

# MONROE COUNTY SHERIFF'S OFFICE

## General Order

<b>CHAPTER:</b> 054 - A		<b>TITLE:</b> DNA Evidence
<b>EFFECTIVE DATE:</b> August 19, 2009	<b>NO. PAGES:</b> 4	<b>AMENDED:</b> 06-14-2017
<b>REFERENCE:</b> <b>CFA 27.14      FSS 943.326</b>		<b>RESCINDS:</b> Special Order: DNA Evidence; 08.08.2007
 <b>Sheriff of Monroe County</b>		

### PURPOSE

The Monroe County Sheriff's Office is committed to solving crime that occurs within its jurisdiction. DNA evidence is a possible key to solving crime. Due to the fragile nature of DNA evidence, its collection, handling, and preservation must be performed with adequate care and caution.

### POLICY AND PROCEDURE

#### Biological evidence containing DNA include:

Blood  
Semen  
Tissue / skin cells  
Bones  
Teeth  
Hair  
Nails  
Saliva

#### Possible locations of DNA Evidence / Source of DNA

LOCATION	SOURCE
Bite Mark or area licked	Saliva
Fingernail scrapings	Blood or skins cells
Inside or outside surfaces of used condom	Semen or skin cells
Blankets, sheets, pillows or other bed linens	semen, sweat, hair, saliva
Clothing, including undergarments worn during or after the assault	hair, semen, blood, or sweat
Hat, bandanna or mask	sweat, skin cells, hair or saliva
Cigarette butt; toothpick; or rim of bottle, can or glass	saliva
Tape or ligature	skin cells, saliva or hair

#### Contamination of DNA Evidence

Contamination of possible evidence can occur by, but is not limited to:

- Touching the suspected evidence or area with un-gloved hands.

- Sneezing or coughing over the evidence
- Touching bare skin with a gloved hand and then touching the evidence or site.
- Touching more than one suspected evidence area with the same gloved hand (not changing the glove)

### **First Responder Responsibilities and Precautions**

First Responders need to recognize crime scenes where DNA evidence may become crucial to the solving of the case, identification of the perpetrator and successful prosecution.

First Responders must be mindful when entering any crime scene to avoid contaminating evidence. This is especially true of DNA Evidence.

First Responders should:

- Recognize possible sources of DNA evidence.
- Protect evidence or possible locations as much as possible.
- Record persons who enter the scene for possible collection of DNA elimination samples.
- Take steps to preserve items that may be discarded by emergency medical personnel or the victim.

Avoid Contamination by:

- Wearing gloves. Change them often (this is critical for persons collecting DNA evidence)
- Avoid touching the area where you believe DNA may exist
- Avoid talking, sneezing, and coughing over evidence

### **Collection of DNA Evidence**

Only individuals trained in such collection should collect DNA evidence.

All Crime Scene Detectives / Technicians shall receive specific training in the collection of DNA evidence.

Established, and recognized procedures will be followed for the collection of all evidence which may contain DNA evidence; i.e., blood, semen, saliva, hair, fingernails/scrapings, etc..

Collecting personnel should take into consideration:

- A respiratory mask shall be worn to avoid contamination.
- Gloves should be changed between the collections of samples.
- Use disposable instruments or clean them thoroughly before and after handling each sample.
- Avoid touching face, nose, and mouth when collecting and packaging evidence.
- Air-dry evidence thoroughly before packaging
- Put evidence into new paper bags or envelopes, not into plastic bags. Do not use staples

- Practice common contamination avoidance practices as noted above.

### **DNA Evidence Collection- Sexual Assault Victims**

DNA evidence collected in sexual offense investigations shall be done in accordance with FSS 943.326 (CFA 27.14) as follows:

(A) A sexual offense evidence kit, or other DNA evidence if a kit is not collected, must be submitted to the statewide criminal analysis laboratory (FDLE) for forensic testing within 30 days after (CFA 27.14):

1. Receipt of the evidence by a law enforcement agency if a report of the sexual offense is made to the law enforcement agency; or
2. A request to have the evidence tested is made to the medical provider or the law enforcement agency by:
  - The alleged victim.
  - The victim's parent, guardian, or legal representative, if the alleged victim is a minor; or
  - The alleged victim's personal representative, if the alleged victim is deceased.

(B) An alleged victim or, if applicable, the person representing the alleged victim as described above must be informed of the purpose of submitting evidence for testing and the right to request testing by:  
(CFA 27.14)

1. A medical provider conducting a forensic physical examination for purposes of a sexual offense evidence kit; or
2. A law enforcement agency that collects other DNA evidence associated with the sexual offense if a kit was not collected.  
Required notifications can be accomplished through distribution of the Sexual Battery Victim's Rights pamphlet.

(C) A collected sexual offense evidence kit must be retained in a secure, environmentally safe manner until the prosecuting agency has approved its destruction. Retention of such evidence will be accomplished through the Monroe County Sheriff's Office. (CFA 27.14)

### **Transportation and Storage**

Blood and biological DNA samples shall be refrigerated. They shall have affixed a warning decal indicating "BIOHAZARDOUS" on the outside of the container.

Hair, fibers, and all other non-biological samples shall be kept clean and dry at room temperature.

Evidence, once sealed in paper bags or envelopes, shall be labeled and packaged with the required accompanying paper work and transported to the appropriate location for submission.

All Biohazardous materials shall have "BIOHAZARDOUS" warning labels affixed.

Stored DNA evidence shall be stored with minimal exposure to sunlight, high temperatures or in any plastic bag or container.

### **Elimination Samples**

DNA samples collected from individuals for elimination purposes shall be collected following the same standards of care to avoid contamination.

### **Required FDLE Consent Form**

An FDLE consent form is required to be completed whenever a DNA sample is collected for the purpose of comparison or elimination.

Comparison and elimination samples should only be collected when there is sufficient evidence to warrant the collection.

An FDLE consent form is not necessary when a sample is collected pursuant to a court order or subpoena.

### **Procedures for Lab Submission**

DNA evidence shall only be submitted to an accredited laboratory for analysis.

Florida Department of Law Enforcement Lab shall be the primary lab used by the Monroe County Sheriff's Office for all DNA testing.

The procedures for lab submission as outlined in Chapter 54 - Evidence & Found/Recovered Property for Sexual Battery Evidence and Lab Submission shall be followed.