DNA Caseworking and Convicted Offender Laboratories.

**14. National DNA storage standards should be established by IACP, ASCLD, and CALEA.**

Standards for the storage of biological evidence should address general issues of quantity and type of evidence, in addition to specifics regarding the temperature at which biological evidence samples should be maintained, how they should be packaged, and the length of time they should be retained. The IACP and ASCLD should conduct an assessment of current storage capacities versus need, and provide to state and local jurisdictions recommended solutions that provide standards-compliant and cost-effective evidence storage services.

**15. National guidelines for convicted offender DNA data collection should be developed by a group representing the prosecutors, defense attorneys, courts, and corrections agencies and supported by NIJ.**

These guidelines should address victim notification procedures, methods of collecting offender samples, and approaches for ensuring that offender samples are analyzed and entered into CODIS in a timely manner. Policies and protocols should be developed for entering DNA profiles into offenders' criminal history records, so that identifying information is available to law enforcement agencies in other jurisdictions without duplicating effort.

**D. Increasing the Effectiveness of Forensic DNA Practice**

In addition to the policy and procedural changes recommended above, effective use of DNA evidence will require significant commitments of effort and funding, which should be distributed equitably across urban and rural jurisdictions.

**16. Policy makers and legislators should ensure equal access by all stakeholders to DNA technology.**

Because DNA evidence processes are inherently multidisciplinary and cross-jurisdictional, each component of the system must be supported so that all can work together effectively to resolve crimes using DNA evidence. The effective use of CODIS to investigate and solve crimes is dependent not only upon crime laboratory capacity, but also full participation by law enforcement, the courts, and corrections. Therefore, it is vital that funding and technical assistance at the state, local, and federal levels to support access to DNA technology (CODIS) should be equally available to all jurisdictions.

**17. Law enforcement and state corrections agencies should identify and submit all appropriate biological samples to crime labs for DNA analysis.**

Although analyzing forensic DNA evidence in current cases is usually the first priority of local justice systems, an adequate convicted offender database has been demonstrated to be central to resolving many cold or otherwise unsolved cases.<sup>4</sup> Also, if a larger proportion of forensic DNA evidence from cold cases can be entered into DNA databases, then it is likely that more of them will be resolved through matches with convicted offender data, or investigations could be aided by linking with other unsolved crimes contained in the database. Therefore, law enforcement and corrections agencies should work in collaboration with the crime laboratory to clear the backlog of unsolved crimes in addition to ensuring full compliance with the states' DNA database statutes.

**18. Federal, State and local funding for crime lab DNA processing should be flexible and sustained.**

Reducing the current backlogs of offender sample and criminal cases requiring DNA analysis, in addition to accrediting all crime labs that handle DNA evidence, will take several years. Re-opening cold cases to search for biological evidence and collecting all samples required for uploading into CODIS databases will also require significant resources that are still not routinely allocated by local and state funding bodies. While President Bush's DNA Initiative will infuse more than \$1 billion over the next five years, state and local governments must also provide a sustainable allocation of resources to continually support forensic services in their jurisdictions.

**19. Jurisdictions should increase DNA evidence storage capacity at state and local levels.**

Increasing storage capacity may require that crime labs and law enforcement agencies consider outsourcing and collaborating with private sector vendors, particularly for biological evidence storage and information system functions. The IACP and ASCLD should provide guidance to local jurisdictions regarding the best approaches (see recommendation 15).

**20. Expand crime lab capabilities and resources for DNA analysis.**

President Bush's DNA Initiative is slated to provide \$60 million in funding in fiscal year 2004 for increased automation of some vital crime lab functions. Robotics, which can replace humans to accomplish repetitive tasks more cost-effectively, may also help to increase laboratory intake and analysis capacities while maintaining current staffing levels. However, while automation may help expand capacity, certain laboratory procedures such as evidence processing, review, and DNA extraction do not lend themselves to automation. Even with maximum automation, crime labs are still likely to require increasing numbers of staff and experienced administrators trained in the DNA analysis process to cope with growing demand.

**21. Law enforcement, crime labs and prosecutors should design decision-making systems to prioritize cases for DNA analysis and archiving.**

Because it is unlikely that crime lab capacity will meet demand in the near future, law enforcement, crime labs and prosecutors must agree on criteria and issues to be considered when prioritizing cases. Factors that might be considered include seriousness of charges, speedy trial issues, quantity and quality of DNA evidence, and statutes of limitation (for cold cases). Localities should formally record these prioritization factors and use them as a guide within their decision models to effectively manage casework backlogs.

**E. Developing New DNA Technologies and Methodologies**

With continuing investments in DNA research portfolios, techniques for analyzing degraded or minute amounts of DNA in biological evidence samples will improve over time. Miniaturization and nanotechnology are the foundational bases for emerging forensic DNA technologies. For example, chip-based DNA technology can significantly reduce the amount of time required to analyze DNA samples, and eventually may enable on-the-spot analysis by forensic professionals at crime scenes. Additionally, encrypted satellite technology may make it possible for outside experts to have secure, virtual access to DNA evidence so that they can assist crime labs with limited resources and variable demand to analyze, interpret, and manage cases.

Automation of lab functions and the computer hardware and software necessary for analyzing and interpreting DNA data are also becoming more sophisticated. Finally, while the short tandem repeat (STR) methodology requires much smaller quantities of DNA for analysis than does the older variable number of tandem repeats (VNTRs) method, other analytic methods that examine mitochondrial DNA (mtDNA), Y-chromosome markers, and single nucleotide polymorphisms (SNPs) use even smaller amounts of DNA for forensic identification purposes, and have immense potentials that are yet to be fully explored. NIJ's annual DNA Grantee's Workshop provides an excellent forum for the practitioner and research communities to exchange information and share ideas in support of developing research agendas and solutions for technology transfer. President Bush's DNA Initiative devotes \$10 million in fiscal year 2004 to support DNA research and development at the state and local levels and an additional \$9.8 million to further expand the FBI's DNA research and development program. While these levels of funding are expected to be sustained over the next five years, it is important to recognize that maintaining the pace of technological advances will also require a significant focus on validation and technology transfer.

**22. Develop user friendly, standardized software for DNA databases.**

With standardized software systems, LIMS can more easily share information across jurisdictional lines, and even internationally. Crime lab and criminal justice professionals will be better able to collaborate with one another when their information systems speak the same language. Enhanced information sharing will result in more cases solved, both current and cold, through DNA analysis.

**F. Enhancing Education and Training Opportunities**

Comprehensive, multidisciplinary training is essential to prepare justice system and medical professionals for their interrelated roles in the processing and analyzing of DNA evidence.

**23. NIJ or another appropriate DOJ/OJP agency should support a multidisciplinary panel to review existing DNA evidence training curricula and make recommendations for consolidation, updating, and expansion.**

NIJ's recent report to the attorney general on delays in forensic DNA analysis underscores the importance of training key players in the justice system regarding proper collection, preservation, and use of DNA evidence. NIJ has taken a first step in developing forensic curricula through its Technical Working Group on Forensic Science Education and Training (TWGED). However, this guide is intended for colleges and universities offering coursework in the forensic sciences. The criminal justice community needs a

comprehensive curriculum for all criminal justice practitioners on forensic DNA evidence that can be merged into existing academy or training programs. The development of such materials should include a multidisciplinary review of all existing training materials to identify what components are still useful and what components are lacking. The panel should also make recommendations for how these issues can be resolved.

**24. IACP, CALEA, ASCLD, American Academy of Forensic Sciences (AAFS), and JCAHO should collaborate to develop coordinated training curricula for crime scene responders, and establish minimum requirements for their initial and ongoing training.**

Law enforcement officers, investigators, prosecutors, evidence technicians, and others who respond to crime scenes should be trained in recognizing, collecting, preserving, transporting, and presenting testimony on DNA evidence. Law enforcement officers and investigators should be educated regarding the potential of DNA databases to help solve current and cold cases. NIJ concurs in these recommendations, and suggests that the national DNA strategy supports IACP, CALEA, NCFS, NFSTC, and AAFS, along with state and local training organizations, in developing and delivering DNA evidence training to crime scene responders. CALEA and state certification boards should establish initial and ongoing training requirements specific to DNA for law enforcement officers.

**25. Medical personnel should be trained in methods of collecting DNA samples that maximize their quality while also respecting victims' privacy.**

The SANE and SART initiatives have already greatly improved the quality of DNA evidence collected from sexual assault victims, but there remains an ongoing need for training and educational materials that can inform health care personnel about best practices in DNA evidence-gathering and preservation. Development and dissemination of such materials will help ensure that the highest quantity and quality of probative biological evidence is collected when health care professionals, such as emergency room physicians, assume those responsibilities.

**26. The knowledge, skills, and general competency of trainers and trainees should be routinely tested.**

Because collection and preservation of usable DNA evidence depends almost entirely on the skills of law enforcement officers, investigators, prosecutors, medical personnel, and evidence technicians, it is important to support and maintain "train-the-trainer" and continuing education programs so that core skills and competency can be reinforced and demonstrated.

**27. OVC or another appropriate DOJ/OJP agency should develop and assist localities in delivering a training curriculum for victim advocates regarding DNA evidence.**

Victim advocates need training regarding the investigative and courtroom uses of DNA evidence so that they can more effectively deliver this important information to victims of crime and their families. Additionally, it is important for victim advocates to be knowledgeable about issues such as reference or elimination samples because these are issues with which the victim may be faced. Advocates should be educated regarding the potential impacts that advances in forensic DNA applications, such as post-conviction DNA appeals and John Doe DNA warrants, can have on victims and their families.

**28. DNA evidence training for prosecutors, judges, and defense attorneys should be developed and promulgated by the appropriate professional organizations, with assistance and support from NIJ or another appropriate DOJ/OJP agency.**

Prosecutors, defense attorneys, and judges need to understand the vast potential of forensic DNA technology, and how the use of DNA evidence affects crime victims. Providing judges and attorneys with training and technical assistance tailored to their needs can help them maximize the power of DNA analyses and databases to resolve cases, both pre- and post-conviction. NIJ is currently developing a “DNA for Officers of the Court” project to provide technical assistance and training materials on forensic DNA for attorneys and judges. The National District Attorneys Association (NDAA) and its research arm, the American Prosecutorial Research Institute (APRI), should have a core role in prosecutor education and training.

**29. A variety of training methods and venues should be utilized.**

Cross training of professionals involved in DNA evidence identification, collection, preservation, transport, analysis, and storage should become routine. Multidisciplinary web-based training materials should be developed to maximize accessibility of information on best practices, particularly for smaller jurisdictions that may not have the resources to provide other types of training to staff. Trainers should explore the application of palm-based technology assistance, not only to aid in training sessions but also to enable crime scene responders to access reference information while at crime scenes. DNA training should be offered on a regular basis at professional conferences as well as at regional and local training workshops and institutes. To the extent possible, public and private justice agencies at state and local levels should offer forensic DNA training as part of orientation and on-the-job training provided to new employees.

One particularly valuable training resource is the COPS supported Regional Community Policing Institutes (RCPI) network. This is a national network of training venues and professional trainers, already in existence and providing ongoing training to police professionals and others. 31 RCPIs are currently active, providing training on a broad array of law enforcement and community policing topics. Use of the RCPI network to host DNA related training and education efforts would make a great deal of sense and provide a cost-effective method of field delivery.

**30. Measurable impacts of DNA training should be documented.**

Trainers and evaluators in collaboration with DNA laboratories should assess the differential impacts of various methods and modes of training, as well as the impact of professional training on case processing and outcomes (e.g., turnaround times for DNA cases, hits that identify suspects in current and cold cases, conviction rates, and post-conviction review results).

**31. The AAFS and JCAHO should work with administrators of medical, nursing, and forensic science schools to ensure that DNA training is incorporated into their curricula.**

NIJ is currently supporting a technical working group of educators and forensic scientists to develop model curricula for forensic science degree programs. A similar approach could be used to develop curricula for nursing and medical students to ensure that all forensic evidence is properly preserved and collected when medical attention is required.

**32. Academic forensic science programs should put in place a variety of incentives and supports to encourage qualified students to work in public-sector crime labs upon graduation.**

Fellowships, scholarships, internships, student loan forgiveness, and other types of financial incentive support for forensic science students will help ensure that there is a sufficient number of professionals trained in forensic DNA analysis, and that adequate proportions choose to work for public crime labs.

**G. Evaluating the Process and Impact of Forensic DNA Practice**

Performance monitoring and outcome evaluations are critical to advancing forensic DNA practice and ensuring sustainable support for forensic programs. Federal, state, and local agencies play different but interwoven roles in supporting ongoing forensic DNA monitoring and evaluation efforts.

**33. State and local agencies should collaborate to establish methods and measures for monitoring their collective DNA evidence processing performance.**

Performance measurement encompasses measuring *outputs* (the volume and flow of activities) and *outcomes* (the benefits gained from the activities). For example, one *output* of crime labs is the number of DNA samples uploaded into a database within a given time period, while a measurable *outcome* is the hit rate achieved for those samples. Each jurisdiction should develop its own performance measurement strategy that best reflects its mission and goals, and commit adequate resources to monitoring, recording, and interpreting the results. Jurisdictions should make every effort to examine cost-benefit ratios for their DNA evidence processes. With this information, they can develop ways to fine-tune their policies, protocols, processes, and staffing configurations. Jurisdictions able to document their cost-effectiveness are also better positioned to advocate for continued or additional funding.

**34. Victims should be given the opportunity to provide feedback regarding their experiences with the DNA evidence process.**

Advocates are not the only ones who should receive feedback from victims regarding their experience with DNA collection and judicial action relevant to their case. Local justice systems should develop mechanisms to provide victims with structured opportunities (e.g., post-conviction questionnaires or interviews) to voice their opinions regarding their treatment from crime scene to courtroom and beyond. This kind of feedback will help states and localities develop more integrated and comprehensive mechanisms for victim outreach while improving systematic shortfalls.

**35. States, with Federal support, should evaluate the impacts of post-conviction reviews on victims and their families.**

Improved DNA analysis technologies have made it possible to test biological evidence that could not be tested previously or that produced inconclusive results. New technologies that require a much smaller quantity and lesser quality of DNA to produce reliable results have opened the door to post-conviction case review for an increased number of convicted offenders who may be innocent. Re-opening cases that victims presumed were closed can have significant effects on their well being and emotional state, no matter the eventual outcome. It is important to identify and document these victim impacts, and to discern the best way to minimize the negative effects of post-conviction DNA appeals.

**36. Federal funding should be identified to support researchers' examination of the differential impacts of various DNA collection and analysis strategies on case outcomes.**

Refining the use of DNA evidence and advocating for resources necessary to use it require that jurisdictions demonstrate that DNA evidence has measurable impacts on case outcomes. Outcomes examined should include not only hit rates achieved using DNA databases, but also associated arrest, indictment, and conviction rates by crime type and evidence category. NIJ has recommended initiating a demonstration project with law enforcement agencies in comparable sites working with researchers “to test, for example, whether increased forensic evidence collection and prompt testing solve more crimes.”<sup>5</sup> Other questions to be addressed include differences in outcomes for public versus private crime labs, impacts of using less intrusive DNA collection methods, and the effects of enhanced agency collaboration on case outcomes.

#### **H. Advancing Legislative Initiatives to Support Effective Forensic DNA Practice**

State legislators must provide a comprehensive legal framework and adequate funding to support the effective use of forensic DNA evidence to solve crimes and exonerate the wrongfully convicted.

##### **37. All states should enact laws mandating collection of DNA samples from all convicted felons.**

Because “violent offenders tend to be quite versatile in their patterns of offending,”<sup>6</sup> the inclusion of all convicted felons in DNA databases will significantly increase the number of matches between offender DNA profiles and crime scene DNA evidence. Some advocates have recommended expanding DNA databases further to include juveniles adjudicated for felony offenses. Others suggest collecting DNA from all those arrested for fingerprintable offenses, with their DNA profile being removed from databases in cases where arrests do not result in conviction.

##### **States should enact legislation to enable retroactive collection of DNA samples for all convicted offenders that fall within their statutory requirements.**

Incorporating all eligible offenders into a state’s DNA database, including those who were incarcerated prior to the enactment of DNA database legislation, will increase the likelihood that state and local law enforcement agencies will be able to identify crime suspects for current and cold cases. Post-conviction reviews will also benefit from access to a more comprehensive offender DNA database by providing a broader range of offenders to which crime scene evidence can be compared.

**38. The National DNA Index System (NDIS) should include all convicted offender data authorized by state statutes.**

Even though states will likely continue to have somewhat different policies regarding which offenders are required to submit a DNA sample for upload into CODIS, the NDIS should accept all legally collected samples uploaded in accordance with state statute.

**39. States should reevaluate statutes of limitation with respect to biological evidence cases.**

Many states are considering extending or even eliminating statutes of limitation for cases where DNA evidence is available.<sup>7</sup> This would permit investigators to continue to use CODIS as an investigative aid to identify a suspect or to link unsolved crimes to each other without being limited by the passage of time.

**40. States should enact statutory provisions or administrative rules to permit and regulate post-conviction DNA case review.**

A number of states are already working to develop statutory policy guidelines specifying circumstances under which post-conviction review will be permitted, and delineating the legal responsibilities of local law enforcement for storage of biological evidence that may in the future be used in such a review process.<sup>8</sup> Issues to be considered include, but are not limited to, access to evidence, and who pays for testing and defendant compensation if a conviction is vacated. Further, collaboration between police and prosecutors will be required to locate DNA evidence from closed cases.

**41. State statutes should permit collection and archiving of suspect and volunteer DNA profiles.**

Some states and localities currently permit DNA profiles obtained from suspects and volunteers to be uploaded into their DNA databases with proper disclosure and consent forms in place. The availability of archived volunteer and suspect DNA profiles may result in unexpected hits related to other unsolved crimes.

**42. State legislatures should commit adequate, ongoing funding to DNA evidence collection, storage, and LDIS/SDIS/CODIS archiving.**

Optimizing the use of DNA evidence to enhance public safety will require stable and sustained funding for multidisciplinary training, crime laboratory staff, and storage facilities, in addition to continuing research to improve DNA technology and its impacts on case outcomes. States must join the federal

government in providing local jurisdictions with financial resources to maximize the value of forensic DNA evidence to investigate and solve crime.

#### IV. Law Enforcement Action Agenda

Law enforcement agencies around the country will continue to play crucial roles in forensic DNA practice. Summarized below are essential next steps law enforcement leaders can take to ensure that every jurisdiction maximizes the use of DNA technology to arrest and convict the guilty, protect victims' rights, and exonerate the wrongly accused or convicted.

1. Law enforcement leaders should work with other key policymakers to **convene local DNA policy planning groups**, comprised of representatives of all agencies involved in the forensic DNA process, to develop a shared understanding of how they currently interact and share information at key decision point, and to make necessary improvements. (see recommendation three)
2. Law enforcement agencies, in collaboration with national, state and other local agencies, should **develop Memoranda of Understanding (MOU)** that specify how they will collaborate and communicate to achieve shared goals with regard to forensic DNA practice. (see recommendation four)
3. Within law enforcement agencies, **Standard Operating Procedures (SOPs)** should be established to ensure that their protocols and procedures are compatible with all other agencies involved in the processing and storage of biological evidence. (see recommendation four)
4. Law enforcement leaders should actively support the development of **multidisciplinary groups** to coordinate **response** to crime scenes and coordinated **case management** where DNA evidence is involved. (see recommendation five)
5. Leaders of law enforcement agencies should work together with other agencies to implement **integrated information management systems (IIMSs)** that enable documentation and sharing of information across the DNA evidence continuum. (see recommendation six)
6. Law enforcement personnel should **communicate with victims in a consistent, clear, and compassionate manner** regarding expectations for the DNA evidence-gathering and analysis process. (see recommendations eight and nine)
7. Law enforcement agencies should help to **inform the media and public** about the potentials and limitations of DNA evidence, both generally and with regard to specific cases. (see recommendation eight)

8. Law enforcement agencies should **identify and submit all appropriate biological samples to crime labs for DNA analysis.** (see recommendation 17)
9. Law enforcement agencies should collaborate with crime labs and prosecutors to **design decision-making systems to prioritize cases for DNA analysis and archiving.** (see recommendation 21)
10. All law enforcement officers and investigators should receive **state-of-the-art training in recognizing, collecting, preserving, transporting, and presenting testimony on DNA evidence.** (see recommendation 24)
11. To ensure that training is effective, **knowledge, skills, and the general competency of trainers and trainees should be routinely tested.** (see recommendation 26)
12. Law enforcement agencies should collaborate with their partners in forensic DNA practice to **establish methods and measures for monitoring their collective DNA evidence processing performance.** (see recommendation 33)
13. Law enforcement leaders should enable and encourage their agencies to work with other agencies and researchers to **examine the differential impacts of various DNA collection and analysis strategies on case outcomes.** (see recommendation 36)
14. Law enforcement leaders should **provide input to legislators and other policymakers regarding statutory and resource allocation frameworks that can best support effective use of DNA evidence in solving crimes.** (see recommendations 37 through 43)
15. In states where the all felon DNA database legislation has not been passed, those states police chief and sheriff associations should consider making passing such legislation a top priority.

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<sup>1</sup> See listing of Web sites and documents provided at the end of this report to learn more about these DNA initiatives and the organizations involved.

<sup>2</sup> National Institute of Justice (NIJ), *Report to the Attorney General on Delays in DNA Analysis*, US Department of Justice, March 2003, p. 2.

<sup>3</sup> White House, Funding chapter.

<sup>4</sup> New York State Division of Criminal Justice Services, Office of Justice Systems Analysis, *Expanding the Offender Index of the New York State DNA Data Bank*, January 2002.

<sup>5</sup> NIJ, p. 12.

<sup>6</sup> New York State Division of Criminal Justice Services, p. 8

<sup>7</sup> Smith Alling Lane, PC. [http://www.dnaresource.com/bill\\_tracking\\_list.htm](http://www.dnaresource.com/bill_tracking_list.htm)

<sup>8</sup> Ibid.