



PO BOX 16170 MISSOULA MT 59808
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MT-FSD BIOLOGY SECTION EVIDENCE SUBMISSION POLICY

The Montana Forensic Science Division remains dedicated to providing timely and accurate testing of evidentiary submissions. The Biology Section Evidence Submission Policy, outlined below, has proven to be integral in reducing case backlog. To further reduce processing turn-around times amidst the increasing demand for DNA testing and limited laboratory resources, the MT-FSD will be continuing to follow the protocols outlined below for all Biology Section evidence submissions indefinitely:

All submissions to the MT-FSD Biology Section MUST have a detailed case report or narrative and appropriate reference standards where applicable.

Sexual Assaults:

As per MCA 46-15-412, all Sexual Assault Evidence Kits (SAEK) taken into possession by law enforcement agencies will be submitted to the MT-FSD for analysis within 30 days. The following submission guidelines apply:

- Initial evidence submission is **limited to three (3) items**: a Sexual Assault Evidence Kit (SAEK), one pair of underwear and/or one condom, if applicable.
 - If a SAEK was not collected additional items such as clothing or bedding may be submitted after consultation with a Biology Section analyst. **Please contact a Biology Section analyst PRIOR to submitting any bedding.**
- If the SAEK is positive, additional items will NOT be accepted for biological analysis, unless case circumstances dictate the need for additional analysis.

Homicides:

- Initial evidence submission is **limited to ten (10) items**.
- If informative results are found on the initial submission, additional items will NOT be accepted for biological analysis, unless case circumstances dictate the need for additional analysis.
 - Please contact the laboratory **PRIOR** to submitting additional items.

Burglary/theft/property crimes:

- The initial submission is **limited to two (2) items**– these samples must be possible body fluid samples such as saliva or blood. **Touch type samples will not be accepted for property crime cases**– see Touch Type Evidence section.
- If informative results are found on the initial submission, additional items will NOT be accepted for biological analysis, unless case circumstances dictate the need for additional analysis.
 - Please contact the laboratory **PRIOR** to submitting additional items.



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Other (e.g., robbery, physical assault):

- Initial submission is **limited to five (5) items**.
- If informative results are found on the initial submission, additional items will **NOT** be accepted for biological analysis, unless case circumstances dictate the need for additional analysis.
 - Please contact the laboratory **PRIOR** to submitting additional items.

Drug Possession cases:

- The MT-FSD Biology Section **does not process evidence for drug possession cases**. In the event a case requires special consideration, please contact the Biology Section to discuss the case's circumstances.

Touch Type Evidence:

- **Touch evidence will be processed only on violent crimes against persons (ex. homicides, sexual assaults, etc.) where NO other informative evidence exists.** Reference standards must be submitted with touch evidence when possible. Touch evidence will be processed by the Biology Section only if it has not been previously processed by another discipline (Latent Prints, Firearms).

Criminal Parentage Cases:

- Submissions **must** include a reference standard from the child or product of conception (frozen, no preservatives) and the parent in question. The laboratory only performs analyses on parent-offspring relationships. Other familial types of comparisons will be referred to a private laboratory for analysis.
 - Ideally, criminal parentage cases will include: reference standards from the child or product of conception **AND** both biological parents.

Other Considerations:

- Provide a detailed case report or narrative:
 - MT-FSD Biology Section scientists will need an investigative report of the crime with an explanation of the role that DNA analysis of the submitted evidence is expected to play in advancing the investigation. For a DNA profile to be searched in the CODIS database, the MT-FSD must have documentation to demonstrate that the item from which the DNA profile was obtained is directly related to the crime.
 - **Please include in the case report where the items submitted to the Biology Section were recovered in relation to the alleged crime and how those items are related to the crime.**



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- High Priority Cases
 - Before testing, the MT-FSD strongly recommends that the forensic scientists, lead investigator(s) and the County Attorney confer and identify which items are best-suited for testing for those cases considered to be priority or having special circumstances. By eliminating items that are unlikely to yield informative results, the remaining items can be tested in a timelier manner and will have greater evidentiary value.
- Presumed Limits on Number of Items for DNA Testing:
 - The types and number of items accepted per submission depend on the case type. Known reference standards from victim(s), suspect(s), or subject(s) will not count against the number of items that may be submitted. An item is expected to consist of one piece of evidence (i.e., one piece of clothing, swab of blood from a single area, or one weapon). If received items are packaged together, the number of items in the package may be considered against the number of items submitted. **Please contact the laboratory PRIOR to submitting evidence after the initial submission.**
 - Providing reference standards from all case individuals at time of initial evidence submission will reduce the time to obtain results. **CODIS convicted offender DNA profiles are NOT to be considered “on-file” for comparisons to evidence submitted in a case.** Known DNA reference standard samples collected from case individuals should be submitted along with the initial case submission when available.

Re-Evaluation of Presumed Limits

- These presumptions may be re-evaluated if the unique facts of the case warrant.
- When the requesting law enforcement agency and county attorney believe that additional DNA testing will be informative, the forensic scientists, the lead investigator(s) and county attorney must confer together to identify the basis for additional testing.
- In some cases, not all evidence submitted to the Biology Section will be processed.

Please note that this submission policy only applies to evidence submissions for the Biology Section of the MT-FSD laboratory.

Thank you for your cooperation in helping the MT-FSD Biology Section to provide consistent, quality service to law enforcement agencies throughout Montana.

Should you have any questions or concerns please contact:

MT-FSD Biology Section
406-728-4970