



GEORGIA BUREAU OF INVESTIGATION

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GBI CRIME LAB OPERATIONS BULLETIN 2009-02 FORENSIC BIOLOGY SERVICE INFORMATION July 21, 2009

Introduction: Over the last few years the GBI Crime Lab has been working diligently to improve the capabilities of the Forensic Biology (DNA) section so that improved service can be provided to the criminal justice community in Georgia. This operations bulletin outlines general information regarding several issues relevant to these efforts and that address common questions received by the laboratory. I am requesting that you forward this bulletin to all members of your agency that utilize forensic biology services.

Forensic Biology Case Acceptance Policy: The GBI Crime Lab will accept evidence from all types of cases for DNA and forensic biology analysis, with the exceptions of paternity cases and cases where the only evidence is drugs or drug paraphernalia. Paternity determinations are only performed in cases of statutory rape or cases involving incest. For all cases submitted, 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.

Recently, there has been increased interest in 'touch' or 'contact' DNA testing, due in large part to information portrayed in the media. This type of DNA testing will only be performed in cases of violent crimes and only after all other avenues of obtaining useful information in the case have been exhausted. 'Touch' or 'contact' DNA can provide useful information in some cases, but there are limitations to what DNA analysis can achieve and still be scientifically defensible in the courtroom.

Agencies are encouraged to submit evidence from burglaries that may contain biological material such as bloodstains. National studies have shown that DNA testing in these types of cases may be up to twice as effective as fingerprints in identification of an offender. Review of offenders in CODIS linked to other crimes has clearly demonstrated that many offenders incarcerated for burglary are later associated to more violent offenses. Therefore, identification of these individuals at an earlier time point may help prevent some crimes.

Forensic Biology Analysis for Court: Within the last year there have been a significant number of cases in which DNA analysis on additional evidence or individuals is requested within two weeks of a court date. In many of these cases, initial testing results were available to the submitting agency and prosecutor more than a year in advance of the new request. The Crime Lab understands the evolving nature of criminal investigations, however routinely requiring extremely short turnaround times is not achievable from a laboratory standpoint without severe negative impacts to the timeliness of other case reports. The GBI Crime Lab will do everything possible to provide accurate and complete information regarding DNA or serology analysis to the criminal justice community, but we cannot provide this information without sufficient time to perform the testing and review the results. **Effective September 1, 2009, the GBI Crime Lab will adopt a policy regarding requests for additional forensic biology analysis for cases where a forensic biology report has already been completed. This policy will require notice to the laboratory that additional analysis is needed and submission of all evidence, including known samples from individuals, to the laboratory at least 30 days before the results are required for court purposes. This will allow the laboratory to perform the analysis in the most effective manner.**

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DNA Database (CODIS): The GBI maintains the state database of DNA profiles from unsolved cases and convicted offenders. DNA profiles from unsolved cases are routinely searched in the database to determine associations to other cases and/or offenders. Reports of CODIS matches are distributed to the investigating agency(s) and the appropriate prosecutor(s) as official GBI reports. It is important that the agency(s) determine the status of the case and/or offender, to minimize potential liabilities especially in the situation where the offender is not in custody and has the opportunity to commit additional crimes.

Federal Grants: As part of an agency initiative to provide better customer service, more timely reports, and increased capacity, the Crime Lab has used federal grants to hire, train, and equip additional forensic biology scientists. The Crime Lab receives approximately \$2.6 million annually in Federal grant funding that is targeted at forensic biology, accounting for approximately 50% of the total funding required to staff and operate the forensic biology discipline. Forensic biology services were reinstated in 2008 at the Augusta laboratory, complementing those already available in the Savannah and Headquarters laboratories. In addition, the DNA database operations for convicted offenders were moved to the Cleveland laboratory. Plans are being implemented to hire and train additional scientists for these laboratories in 2009 using federal funding. The GBI Crime Lab will continue to do everything possible to maintain these federal grants, but it must be recognized that this level of federal funding is not sustainable or probable as a long term solution.

Outsourcing: The Crime Lab continues to use federal grant funding to outsource some DNA services to private vendors. Outsourcing is done to help reduce service backlogs until Crime Lab staffing levels are adequate to process all incoming service requests in a timely manner. When a DNA service is outsourced, experienced Crime Lab scientists still have to review the data and report supplied by the vendor prior to release of this information to the submitting agency and prosecutor. This is a requirement of national quality standards that the GBI Crime Lab must comply with in order to participate in CODIS and receive federal funding. If testimony is required on one of these outsourced cases, attorneys have three options:

1. Pay to have the vendor scientist come to Georgia at the expense of the local jurisdiction. GBI does not have funding to cover these costs. Daily fees for expert testimony from the vendors average \$1,500 plus travel expenses.
2. Allow the GBI scientist that reviewed the vendor report to testify to the results.
3. Request that the GBI Crime Lab re-analyze the evidence and issue a new report. This may not be possible in all cases, depending on the type and quantity of evidence. Such re-analysis will require a minimum of 30 days advance notice and resubmission of any necessary evidence items to the laboratory.

If there are any questions or concerns about any of the issues covered in this bulletin please contact me at 404-270-8072 or george.herrin@gbi.ga.gov.



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