Fishers Police Department

General Order 74

DNA Collections CALEA 83.2.7

PURPOSE

To enhance our ability to utilize DNA resources during investigations with the implementation of an Automated Rapid DNA Profiling Instrument. The standards set forth in this chapter establish the proper procedures for collection, screening, and submission of DNA evidence that may be submitted to Rapid DNA for analysis. Additionally, general operations for Rapid DNA are established. The establishment of training protocols for the handling of DNA evidence and reference samples for those authorized to collect such evidence in the performance of their duties is outlined.

POLICY

It is the policy of the Fishers Police Department to establish a procedure for the collection, processing, and preservation of DNA evidence, while maintaining the professional integrity of the Department and the constitutional rights of the citizens whom we serve.

DEFINITIONS

DNA – Deoxyribonucleic acid (DNA) is a molecule containing genetic information, which when properly analyzed may be identifiable to an individual.

Buccal Swab – A sample of buccal cells collected from the inside surface of an individual's cheeks and gumline. The buccal swab is a relatively non-invasive and painless method to collect known DNA standards from an individual. The buccal swab is generally obtained by utilizing a sterile cotton applicator.

DNA Swab – A swab sampling from an object considered evidence or item of interest, which an officer reasonably believes contains DNA.

DNA Evidence – An object considered evidence or an item of interest, which an officer reasonably believes contains DNA.

Rapid DNA Partner Agency – Local law enforcement agencies that partner with the Fishers Police Department in Automated Rapid DNA Profiling Instrument applications. Partner agencies must meet all manufacturer requirements and standards. The Investigations Major or his/her designee will make final approval for any partner agency to work with Fishers Automated Rapid DNA Profiling Instrument.

Local DNA Index System – Database compiled and managed by the Fishers Police Department and approved partner agencies containing DNA samples obtained by all agencies.

Known Reference Sample – A DNA sample given by a known individual with a confirmed identity for submission and possible comparison to samples contained within the Local DNA Index System.

Presumed Known Reference Sample – Samples collected from an item that was observed to have been in possession of an individual and discarded in view of an officer or reliable source and then collected or a sample taken from an individual who has no confirmable identity at the time of collection.

Automated Rapid DNA Profiling Instrument – An instrument that generates forensic DNA profiles from single source samples in approximately 90 minutes. The instrument generates DNA STR profiles using National DNA Index System (NDIS) approved chemistry and expert system software, which meets FBI Quality Assurance Standards for Rapid DNA analysis.

DNA Waiver Form – Document provided to officers to document DNA submission consent. Pirtle Warnings shall be read to any in-custody individual prior to consent swab being obtained.

Validation Study – No standardized verification standards are currently issued by the FBI for the Automated Rapid DNA Profiling Instrument. The Fishers Police Department will collaborate with the Indiana State Police Lab or other accredited lab facility to test 10 known samples, 5 male and 5 female through Automated Rapid DNA Profiling Instrument and compare those profiles to the same 10 ran through the conventional lab process. Any re-verification studies will be determined by law, manufacturer recommendations, or other significant event that is identified by approved supervision.

I. PROCEDURES

All Officers should be aware of important issues involved in the identification, collection, transportation, and storage of DNA evidence.

First Responding Officer

1. The first responding officer is responsible for the security of the crime scene and the safety of personnel.

2. The first responding officer should try to make his entry into the scene in such a manner as not to disturb any physical or DNA evidence that may be in his path. The officer's regress from the scene should also be made with the same considerations.

3. Because extremely small samples of DNA can be used as evidence, greater attention to contamination issues is necessary. Evidence can be contaminated when DNA from another source gets mixed with DNA relevant to the case. This can happen when someone sneezes or coughs over the evidence or touches his or her mouth, nose or other part of the face and then touches the area of the evidence containing the DNA. Police personnel who have been trained on DNA will collect any DNA evidence for analysis.

Collection

A. All DNA collection should be done with care. Any collection questions in the field should be directed towards a Shift Evidence Technician or a member of the Forensic Services Unit.

B. Always minimize cross contamination (accidental transfer of DNA).

1. Cross contamination includes but is not limited to transfer of DNA from one item of evidence to another or DNA from involved officer(s) or other participants.
2. Disposable gloves and mask shall be worn.
3. Gloves will be changed as needed.
    a. between collection of each item of DNA evidence
    b. after using cell phone or radio
    c. after touching the face, eyes, nose, hair, or other surface that could contain DNA
4. Limit the amount of time you handle items of evidence to prevent DNA loss or contamination.

Packaging

A. Evidence packaging for DNA analysis will follow Indiana State Police Laboratory guidelines and processes.

B. DNA analysis may be performed on any human material containing cellular nuclei. The following are examples of evidence that should be considered for DNA analysis:

1. Blood and bloodstains
2. Semen and semen stains
3. Saliva stains from cigarettes, envelopes, and stamps
4. Skin and other tissues
5. Bones / fingernails
6. Organs / skin tissue / bitemarks
7. Hair / Hairbrushes / combs / toothbrushes
8. Bottles / cans
9. Hats / masks / bras / gloves / shirts

C. DNA packaging protocols shall always be followed.

1. DNA samples swabs shall be placed into a drying box, placed in a new manila envelope or paper bag, sealed with clear tape and initialed.
2. Each DNA sample shall be packaged separately.
3. Large or immovable objects of evidence should be swabbed in place and swabs packaged.
4. Biological evidence is sensitive to environmental factors such as sunlight, heat, humidity, etc. DNA evidence shall not be stored in police vehicles for extended periods of time. Officers shall make every attempt to transport any DNA evidence back to the Fishers Police Department and placed into a property locker as soon as practical.

Transporting and Storing DNA Evidence

A. When transporting and storing DNA evidence, keep the evidence dry and at room temperature. Once the evidence has been secured in paper bags or paper envelopes, it must be sealed, labeled and transported in a way that ensures proper identification of where it was found and proper chain of custody.

1. Never place DNA evidence in plastic bags because the moisture retained in the bags can damage the DNA.
2. Direct sunlight and hot conditions also may be harmful to DNA. Avoid keeping evidence in places that may get hot, such as a room or police vehicle without air conditioning.
3. Never seal wet items. If the item of property/evidence is wet (water, blood, fluids, etc.) contact a Shift Evidence Technician and request assistance to place the evidence into a Dry Safe located in the FPD Lab. If an Evidence Technician is not available, place the item into a paper bag, leave open, place into an evidence locker, and send an email notification to forensicservices@fishers.in.us.

Avoiding contamination of evidence

A. To avoid contamination of evidence that may contain DNA, always take precautions:

1. Wear gloves. Change them before and after obtaining a sample.
2. Use disposable instruments or clean them thoroughly before and after handling each sample.
3. Avoid touching the area of the evidence where you believe DNA may exist.
4. Avoid talking, sneezing, scratching, and coughing over evidence.
5. Avoid touching your face, nose and mouth when collecting and packaging evidence.
6. Dry evidence thoroughly before packaging (not in direct sunlight)
7. Put evidence into new paper bags or paper envelopes; do not use plastic bags, or staples.

Known DNA Samples

A. As with fingerprints, the effective use of DNA may require the collection and analysis of “known samples.” These samples are necessary to determine whether the evidence came from the suspect or from someone else.

CODIS

A. One investigative tool available to law enforcement is CODIS (Combined DNA Index System). CODIS, an electronic database of DNA profiles that can identify suspects. Many states have implemented a DNA index of individuals arrested/convicted of certain crimes. Therefore, law enforcement officers have the ability to identify possible suspects when no prior suspect existed. The CODIS system is available through the FBI and State Laboratory.

Submission of DNA Evidence (to be completed by an FSU member)

A. The "Request for Laboratory Examination" Indiana State Police Laboratory Division state form 38930 must be filled out completely for any evidence submitted for analysis.

B. If the evidence to be analyzed is a bodily fluid, the Indiana State Police "Contributor Serology Information Sheet" should also be completed. This information or supplements providing details of the crime and location of samples taken should also be submitted with the evidence to the ISP Laboratory.

Training

A. Each Shift Evidence Tech will receive special training in the collection of DNA evidence from an institute that meets the national standards on DNA collection. At a minimum the training will meet the basic collecting and packaging of DNA for submission to an accredited laboratory.

Rapid Operations

A. Rapid DNA Lead Operator – Appointed by the Investigations Major and responsible for overseeing the handling of reference and evidentiary Rapid DNA samples.
   1. Oversee overall program operation and daily operations of the Automated Rapid DNA Profiling Instrument.
   2. Oversee maintenance and performance checks of Automated Rapid DNA Profiling Instrument in accordance with the manufacture requirements and in compliance with Indiana State Police Lab Combined DNA Index System (CODIS) protocols.
   3. Ensure the Rapid DNA program complies with all relevant Federal, State, Local laws, manufacturer recommendations, and Department policies.
   4. Provide or oversee training for Automated Rapid DNA Profiling Instrument Operators.
   5. Maintains communication and protocol standards with partner agencies.
   6. Determines the admissibility of any DNA samples from non-partner agencies who request a DNA submission or data from the Automated Rapid DNA Profiling Instrument.

B. Rapid DNA Operator – Appointed by the Rapid DNA Lead Operator and is responsible for processing reference and evidentiary Rapid DNA samples.

C. Training – Initial training for the Automated Rapid DNA Profiling Instrument will be provided.
   1. Refresher training will be provided as necessary in accordance with any changes in laws, equipment, techniques and/or procedures.

Screening

A. Collection of Reference Samples – Authorized collection of reference samples may include, but not limited to the following:
   1. Consent: An individual consents to providing a buccal swab or other genetic material from his/her body. All persons must sign the Fishers Police Department DNA Waiver Form. In the event the Victim/Witness consenting is physically unable to sign the form, the form shall be read with BWC, or other video recording device activated.
      a. in the event any person requests withdraw of their DNA swab after obtained, they shall be informed to submit a written notification to the Fishers Police Department

2. Abandonment: Abandonment of DNA consists of material(s) that may be of evidentiary value that an officer can directly attribute to a particular person from firsthand observation. Examples include but are not limited to blood on clothing, saliva left on a disposed drink container, or discarded cigarette butt. The officer collecting the DNA must have a reasonable suspicion that the person has committed a particular crime in order to seize the abandoned materials. Random collections of abandoned materials will not be accepted by the Fishers Police Department Lab for submission to Automated Rapid DNA Profiling Instrument. Officers may not provide materials to suspects of crimes solely to surreptitiously collect DNA samples that the suspect as refused to provide; however, any abandoned items provided prior to the refusal of the suspect may be collected if the officer is acting within the confines of the 4th Amendment.
3. Compelled: If an individual is compelled by search warrant or court order to provide a sample, reasonable force shall only be used if commanded by the warrant/order. In the event reasonable force must be utilized, the preferred method for obtaining a DNA sample will be from a blood draw by approved medical staff. Officers shall not attempt to force open an individual's mouth to obtain a buccal swab.
4. Juveniles: When requesting a DNA sample from a juvenile, officers must obtain consent from the juvenile's parent/guardian and the juvenile section of the DNA waiver form shall be completed.

B. Triage: It will be the responsibility of the Forensic Services Unit to triage submitted DNA evidence that is requested to be submitted for Automated Rapid DNA Profiling Instrument. The Rapid DNA Lead Operator or his/her designee will review case evidence to ensure submission guidelines are followed.
C. Partner Agency Submissions – All partner or approved non-partner agency will be responsible to ensure all submitted collection samples are obtained properly and within the scope of law and their department policies or procedures.

Submission Processing

A. Authorized Users – The Investigations Major will appoint a Rapid DNA Lead Operator, who will appoint Rapid DNA Operators.
B. Authorization for Use – An appointed operator must approve the use of the Automated Rapid DNA Profiling Instrument. Any operation shall comply with the department approved processing protocol.
C. Training – The Rapid DNA Lead Operator will ensure initial training is provided to personnel who will be processing samples in the Automated Rapid DNA Profiling Instrument. The training will include this General Order and nomenclature of equipment. Operators will also be trained in collection, storage, documentation, processing, preservation, and storage of items that may be processed.
    1. Refresher Training shall be administered as necessary in accordance with any changes to law, equipment, techniques and/or procedures.

D. Data Base "Hit" or Match – When a DNA "Hit" or match is returned from the Database, notification shall be made to the submitting officer and/or assigned investigator. Whoever is assigned the case shall be responsible to obtain a confirmatory DNA sample from the suspect and submit the known sample to the Indiana State Police Lab for confirmation testing. In the event a "Hit" or match is returned from the Database and the case is not assigned, Forensic Services will make notification to an Investigations supervisor. The Investigations supervisor will determine if the case will be assigned to a detective.
E. Security – The Automated Rapid DNA Profiling Instrument will be secured in the Fishers Police Department Lab, which is restricted to authorized personnel. Storage of all relevant equipment and testing supplies shall be compliant with manufacturer guidelines.