

TEXAS DEPARTMENT OF PUBLIC SAFETY

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CRIME LABORATORY CASE ACCEPTANCE POLICY BIOLOGICAL EVIDENCE SCREENING AND DNA TESTING March 1, 2012

Introduction: The DPS Crime Laboratories test and examine evidence received from more than 2,000 Law Enforcement Agencies statewide. In recent years, biological evidence and DNA testing have been very successful in matching individuals to crime scene evidence. Due to this success, the number of biology/DNA cases submitted to the Crime Laboratory continues to rise. This has resulted in an increased turn around time for DNA cases to be completed. The Laboratory is instituting a number of changes in order to reduce the time to complete DNA cases and, therefore, better serve our customers in the criminal justice system.

Some of the changes being implemented include: increased automation, additional DNA personnel, streamlined procedures, and the case acceptance policy provided below. Only with all of these changes will the Laboratory be able to provide the timely service that our customers deserve.

DNA Case Acceptance Policy: The Crime Laboratory will limit the type of cases analyzed for DNA evidence and will limit the number of items or samples that can be submitted for a case based on the type of offense committed. For all cases accepted, the number of items that will be tested in each case will be limited to the minimum number necessary to answer the relevant questions in the case. **It is imperative that agencies submit DNA evidence as soon as possible after it has been collected so that the Laboratory can provide timely service.**

- The Laboratory does not accept paternity cases.
- The laboratory does not perform DNA testing on drugs or drug paraphernalia.

Sample Submission Limits: The type and number of items or samples that will be accepted will be based on the type of offense.

Reference Samples: The known standards from suspects, victims, or elimination standards (including consensual sex partners) will not count against the number of items that may be submitted. These standards should be collected during the initial investigation, packaged separately from the evidence, and should be submitted at the same time as the evidence if possible.

Burglary or Property Crimes: Submission is limited to two (2) items. These must be swabs of blood from the crime scene or items/swabs of items left at the scene such as: cigarette butts, clothing, gloves, or drink containers. More than two items may be accepted if the circumstances (such as multiple perpetrators) dictate the need for additional analysis.

- Evidence of "touch" DNA including swabs of: steering wheels, shift knobs, door handles, switches, counters, keys/locks, ammunition/cartridge cases, prints/smudges, etc., will not be accepted.

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Sexual Assaults: The initial submission will be limited to the sexual assault evidence collection kit, one pair of underwear, and one condom (if applicable). If the kit is positive, no additional submissions will be allowed unless circumstances (such as multiple perpetrators) dictate the need for additional analysis.

If the SA kit is negative, a second submission of up to five (5) items such as clothing or bedding will be accepted.

Homicides: The initial submission of biological evidence is limited to ten (10) items which the investigator and/or D.A. believe will be informative. It is recommended that the investigating agency have a conference, either in person or electronically, with the Laboratory prior to evidence submission to determine which items will be most probative to the case.

Serology screening and/or testing will be performed on the ten items in the first submission and the five (5) samples which indicate the highest chance for success will be forwarded for DNA testing. If informative results are obtained, additional items will not be examined unless circumstances (such as multiple perpetrators) dictate the need for additional analysis. If informative results are not obtained from DNA analysis of the first five samples then the second five will be tested.

If no informative results are obtained from the items in the first submission, then a second submission of ten (10) additional items will be allowed. Those items will be processed as above.

A written request from the Prosecutor, including sufficient justification, must be received by the Laboratory before any decisions on performing additional testing will be considered once informative results have been obtained.

- Additional samples will not be tested to merely disprove all possible scenarios.

DNA Analysis for Court: The Laboratory understands the evolving nature of criminal investigations and court schedules, however fulfilling requests for extremely short turnaround times are not possible from a laboratory standpoint without severe negative impacts to the timeliness of other case reports. The Laboratory cannot provide accurate and complete information without sufficient time to perform the testing and review the results. Notice must be given to the Laboratory at least **60 days prior** to the date the results are needed for court purposes. This will allow the laboratory to perform the analyses in the most effective manner.

APPROVED

D. Pat Johnson 3/01/12

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