



**WEST VIRGINIA STATE POLICE**  
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August 15, 2017

To: All Law Enforcement Agencies submitting biological evidence to the West Virginia State Police Forensic Laboratory (WVSPFL)

From: Sheri Lemons  
Laboratory Director

A handwritten signature in blue ink, appearing to read "SL", is written over the name "Sheri Lemons".

RE: Biochemistry (DNA) Case Acceptance Policy- **Effective Sept. 5, 2017**

As it continues to be our mission to provide both quality and timely forensic services to West Virginia law enforcement agencies and with the current volume of cases received by the WVSPFL, it is necessary to implement a case acceptance policy for the Biochemistry (DNA) Section of the Laboratory.

The policy is not intended to eliminate necessary analysis or to discourage evidence collection. By limiting the number of samples per type of case, as described below, unnecessary testing is reduced and turnaround times are improved. Please contact the Central Evidence Processing Case Coordinator at [CEP@wvsp.gov](mailto:CEP@wvsp.gov) or the Biochemistry Section at [Biochemistry@wvsp.gov](mailto:Biochemistry@wvsp.gov) with any questions.

**SUBMISSION DOCUMENTATION:**  
**(WVSP FORM 53 AND WVSP FORM 53A)**

- In addition to WVSP Form 53, WVSP Form 53A must also be completed before a case will be accepted.
- A detailed description of the crime must be included with the WVSP Form 53, documenting how each item of evidence is related to the offense.
- Items must be individually listed on the WVSP Form 53.
- An item is defined as one article of evidence.
  - Six swabs collected from six different areas on a firearm will equal six individual items of evidence.
  - One bag of clothing containing panties, shirt, bra, and pants will equal four individual items of evidence.
- Only one item should be included in each package. If multiple items are included in one package, they must be itemized on the WVSP Form 53.
- Items must be numbered indicating level of priority.

**EQUAL OPPORTUNITY EMPLOYER**

#### **KNOWN REFERENCE SAMPLE SUBMISSION:**

- To expedite the testing process, known reference samples from all involved individuals should be submitted at the same time as evidentiary material.
- This includes references from individuals whose DNA may be present unrelated to a crime, such as, property owners, etc.
- The known reference samples must be packaged separately from the evidentiary material.
- The known reference sample must be labeled with the full name of the individual from which the sample was collected.
- If the suspected individual is believed to be in the CODIS database, a known reference sample is still required to be submitted from this individual for comparison purposes.
- Victim known reference samples must be submitted to the laboratory by the investigating officer.
- The Office of the Chief Medical Examiner will not directly submit known reference samples to the laboratory.
- Known reference samples from involved individuals are not included in the number of accepted samples per type of crime as it is detailed below.

#### **SEXUAL ASSAULTS WITH A SEX CRIME EVIDENCE COLLECTION KIT:**

- The first submission in a sexual assault case will be limited to the sexual assault evidence kit, victim underwear and one condom (if applicable).
- Some items contained in the kit may not be examined if the most intimate samples (i.e. vaginal swab, anal swab, body swab) contain probative information.
- If the sexual assault kit contains probative information, no additional items will be accepted unless special circumstances exist.
- If no probative samples are identified in the kit, five (5) additional items may be submitted. Selection of items should be directly supported by the investigator's case notes and victim statement, which should be included with the WVSP Form 53 and the WVSP Form 53A.
- Suspect's bedding and/or large items (i.e. mattress) will not be accepted unless special circumstances exist and the laboratory, investigating officer and/or prosecuting attorney discusses the submission of this additional evidence.
- Known reference samples must be submitted from any consensual partner (from five (5) days prior) to be eligible for CODIS entry for elimination purposes. Written documentation of failed attempt to contact consensual partner may be substituted for known specimen if necessary.

#### **SEXUAL ASSAULTS WITHOUT A SEX CRIME EVIDENCE COLLECTION KIT:**

- The first submission will be limited to five (5) evidentiary items.
- The selection of items should be directly supported by the investigator's case notes and victim statement, which should be included with the WVSP Form 53 and the WVSP Form 53A.
- If probative information is developed from the first submission, no other items will be tested.
- If no probative samples are identified in the first submission, five (5) additional items may be submitted. Selection of items should be directly supported by the investigator's case notes and victim statement, which should be included with the WVSP Form 53 and the WVSP Form 53A.
- Suspect's bedding/clothing and/or large items (i.e. mattress) will not be accepted unless special circumstances exist and the laboratory, investigating officer and/or prosecuting attorney discusses the submission of this additional evidence.

### **HOMICIDE/DEATH INVESTIGATIONS:**

- If cases involve one suspect and one victim, the first submission is limited to five (5) evidentiary items.
- If more than one crime scene, suspect, or victim is involved, the laboratory will accept eight (8) items in the first submission.
- If probative information is obtained from the first submission, additional items will not be accepted unless special circumstances exist and the laboratory, investigating officer and/or prosecuting attorney discuss the submission of this additional evidence.
- If no probative information is obtained from the first submission, five (5) additional items will be accepted.
- The selection of items should be directly supported by the investigation case notes included with the WVSP Form 53 and WVSP Form 53A.

### **CRIMES AGAINST PERSONS: (VIOLENT ASSAULTS, ROBBERY, ETC)**

#### **FELON IN POSSESSION OF A FIREARM:**

- The first submission will be limited to three (3) evidentiary items.
- The selection of the items should be directly supported by the investigator's case notes included with the WVSP Form 53 and WVSP Form 53A.
- If probative information is obtained, no additional items will be accepted unless special circumstances exist and the laboratory, investigating officer and/or prosecuting attorney discusses the submission of this additional evidence.
- If no probative information is obtained from the first submission, three (3) additional items will be accepted.
- For felon in possession of firearm cases, items taken from any area under the control of the suspect (i.e. body, house, car, backpack, etc.) will not be tested as these items are not CODIS eligible.

#### **BURGLARY/PROPERTY CRIMES:**

- The first submission will be limited to two (2) evidentiary items.
- The selection of items should be directly supported by the investigator's case notes included with the WVSP Form 53 and WVSP Form 53A.
- If probative information is obtained, no additional items will be accepted unless special circumstances exist and the laboratory, investigating officer and/or prosecuting attorney discusses the submission of this additional evidence.
- Touch DNA evidence collected from door handles, countertops, cash registers or other public places will not be tested at this time. The laboratory can be contacted if special circumstances exist regarding the submission of touch DNA evidence.

#### **VEHICLE SUBMISSIONS:**

- The laboratory will NOT inventory vehicle contents.
- If an inventory is needed, it must be completed before submission to the laboratory.
- Any loose probative items should be removed and submitted separately unless this would compromise the evidence.
- Areas of specific interest should be clearly noted on the WVSP Form 53 and WVSP Form 53A and/or discussed with the laboratory upon submission.