

MEMORANDUM

TO: Law Enforcement Agencies and State's Attorneys
FROM: Wayne Stenehjem
DATE: March 16, 2007
RE: **New Guidelines for Submission of DNA Evidence**

Last year, I appointed a Crime Lab Advisory Committee (consisting of representatives from law enforcement, state's attorneys, and the judiciary) to provide an opportunity for discussion among law enforcement and the North Dakota Crime Laboratory.

There has been a dramatic increase in the amount of evidence the crime lab has been called upon to analyze, so it is crucial that we develop guidelines for submission of items to the lab. This is the best way to assure that all law enforcement agencies will have evidence they submit processed on a timely basis.

To reduce the turn-around time for DNA testing at the laboratory, the Crime Lab Advisory Committee formulated a Submission Guideline Protocol for items needing DNA analysis. Based on the Committee's recommendations, I have approved the following protocol, effective April 1, 2007:

DNA SUBMISSION GUIDELINE PROTOCOL:

The extent of the analysis will depend on the investigative needs determined by the lead officer and case circumstances.

- The fewest possible number of items and/or stains should be examined by the state laboratory to answer the investigative question(s) presented.
- The most probative item(s) in the case should be identified when the items are submitted. Up to three (3) items may be submitted to the state lab for testing.
- If the lead officer or a state's attorney wants additional testing, they must meet with the forensic scientist in person or by telephone, or file a request for additional testing that specifies the investigatory need for additional tests.
- When the information from one stain or one piece of evidence answers the question(s) pertinent to the case no further analysis will be performed without consultation with the forensic scientist.

Following these guidelines will decrease the amount of evidence at the laboratory and ultimately will have a positive effect on the turn-around-time for DNA analysis.

Your cooperation in this matter is greatly appreciated.