

APPENDIX C

*Selected Provisions from
the DNA Identification Act of 1994*

Relevant Provisions of the DNA Identification Act of 1994

§ 14132. Index to facilitate law enforcement exchange of DNA identification information

(a) Establishment of index

The Director of the Federal Bureau of Investigation may establish an index of--

- (1) DNA identification records of persons convicted of crimes;
- (2) analyses of DNA samples recovered from crime scenes; and
- (3) analyses of DNA samples recovered from unidentified human remains.

(b) Information

The index described in subsection (a) of this section shall include only information on DNA identification records and DNA analyses that are--

- (1) based on analyses performed by or on behalf of a criminal justice agency in accordance with publicly available standards that satisfy or exceed the guidelines for a quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation under section 14131 of this title;
- (2) prepared by laboratories, and DNA analysts, that undergo, at regular intervals of not to exceed 180 days, external proficiency testing by a DNA proficiency testing program meeting the standards issued under section 14131 of this title; and
- (3) maintained by Federal, State, and local criminal justice agencies pursuant to rules that allow disclosure of stored DNA samples and DNA analyses only--
 - (A) to criminal justice agencies for law enforcement identification purposes;
 - (B) in judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules;
 - (C) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with

the case in which such defendant is charged; or

(D) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

(c) Failure to comply

Access to the index established by this section is subject to cancellation if the quality control and privacy requirements described in subsection (b) of this section are not met.

APPENDIX D

Table of Convicted Offender Samples

Table of Convicted Offender Samples

TABLE 1

1	2	3	4	5	6	7	8	9	10	11	12
Samples Collected (period ending 12/99)	Samples Analyzed w/ RFLP (period ending 12/99)	Samples Analyzed w/STR (period ending 12/99)	Samples Analyzed w/ 13 loci (period ending 12/99)	Samples Collected (period ending 3/00)	Samples Analyzed w/ RFLP (period ending 3/00)	Samples Analyzed w/STR (period ending 3/00)	Samples Analyzed w/13 loci (period ending 3/00)	Samples Collected (period ending 9/00)	Samples Analyzed w/ RFLP (period ending 9/00)	Samples Analyzed w/STR (period ending 9/00)	Samples Analyzed w/ 13 loci (period ending 9/00)

1. Please specify what offenses are covered by your State DNA database law. _____

2. Please specify the date that your current State DNA database law took effect. _____

3. Please specify the average annual number of convictions for such qualifying offenses since your State DNA database law took effect. _____

4. For States that will be contracting out the retesting of their convicted offender samples for quality assurance purposes or blind samples, please indicate the total number of convicted offender samples that will be contracted out under this program [total not to exceed 10% of Column 5 - (Columns 7+8)]. _____

APPENDIX E

Program and State Match Assurances

Program Assurances

In accordance with the Program Requirements of this Solicitation, the applicant certifies that:

1. they shall outsource the STR analysis of their collected convicted offender samples in accordance with their State procurement and/or sole source selection policies/procedures. If the responding State already has a relationship/contract with a vendor laboratory, that vendor laboratory may be used if they are able to meet all program requirements listed in this solicitation.
2. they shall require that any vendor laboratory selected for the STR analyses of their convicted offender samples or the quality assurance of those convicted offender samples is accredited by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) or have received a certificate of compliance with the DNA Advisory Board standards from the National Forensic Science Technology Center (NFSTC).
3. they agree to expedite their State procurement process in order to ensure that a laboratory is selected as expeditiously as possible in order that the first batch of collected convicted offender samples are provided to that laboratory within one hundred and twenty (120) days of receipt of notification of their award by NIJ.
4. they shall require that any vendor laboratory selected for STR analysis of their convicted offender samples to analyze and report back the results of the analysis of each batch of convicted offender samples to them within thirty (30) days of receipt of that batch.
5. they shall conduct quality assurance of the vendor laboratory's analyses by either the submission of blind samples for retesting by the vendor laboratory, by contracting out the retesting of the convicted offender samples to another laboratory or retesting samples in-house. The number of these quality assurance samples should not exceed 10% of the total convicted offender samples submitted by that State. They shall provide the vendor laboratory with quality assurance samples in the first batch of convicted offender samples and upon receipt of the results of the quality assurance analysis, shall notify NIJ within thirty (30) days of the quality assurance status of the vendor laboratory. They shall immediately report to NIJ any discrepancies in the quality assurance of the convicted offender analyses performed by the vendor laboratory.
6. they shall be in compliance with the current standards for the quality assurance program for DNA analysis, issued by the Director of the Federal Bureau of Investigation pursuant to the DNA Identification Act of 1994, entitled *Quality Assurance Standards for Convicted Offender DNA Databasing Laboratories*, (Appendix A).
7. they shall require that the laboratory selected analyze the State's convicted offender samples for Amelogenin and all of the 13 CODIS core loci - **FGA, vWA, D3S1358, CSF1PO, TPOX, TH01, D18S51, D21S11, D8S1179, D7S820, D13S317, D5S818, and D16S539** - in accordance with the Federal Bureau of Investigation's *NDIS Standards for Acceptance of DNA Data*; (Appendix B). They agree that the data provided by the vendor laboratory, once the appropriate

quality assurance of the samples has been completed, will be expeditiously uploaded into CODIS, their State DNA database and NDIS.

- (a) they shall require that the laboratory provide the genotypes in the common message format for insertion into the FBI's Combined DNA Index System (CODIS), a copy of which is attached as Appendix F.
8. they shall report to NIJ in the format specified by the "CODIS Hit Counting Guidelines," (Appendix G), any hits relating to the convicted offender samples analyzed as a result of funding provided under this program. Such reporting shall occur within thirty (30) days of the occurrence of such hit.

Failure to comply with the above certifications shall constitute cause for the suspension or termination of funding, at the discretion of NIJ.

Certifying Official

Title

Signature

Date

State Match Assurances

In accordance with the State Match Requirements of this Solicitation, the applicant certifies that:

1. they shall analyze at least 2.5 % of the total number of convicted offender samples contracted out under this program (From Table 1, Column 5 - (Columns 7 + 8) in unknown suspect cases (cases in which biological evidence is available but for which no suspect has been identified) during the 12 month term of the Award. The analysis of these unknown suspect cases shall be with STR technology, specifically with as many of the 13 CODIS core loci that are validated in the State's laboratory system - **FGA, vWA, D3S1358, CSF1PO, TPOX, THO1, D18S51, D21S11, D8S1179, D7S820, D13S317, D5S818, and D16S539**. The State agrees that the unknown suspect casework will be processed within its laboratory system and the resulting data will be expeditiously uploaded into CODIS, their State DNA database and NDIS.

The number of unknown suspect cases analyzed may be calculated as of the beginning of Federal Fiscal Year 2000 (October 1, 1999). States unable to demonstrate that this 2.5% number in unknown suspect case load has been analyzed and entered into their State DNA database at the conclusion of the program will not be eligible for similar funding in future years. Please note that the unknown suspect cases that are analyzed but do not produce results suitable to be entered into CODIS will still apply to a State's 2.5% State match requirement.

2. they shall report to the National Institute of Justice (NIJ) in the format specified by the "CODIS Hit Counting Guidelines," any hits relating to the unknown suspect cases analyzed as part of the State Match required under this program. Such reporting shall occur within thirty (30) days of the occurrence of such hit.

Failure to comply with the above certifications shall constitute cause for the suspension or termination of funding, at the discretion of NIJ.

Certifying Official

Title

Signature

Date