B125 The Virginia Arrestee Databank - Observations After 5 Years of Operation

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The goal of this presentation is to present five years of experience working with arrestee alongside convicted offender databank samples, insight and observations were made about differences between handling/managing of arrestee samples vs. convicted offender samples.

This presentation will impact the forensic science community by presenting observations gained from the five years of operation of the Virginia Arrestee Databank. This information could be helpful to states in the early stages of arrestee databank operation or states contemplating an arrestee databank.

As a result of state legislation, an arrestee DNA databank was implemented in Virginia in January 2003. This additional class of databank samples was intended to complement the existing DNA databank, which has been in operation in Virginia since 1990. Until 2003, the Virginia DNA legislation covered only convicted felons, including juveniles over the age of 14 at the time of the offense "convicted of a felony or adjudicated delinquent on the basis of an act which would be a felony if committed by an adult."

The management of arrestee samples and profiles presented a set of issues that is significantly different from the management of felon samples. At the time that the arrestee databank was instituted in Virginia, there were no similar arrestee databanks in operation around the country from which to draw experience and advice. Therefore, policies and procedures specific to the collection, analysis and management of arrestee samples were created by the Department to the best of its knowledge and experience at the time, with the full knowledge that adjustments would probably be made as experience was gained in the operation of an arrestee databank.

An example of one of the changes in the Virginia databank operation due to the arrestee legislation was the transition from blood sample collection to buccal sample collection. In accordance with the Virginia arrestee legislation, an arrestee sample must be "taken prior to the person's release from custody". The drawing of a liquid blood sample would have necessitated the involvement of a nurse or health professional at the time of booking, with associated biohazard protective procedures. Such an arrangement was impractical for many reasons, one of which was the lack of such blood collection capability in many of the law-enforcement locations where an arrested individual would normally be processed. Therefore, a decision was made to change the collection of databank samples to a simple buccal collection kit which would not require the involvement of a health professional.

January 2008 will represent five years since the implementation of the arrestee databank in Virginia. Looking back, some observations have been made regarding the arrestee databank in areas such as DNA legislation, sample management, CODIS operation, and hit counting and reporting. For example, in accordance with the Virginia arrestee legislation, arrestee charges that require the collection of a DNA sample must be tracked until a final disposition of the charge is received. This clause in the legislation produced some logistical hurdles that the laboratory has had to overcome. As a result, the databank established procedures in coordination with the Department of State Police to obtain the updated charge disposition information on a weekly basis. Additionally, internal procedures were developed to coordinate the removal of the non-qualifying arrestee sample and databank record, as well as the DNA profile from CODIS.

The authors will present observations gained from the five years of operation of the arrestee databank. This information could be helpful to state laboratories in the early stages of arrestee databank operation or states contemplating the implementation of an arrestee databank.

Arrestee, Databank, Legislation

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