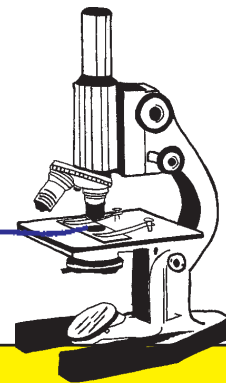


**A CURRENT  
EDUCATIONAL  
BULLETIN FOR  
SUBMITTING LAW  
ENFORCEMENT  
AGENCIES**

*A Closer Examination From The Benchtop...*

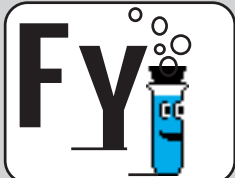
# UNDER<sup>the</sup>SCOPE



MISSOURI STATE HIGHWAY PATROL • CRIME LABORATORY DIVISION

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THE ARRESTEE AND SEX  
OFFENDER COLLECTION  
EXPANSION LAW WENT INTO  
EFFECT IN AUGUST, 2009.

- THE DNA CASEWORK UNITS  
PROCESS EVIDENCE FROM  
CRIME SCENES AND ENTER  
SAMPLES INTO CODIS
- THE DNA OFFENDER  
PROFILING UNIT ENTERS  
PROFILES FROM OFFENDERS/  
ARRESTEES INTO CODIS

A REFERENCE STANDARD  
SHOULD BE SUBMITTED WITH  
CRIME SCENE EVIDENCE, IF  
POSSIBLE. IF YOU HAVE  
ASSOCIATED A SUSPECT TO A  
CRIME, CODIS SHOULD NOT BE  
USED IN PLACE OF A SUSPECT  
REFERENCE STANDARD. JUST  
BECAUSE YOU KNOW THE  
SUSPECT IS IN CODIS DOESN'T  
MEAN YOU SHOULDN'T  
COLLECT THE STANDARD. THE  
LAB NEEDS A REFERENCE  
STANDARD TO COMPARE TO  
THE CRIME SCENE EVIDENCE  
WHEN A HIT OCCURS.



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## Why Do We Have Two DNA Units?

*Revised Publication Due to 2009 Missouri Law Changes*

The DNA units at the MSHP lab have been busy recently by processing cases and profiling offenders. Our submitting agencies may not realize that there are two separate DNA sections at the MSHP Labs to handle the DNA workload: DNA Casework and DNA 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 MSHP DNA casework sections in Jefferson City, Cape Girardeau, and Springfield are 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 analyst's primary duties are stain identification and DNA typing of evidence from crime scenes, 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 if they meet the eligibility criteria for entry. Submitting agencies receive a written report upon case completion. Casework criminalists routinely testify to exam results.

The Offender Profiling Unit is responsible for generating profiles from convicted offenders and certain arrested individuals per State law. RSMo 650.055 requires those individuals convicted of any felony offenses and some sexual misdemeanors to provide a DNA sample for the CODIS database. In August, 2009, the law expanded to include certain arrested individuals (includes burglaries) and anyone required to register in Missouri as a sexual offender. Department of Corrections personnel currently collect samples from eligible individuals who are either incarcerated or on probation/parole. The arresting agency is responsible for collecting from qualified offenders upon arrest. The registering agency collects from sex offenders. Once DOC or the police agencies submit those samples to the lab, the Offender

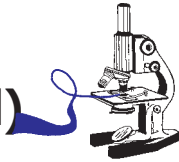
Profiling Unit generates profiles for CODIS entry and upload to the National level. Offender samples are used for investigative purposes and are not considered evidence.

Both DNA sections have access to the CODIS database. Eligible profiles from cases are usually searched weekly at the National level against each other as well as against the offenders/arrestees, with the goal of possibly linking cases to each other and/or to an offender—nationwide. 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 the casework lab completes the DNA comparisons, a supplemental report is issued.

Officers should be aware of the differences between the Casework and Offender Profiling sections, particularly when obtaining reference standards for a case. Reference standards from known suspects should be submitted if possible with the other evidentiary items in the case, as CODIS searching should not be routinely used in place of obtaining a reference standard, particularly if the suspect is known. 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 Missouri Offender DNA Collection kits are not intended to be used to obtain a DNA sample for casework. Here's why: State law requires convicted offenders/arrestees to submit a DNA sample for the database, and provides funding for collection kits for only that purpose. Offenders do not have the right to refuse to give a sample under this circumstance. The

CONTINUED ON THE BACK...

## Why Do We Have Two DNA Units (revised)



arrestee samples are also subject to expungement in certain instances based on the legislation, where suspect standards are not. On the other hand, 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 offender law, when in fact the officer actually had consent or a warrant.

When these samples are then submitted to the lab, they may be analyzed by the wrong unit, possibly resulting in an arrestee sample being analyzed by the casework unit as a suspect, which is not eligible to be uploaded to CODIS at the National level. Moreover, using the offender collection kits for suspect standards may result in undue confusion for both sections of the lab, and possibly court. Offender samples are not considered evidence and are normally submitted through the US mail and have no chain of custody associated with them, while suspect standards are considered evidence and have a fully documented chain of custody. Lastly, suspect standards and offender samples are also accepted and processed differently within the lab.

The arrestee/sex offender DNA expansion law went into effect on August 28, 2009. The Offender Profiling Unit completed the first round of regional collection training by mid-September. The first arrestee and sex offender samples began arriving around that time. Another round of regional training was completed before the end of 2009 for those agencies that may have missed the first sessions. By the end of 2009, the Offender Profiling Unit had seen 24 arrestee samples hitting to unsolved cases. By the end of March, 2010, they have had 46. Additionally, they have had two registered sex offender hits to unsolved crimes.

The database expansion is in full force and thousands of offender and arrestee samples are being added to the database every month resulting in weekly CODIS hits. 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 own swabs, not the Offender DNA Collection kit, to collect a standard from someone associated with a case.

The CODIS 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 relies upon properly collected offender and casework reference standards. We appreciate the hard work our submitting agencies are doing to keep the DNA system running efficiently.

### Missouri State Highway Patrol Offender DNA Sample Collection Card

Back

**Certification**

I certify that I collected on this date a DNA sample from the individual listed on this kit.

**Person Performing Collection**

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

District, Institution or Agency: \_\_\_\_\_

Date: \_\_\_\_\_ Phone Number: \_\_\_\_\_

OFFENDER FINGERPRINT

Left Index Fingerprint - If left index fingerprint is not available, indicate which finger was printed

**FOR LAB USE ONLY**

Received by: \_\_\_\_\_ Date: \_\_\_\_\_



LAST NAME: \_\_\_\_\_

FIRST NAME: \_\_\_\_\_

MIDDLE NAME: \_\_\_\_\_

DOC #: \_\_\_\_\_ SID #: \_\_\_\_\_

SOCIAL SECURITY NUMBER: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

SEX: ☐ Male ☐ FemaleRACE: ☐ White ☐ Black ☐ Hispanic ☐ Other

MO CHARGE CODE: \_\_\_\_\_ OFFENSE DESCRIPTION: \_\_\_\_\_

STATUS: ☐ Institution ☐ Probation/Parole☐ Sentenced to Jail ☐ Sex Offender Registry☐ Arrestee OCN (arrestee only): \_\_\_\_\_

The Offender DNA Sample Collection Card is part of a kit that includes gloves, a fingerprint foil, a buccal (cheek cell) collection device, and a postage paid return envelope.

**This kit is not to be used for casework suspect standards.** Use your agency's own wooden applicator stick swabs and packaging, with proper chain of custody procedures.

For proper offender collection using the cards above, please refer to the Missouri State Highway Patrol website ([www.mshp.dps.missouri.gov](http://www.mshp.dps.missouri.gov)). To locate the Arrestee Collection and Sex Offender Presentations, as well as the DNA Expungement Form, proceed from the website homepage in the following order: Divisions-->Crime Laboratory-->Sections-->DNA Profiling