



BCI DNA Evidence Submission Policy

Effective 07/11/2023

As part of BCI's on-going effort to effectively and efficiently assist law enforcement in Ohio, the Laboratory has adopted the following policies for all Biology/DNA submissions:

PACKAGING REQUIREMENTS

Upon receipt, evidence items must be packaged to protect them from loss, cross transfer, cross contamination and/or deleterious change.

- Small evidence items must be submitted in a minimum of ~ 5x7 package(s).
- Potentially hazardous evidence must be packaged to ensure safe handling. Examples include:
 - Glass, knives, guns, etc. should be packaged in boxes
 - Syringes should be packaged in sharps containers
- Evidence items should be packaged separately to avoid direct contact that could result in cross transfer. Examples include:
 - Separate each item by the location where it was collected from the crime
 - Separate questioned evidence from known sources
 - Separate by evidence type
- Biological evidence should be packaged in paper to prevent deterioration of evidence. Exceptions include condoms, products of conception, potential bug infested evidence, which may be packaged in plastic and stored frozen.
- DNA reference standard packages must be clearly labeled with the name of the donor.
- All evidence packages must be sealed and initialed prior to BCI submission.

LABORATORY REQUEST DETAILS

- I. Provide a summary narrative of the case facts. In order to establish CODIS eligibility, a synopsis should provide details for the following information:
 - How the evidence relates to the crime in question;
 - To whom the evidence belongs; and
 - Where the evidence was located

A DNA profile from evidence is entered into CODIS only for those items that will connect a suspect to the crime and this connection should be clearly documented in the narrative.

- II. To accommodate timely results for all law enforcement agencies throughout Ohio, BCI works evidence in order of submission. Rush requests impede this process; therefore, they will be accepted on a limited basis. The DNA section will not rush cases for approaching grand jury. Consult with a DNA Laboratory Supervisor with any rush request.

DNA rush requests must pertain to:

- Significant public safety concerns regarding violent crimes against a person(s);
- Unknown perpetrator; and
- Biological fluid evidence only (i.e. no touch DNA); or
- Approaching jury trial date (when suspect is in custody)

EVIDENCE ITEM ACCEPTANCE

The types and number of evidence items accepted are dependent on the case type. Known DNA reference standards will not count against the number of items that may be submitted. The goal in any submission is for the agency to submit items that will establish a probative connection and therefore evidence that would best accomplish this should be considered before other items. If a probative association is obtained once DNA testing is complete, no further analysis will be performed on remaining evidence; otherwise, additional items may be submitted. The laboratory can consider exceptions to the stated item number limits or submission of



additional items after the first round of testing is complete. Additional items should not be submitted prior to discussion with DNA Laboratory management.

I. Presumed limits on the first laboratory submission:

- Crimes against a person(s) (includes Homicides, Robbery, Assault, Aggravated Burglary) – 5 evidence items
 - Touch DNA* evidence collected from crimes against persons will only be accepted for analysis if there are no other items to test and if not previously processed by another lab discipline. Elimination or known reference standards must be submitted for comparison purposes.
 - Examples include swabs from vehicles or personal property; vehicle operator or homeowner standards must be submitted on original submission
- Property Crimes (includes Burglary) – 2 evidence items

II. Preferred evidence items on first laboratory submission (as applicable):

- Sexual Assault - sexual assault kit, one pair of underwear, one condom
- Property Crime - suspected blood from point of entry, items or tools left behind by suspect, item likely to contain DNA or skin cells from suspect (beverage containers, clothing items, cigarette butts, etc.)
- Homicide - weapons, suspect/victim clothing, sexual assault kit (as applicable), autopsy samples
- Felonious Assault – weapons, suspect clothing

III. Firearms

- In felony crimes of violence, firearms may be submitted to the laboratory for swabbing.
- DNA testing may be performed in weapons under disability cases, except when the firearm was taken directly off the subject. Firearms in other criminal possession cases will not be accepted for DNA testing.
 - When testing is requested for the primary purpose of obtaining evidence to support a weapons under disability charge, the requesting agency should submit swabs, collected in accordance to the guidance provided by the AGO (View OPOTA Online Course Catalog/Roll-Call Refreshers/NIBIN II), to BCI for examination. The swab from each area of the firearm must be labeled and packaged separately (i.e., swab from trigger). If swabs from multiple firearms are submitted in the same case, ensure the packaging clearly identifies each firearm by type or serial number.
 - Because DNA profiles obtained in possession cases are not eligible for CODIS database entry, requesting agencies **must** submit a DNA reference standard from one or more individuals (i.e. car owner, resident, subjects, etc.) for DNA comparison to the swabbings from the handled areas of the firearm at the same time the evidence is submitted.
 - Once the DNA has been collected, test fires from the firearm should be obtained by the law enforcement agency. The labeled DNA swabs and test fires should be packaged separately and then submitted to the laboratory.
 - The firearm does not need to be submitted to BCI.
- Firearms found in public will not be DNA tested unless the firearm is associated with a felony crime against a person and the connection to the offense is clearly established such as an association made in NIBIN. However, a law enforcement agency should use sterile swabs to preserve DNA from the handled areas of the firearm in accordance to the guidance provided by the AGO (View OPOTA Online Course Catalog/Roll-Call Refreshers/NIBIN II), for possible future submission to the laboratory as the criminal investigation develops further.
- Swabbings from a single firearm are considered one evidence item submission.



IV. Cartridge cases

- In felony crimes of violence, fired cartridge cases may be submitted to the laboratory for swabbing.
- Due to the exceedingly low-probability of recovering any usable DNA from fired cartridge cases and our high volume of DNA submissions, DNA testing on cartridge cases will be limited to when:
 - An individual was shot, or
 - If an association is made in NIBIN to the fired cartridge case
- DNA testing will not be performed if firearms or cartridge cases have been handled or examined in a manner that impacts the preservation of touch DNA. This includes cartridge cases where NIBIN entry was previously conducted without collection of swabs from the evidence items.

V. Evidence items not accepted for DNA submission/analysis:

- Touch DNA* requests for property crime evidence unless a weapon was stolen
- Touch DNA* in criminal drug possession cases (exceptions made in death related cases)

VI. To reduce the time to obtain a laboratory report, provide known DNA reference standards at the time of the original case submission.

* **Touch DNA** is defined as an evidence item that has had brief skin contact with an individual. Items that may contain saliva, such as beverage containers, cigarette butts, or items that have undergone prolonged contact such as clothing or tools are not considered touch DNA items and may be submitted for testing following the guidelines above.

Before testing evidence from complex investigations, BCI strongly recommends that lab personnel, lead investigator(s) and the prosecutor confer and identify which items are best-suited for testing. By eliminating items that are unlikely to yield probative results, the remaining items can be tested faster and will have greater evidentiary value. In cases that are potentially capital, agencies should confer with lab personnel and prosecutor to determine if permission to consume samples will be necessary.

Based on the circumstances of a case, the possibility of additional testing may be warranted. In such cases, the evidence items and testing requested should be discussed with DNA laboratory management, see contact list below. DNA laboratory management reserves the right to request any reference standards or additional information prior to making exceptions to the DNA submission policy.

We invite you to direct your questions concerning the policy to:

Lewis Maddox, Ph.D.
BCI Casework DNA Technical Leader
Office: (234) 400-3636
Lewis.Maddox@OhioAGO.gov

Thank you for your cooperation in helping BCI to provide consistent, quality service to law enforcement agencies throughout Ohio and we look forward to working with you.

BCI DNA Laboratory Supervisors

Sarah Smith (London)
(740) 845-2119
Sarah.Smith@OhioAGO.gov

Malorie Kulp (London)
(740) 845-2492
Malorie.Kulp@OhioAGO.gov

Chad Britton (Richfield)
(234) 400-3684
Chad.Britton@OhioAGO.gov

Hallie Dreyer (London)
(740) 845-2132
Hallie.Dreyer@OhioAGO.gov

Russ Edelheit (Richfield)
(234) 400-3685
Russell.Edelheit@OhioAGO.gov

Brenda Gerardi (Richfield)
(234)400-3682
Brenda.Gerardi@OhioAGO.gov