Sexual Assault Kit Testing Initiative

A Guide for LEOs in North Carolina

John A. Byrd, Director
North Carolina State Crime Laboratory

May 1, 2016
What is CODIS?

The Combined DNA Index System (CODIS) is a network of computer databases that house DNA profiles at the local (LDIS), state (SDIS), and national (NDIS) levels.

CODIS is comprised of three (3) main indexes:

- **FORENSIC**—A DNA profile from crime scene evidence. Depending on the quality of the profile obtained, certain profiles may be uploaded up to the national level.

- **OFFENDER**—Reference samples from convicted offenders/arrestees. These profiles are eligible for entry up to the national level.

- **SUSPECT**—A reference sample from a known suspect. These profiles are eligible for entry up to the state level only.

Per the DNA Identification Act of 1994 (42 U.S.C.§14132), the release of DNA records is not authorized until a database search is conducted and a match found. Therefore, the NCSCL cannot release any offender DNA profiles to a vendor lab for comparison purposes.

Evidence Requirements for CODIS Entry

CODIS eligibility is determined based on the quality of the profile and the facts of the case. The NCSCL accepts/enters profiles from a variety of crime types, including property crimes.

Prior to outsourcing your evidence, certain considerations must be taken into account for CODIS eligibility:

- Have you collected crime scene evidence or a known reference standard?
  - Not everything submitted to the lab is considered crime scene evidence.

Options for Analysis

- Untested Sexual Assault Kits may be submitted for DNA analysis to the following:
  - North Carolina State Crime Lab (NCSCL)
  - FBI Laboratory (as part of an initiative funded by the National Institute of Justice)
  - a vendor laboratory (fees paid by the submitting agency)

If you have any questions regarding these guidelines or need assistance in evaluating the evidence in your case, please contact the Forensic Scientist Manager of Forensic Biology at 919-582-8860 or by email at SAK@ncdoj.gov.
Analysis Conducted by the NCSCL

- If you have untested Sexual Assault Kits (SAK) that are **at least one year old** (from the date of incident), please contact the NCSCL at SAK@ncdoj.gov for further information.

- The following requirements are for the *SAK Testing Initiative* only:
  - Requests for Laboratory Examination on older untested kits must be **approved prior to submission** to the laboratory.
  - Date of incident must be at least one year from time of submission.
  - Incident report must be enclosed for each kit submitted.
  - Limited to 10 kits per submission.
  - Free of charge to law enforcement agencies in NC.
  - Direct access to the CODIS database.

Analysis Conducted by a Vendor Laboratory

- Fees for analysis to be paid for by submitting agency.
- No direct access to CODIS.
- The NCSCL has MOAs with several vendor laboratories. Please contact the State CODIS Administrator for further information.

If you have any questions regarding CODIS eligibility of vendor generated data, please contact the State CODIS Administrator at 919-582-8860 or by email at CODIS@ncdoj.gov.
If you have untested Sexual Assault kits, please contact NIJ via email at SAKpartnership@usdoj.gov for further information.

NIJ will send a consent form and additional instructions. Once these forms are returned to NIJ and approved, they will instruct the agency to submit the kits to the FBI Laboratory.

- Free of charge to law enforcement agencies.
- Date of incident must be at least one year from time of submission.
- Limited to 30 kits per submission.
- Incident report must be enclosed for each kit submitted.
- Direct access to the CODIS database.
- More information may be found at: http://www.nij.gov/topics/law-enforcement/investigations/sexual-assault/Pages/welcome.aspx=

Analysis conducted by the FBI Laboratory