

**KANSAS BUREAU OF INVESTIGATION  
FORENSIC SCIENCE LABORATORY  
Revised: November 2017**

# **SUBMISSION GUIDELINES FOR BIOLOGICAL EVIDENCE**

To aid in improving turnaround times and reducing backlogs, the KBI Forensic Science Laboratory has implemented submission guidelines for biological evidence.

The KBI recognizes that each criminal case is distinctive. These submission guidelines address typical situations which will be encountered by your agency, but cannot speak to all of the unique circumstances that are often exclusive to a particular case. For assistance, clarification or to discuss the specifics of your case please contact the regional laboratory that services your area.

KBI Great Bend Laboratory 620-603-7112  
KBI Kansas City Laboratory 913-942-3000  
KBI Topeka Laboratory 785-296-1137

An additional DNA submission form should be filled out and submitted with the evidence custody receipt.

## **GENERAL SUBMISSION GUIDE**

This information is a brief summary of the submission guidelines. Additional information is located in the sections following.

- A pre-submission of evidence conference with the laboratory is strongly encouraged to assure acceptance and completeness of your evidence submission.
- A case synopsis must be provided with the submitted evidence. Case officer contact information is also required. See Case Synopsis below.
- The number of evidence items accepted by the laboratory will be limited depending on the nature and/or type of the case submitted. See the sections on Item Selection, including Initial Submissions and Subsequent Submissions, below.
- Appropriate known reference standards must be available and submitted. See Reference Standards below.
- The Laboratory will not accept the following touch evidence: spent cartridge cases, live cartridge cases, drug baggies, and property crimes. See Touch Evidence Guidelines.
- Typically, DNA testing will be considered complete when associations have been made in the case. This means that not all items submitted to the Biology Section will necessarily have DNA testing performed on them.

## **GENERAL SUBMISSION GUIDE CONTINUED**

- Simple misdemeanor cases need approval for Biology examinations.
- The submitting agency or prosecuting attorney's office should notify the KBI Forensic Science Laboratory if and when they become aware that a case has been disposed and no longer needs to be worked by our laboratory.
- The number of evidence items accepted by the laboratory will be limited depending on the nature and/or type of the case submitted. Additional items may be accepted at the time of the initial submission after consultation between the investigator, the DNA scientist and the Biology Supervisor, the Lab Director, the Assistant Lab Directors, or the DNA Technical Leader. Consultation can be in person or via conference call. The prosecutor may also be involved at this time depending upon the case.
- Assistance can be provided on identifying the most probative items for submission. See the section on Item Selection below.

## **CASE SYNOPSIS**

**Each biology case is required to have a case synopsis at the time of submission to the laboratory.** The case synopsis should provide the necessary background information about the case, and connection of any DNA profile(s) obtained from the analysis to the crime. This information is required before any DNA profile obtained from crime scene evidence may be submitted to CODIS (Combined DNA Index System).

CODIS is a database used to provide investigative leads based on DNA profiles developed from crime scenes across the country. There are strict state and federal guidelines regarding CODIS eligibility. The case synopsis will provide necessary documentation regarding CODIS eligibility.

- DNA profiles obtained from evidence not directly related to the crime scene *may not* be eligible.
- DNA profiles that are ambiguous regarding possible contributors (i.e. highly partial profiles, complex mixtures) are not eligible.
- Submission of known reference standards (suspect, victim, elimination) may be required to determine CODIS eligibility.
- Contact the KBI Forensic Science Laboratory for questions regarding CODIS eligibility.

## **ITEM SELECTION**

Evidence which is submitted to the laboratory should be selected based on the probative (relevant) value of the item to the case. It is of great benefit to contact the laboratory to discuss pre-submission of evidence from homicide cases or complex cases with multiple pieces of evidence. Because of the complexities of homicide cases, the KBI Forensic Science Laboratory must fully understand the details associated with the case in order to provide the best possible service to our customers. This will ensure that everyone is properly briefed with the details, timelines and an agreement is reached regarding the most probative evidence.

- *Probative evidence*-Relevant and significant evidence items collected in a criminal case which can directly establish a connection between the victim and any suspect(s), place a suspect(s) at a crime scene and support or refute statements.
- The most common probative evidence items are recovered weapons, clothing of the victim, samples collected during a sexual assault exam, clothing of the suspect, items in the suspect's possession which may have the victim's biological material present and items left behind at a crime scene which could reasonably have the suspect's biological material present.

**INITIAL SUBMISSIONS (consultation not required)**

The following number of items will be accepted without consultation.

- A. Homicide/Attempted homicide/Aggravated Battery (typically one suspect and one victim)
  - a. Up to 10 probative items
  - b. Appropriate known reference standards
  
- B. Sexual Crimes (typically one suspect and one victim)
  - a. Sexual Assault Evidence Collection Kit and victim's clothing
  - b. One additional probative item
  - c. Appropriate known reference standards
  - OR
  - d. If there is not a Sexual Assault Evidence Collection Kit
    - i. Victim's clothing and two probative items
    - ii. Appropriate known reference standards
  - e. Bedding on Sexual Assaults – Typically bedding does not yield probative DNA profiles. If bedding is needed, a complete “sexual” history of the bedding and approximate location of the incident along with consultation with the scientist will be required.
  
- C. All Other Crimes Against Persons (typically one suspect and one victim)
  - a. Up to three probative items
  - b. Appropriate known reference standards
  
- D. Property Crimes (typically one residence/business)
  - a. Up to two probative items
  - b. Appropriate known reference standards
  
- E. If, prior to all the items initially submitted being tested, probative information has been obtained, then some of the initial items submitted will not be tested. Should the case situation change and the items not tested need to be examined, the investigator may call the scientist directly and request that testing.
  
- F. Appropriate known reference standards should be submitted with the evidence, if available. By delaying the submission of available known reference standards, this may result in a significant delay in testing. Known reference standards can be two (2) oral swabs or a purple top blood tube.

G. If probative information is obtained from the initial submissions, no further submission will be accepted without approval of the Biology Casework Supervisor, Screening Technical Leader, and/or the DNA Technical Leader. After completing initial testing, if additional analysis is indicated, the case scientist will consult with the Biology Casework Supervisor, Screening Technical Leader, and/or the DNA Technical Leader to evaluate the case status. The investigator will be contacted thereafter to discuss a possible second submission.

### **SECOND SUBMISSIONS (Consultation is required)**

- A. Homicide, etc.  
Generally, an additional 10 probative items
- B. Sexual crimes  
Generally, an additional 3 probative items
- C. All Other Crimes Against Persons  
Generally, an additional 3 probative items
- D. Property Crimes  
Generally, an additional 2 probative items

If no probative information is obtained from the first or second submissions, a conference including the scientist, investigator, prosecutor, Screening Technical Leader, and/or the DNA Technical Leader will be necessary before any further submissions are allowed.

### **REFERENCE STANDARDS (Known samples)**

- A reference standard is a “known sample” collected from a specific individual, typically the victim or suspect. Names and other information provided needs to be accurate and precise (i.e. spelling, date of birth).
- A reference standard (known sample) can be a liquid blood sample collected in a purple top tube or oral (buccal) swabs.
- Reference standards from known suspects must be submitted if available. The name of the individual must be on the outer packaging and on the submission form.
- An elimination standard is a reference standard from an individual who is not related to the crime but has access to the crime scene (i.e. consensual sexual partners, car/home owners). Elimination standards are typically used to determine the CODIS entry eligibility of a DNA profile.
- Convicted offender/arrestee standards submitted for CODIS entry have no chain of custody; therefore, these standards cannot be used in casework comparison. Separate reference standards from suspects and/or victims must be submitted for direct comparison to evidence profiles.

## **TOUCH EVIDENCE**

- Touch evidence is defined as evidence which has no visible staining and would likely contain DNA that only results from touching an item with the skin.
- Touch evidence is NOT cigarette butts, swabs from cans, bottles, straws or other items in which the substance being tested is most likely saliva.
- Touch evidence does NOT include items submitted for wearer such as shirts, coats, hats, etc. where there is a probability of prolonged contact.
- Touch evidence may be accepted for possible STR DNA analysis when there is a high degree of likelihood that the evidence submitted will provide probative results or investigative leads. A high degree of likelihood may be established by means of witness corroboration, visual monitoring systems or sound deductive reasoning.
- Touch evidence collected from public places will NOT be accepted e.g. swabs from door handles, counter tops, etc.
- The Laboratory will not accept the following touch evidence:
  - Spent cartridge cases (Spent shotgun shells will continue to be accepted)
  - Live cartridge cases
  - Drug baggies
  - Property Crimes to include burglary, larcenies, and stolen vehicles
- Elimination DNA standards should be submitted with touch evidence where appropriate

## **WEAPON OFFENSES**

- Touch evidence from guns recovered in “felon in possession” cases require a known reference standard from the suspect(s) to be included at the initial evidence submission. DNA profiles obtained from felon in possession cases cannot be entered into CODIS making it necessary for the laboratory to have the reference standards before laboratory analysis can be conducted.

## **TRACE ANALYSIS**

- The Biology Section does not have the expertise to perform trace analysis (i.e. Hair and Fiber Comparisons). Therefore, these comparisons will not be performed by the Biology Section. If trace analysis is needed in your case, please contact your local Biology Section for assistance.