

<p>California Department of Justice DIVISION OF LAW ENFORCEMENT George B. Anderson, Director</p> 	<h1 style="text-align: center;">INFORMATION BULLETIN</h1>	
<p><i>Subject</i></p> <p>DNA Partial Match (Crime Scene DNA Profile to Offender) Policy</p>	<p><i>No.</i></p> <p>2008-BFS-01</p>	<p><i>Contact for information:</i></p> <p><i>Bureau of Forensic Services</i> Gary Sims</p>

TO: All California Law Enforcement Agencies and District Attorneys Offices

The Department of Justice (DOJ) has developed a DNA Partial Match Reporting and Modified CODIS (Combined DNA Index System) Search Policy that may result in investigative information provided to law enforcement officials in unsolved cases where all other investigative leads have been exhausted. Because the information that is ultimately provided will be the name or names of an offender or offenders in California’s DNA database who may be related to the actual perpetrator, the process developed requires special DNA testing and review of the offender’s non-DNA information. The process specified in the Policy was developed keeping privacy concerns in mind while at the same time providing information that may be useful in solving a violent offense.

Background

California’s DNA Data Bank, formally established in 1990, consists of a database of DNA profiles from offenders and a database of crime scene (evidence) profiles. The two DNA databases form the California CODIS. When a crime scene profile is searched against the offender database, a match is declared if the crime scene profile is “exactly” the same as the offender’s DNA profile. Logic suggests that if the profiles are not exact, but close, the source of the crime scene profile may be a relative of the offender. With the recent advances of DNA technology, DNA testing beyond the standard profiling for individual identification can now be conducted to provide additional information as to whether individuals may be related.

DOJ Partial Match Reporting and Modified CODIS Search Policy

The name of an offender who is not the source of the biological material from an unsolved case may be released in an investigation under the following two situations.

I. Partial Match Obtained from CODIS Search

When a crime scene DNA profile (forensic unknown) is routinely searched by the standard method against California’s Offender DNA Data Bank and a “partial match” results in which the profile shares at least 15 STR (Short Tandem Repeat) alleles with a different but potentially related offender profile, the name of the offender may be released to the investigating agency if the protocol outlined below has been followed and all of the following conditions are met:

- 1) The crime scene DNA profile is a single-source profile.
- 2) The case is unsolved and all investigative leads have been exhausted.
- 3) A commitment is made by the agency and the prosecutor to further investigate the case if the name of the potentially related offender is eventually released.
- 4) Y-STR typing of the same crime scene evidence that yielded the submitted forensic unknown profile is completed by the submitting agency and is concordant with the offender’s Y-STR type obtained by DOJ.
- 5) If the Y-STR profiles have been determined to be consistent, DOJ will review non-forensic information in order to identify additional evidence bearing on relatedness, if available.
- 6) A DOJ committee will discuss the case with the local law enforcement agency, the local laboratory, and the prosecutor’s office. After reviewing all of the available information, the offender’s name will be released unless there is a reason not to release it.
- 7) If the committee cannot reach consensus, the decision to release the name to the investigating agency will be made by the Attorney General or his designee.

II. Special Request for a Modified CODIS Search

When a law enforcement agency is investigating an unsolved case that has critical public safety implications, the agency may request that DOJ conduct a modified CODIS search with the objective of identifying any offender(s) in the database who are likely to be related to the unknown perpetrator. In these situations, the name of an offender may be released to the investigating agency if the protocol outlined below has been followed and all of the following conditions are met:

- 1) A written request is sent to the Chief of the Bureau of Forensic Services that describes the case, and attests that all other investigative leads have been exhausted, and that the investigating agency and the prosecutor's office are committed to further investigate the case if the name of an offender is eventually released.
- 2) The crime scene profile is a single-source profile.
- 3) Y-STR typing of the same crime scene evidence that yielded the submitted forensic unknown profile has been completed by the submitting agency prior to the search.
- 4) The modified CODIS search conducted by DOJ must result in a manageable number of candidates.
- 5) The candidate matches resulting from the modified CODIS search will be prioritized by DOJ using appropriate statistical calculations for relatedness.
- 6) Based on this prioritization, DOJ will conduct Y-STR analysis of the offender sample(s).
- 7) If the Y-STR profiles of the evidence and offender sample(s) are consistent, DOJ will review non-forensic information in order to identify additional evidence bearing on relatedness, if available.
- 8) A DOJ committee will discuss the case with the local law enforcement agency, the local laboratory, and the prosecutor's office. After reviewing all of the available information, the offender's name will be released unless there is a reason not to release it.
- 9) If the committee cannot reach consensus, the decision to release the name to the investigating agency will be made by the Attorney General or his designee.

Initiating the Partial Match Investigation

When a partial match occurs that has at least 15 shared STR alleles with an offender, DOJ will contact the local laboratory's CODIS administrator to confirm that the case is not yet solved. If the case is still active, the case investigator should be notified of the partial match by the local CODIS laboratory and the process defined in the policy will be followed upon request.

Partial matches that occurred prior to the date of this bulletin will be addressed on a case-by-case basis by DOJ.

Initiating A Modified CODIS Search

If an investigator has a case where no search of the crime scene DNA profile has produced an offender hit or a partial match as described above, and the case otherwise meets the criteria specified, a modified CODIS search request can be made to DOJ. These special requests should be on agency letterhead and sent to:

Chief
Bureau of Forensic Services
1102 Q Street, 6th Floor
Sacramento, CA 95811

In either of the two instances described above, a memorandum of understanding will be formally established between the investigative agency and DOJ, as any costs associated with the special DNA testing of the crime scene evidence must be paid for by the investigative agency, unless the crime scene evidence testing was performed by DOJ.

Sincerely,

LANCE GIMA, Chief
Bureau of Forensic Services

For EDMUND G. BROWN JR.
Attorney General