U.S. Department of Justice
Office of Justice Programs
National Institute of Justice

National Institute of Justice

S o l i c i t a t i o n

Sarah V. Hart, Director *February 2003*

Convicted Offender DNA Backlog Reduction Program (In-House Analysis)

Note: On March 14, 2003, NIJ amended this solicitation. The time frame for collecting DNA samples from convicted offenders has been extended from September 30, 2003, to September 30, 2004. The change is reflected in this version.

APPLICATION DEADLINE:
March 20, 2003

U.S. Department of Justice
Office of Justice Programs
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http://www.ojp.usdoj.gov/nij

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Convicted Offender DNA Backlog Reduction Program

(In-House Analysis)

I. Introduction

The National Institute of Justice (NIJ), a component of the Department of Justice's Office of Justice Programs, administers the Convicted Offender DNA Backlog Reduction Program of the Department of Justice. This Program is designed to help States reduce their backlog of unanalyzed convicted offender DNA samples. The objective of this program is to rapidly accelerate the analysis of convicted offender samples collected by States in order to provide CODIS-compatible data for all 13 CODIS core STR loci for local, State, and national DNA databases so that law enforcement is provided with critical investigative information in a timely manner.

II. Solicitation of Proposals

In this solicitation, NIJ invites State laboratories choosing to analyze convicted offender samples in their own laboratories to apply to NIJ with a proposal detailing their approach to conducting "high throughput" analysis in their laboratory. Only State laboratories that are qualified and can meet the requirements listed in Section III, "Requirements for State Laboratories for In-House Analysis," will be eligible for this program. A critical program element will be the cost-effectiveness of the State's program in comparison to private vendors.

The objective of this solicitation is to encourage proposal submissions from States wishing to analyze their own samples in-house. All convicted offender samples analyzed under this program will be analyzed with STR technology for all 13 CODIS core STR loci—**FGA, vWA, D3S1358, CSF1PO, TPOX, THO1, D18S51, D21S11, D8S1179, D7S820, D13S317, D5S818, and D16S539—**using commercially available PCR kits accepted by the National DNA Index System (NDIS). The resulting DNA profiles will be reported in a CODIS- compatible format that can be entered into the State and national DNA databases.

States interested in outsourcing the analysis of their convicted offender samples to private vendor laboratories will have an opportunity to apply for funding under a different program, the Convicted Offender DNA Backlog Reduction Outsourcing Program.

In order to determine funding, States will be required to report the number of convicted offender samples collected as of October 1, 2002, projected to be collected by September 30, 2004, and the number of these samples that have already been analyzed with the 13 CODIS core STR loci in the Table of Convicted Offender Samples (Appendix C). The funding level will be determined by multiplying the number of eligible samples by the State's in-house per sample cost. ***Please note that samples previously analyzed with STR technology but not analyzed for all 13 CODIS STR core loci are eligible for funding in this solicitation.***

The awards will be for an initial term of 12 months, with a maximum of 2 years available for grant completion.

III. Requirements for State Laboratories for In-House Analysis

A. Eligibility for State Laboratories to Perform In-House Analysis

1. Eligible applicants are State governments. For those States in which a local laboratory has responsibility for the analysis of the convicted offender samples, the application shall be submitted by the State government agency having oversight of the DNA database program. Also, accreditation by the American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) or certification by the National Forensic Science Technology Center (NFSTC) for compliance with the FBI Director's quality assurance standards is required for the State laboratory performing the analysis. Loss of such

accreditation or certification status during the award period may be grounds for termination of the award.

2. States must comply with the mandatory program requirements specified in Part B of this section. For example, States that are performing offender DNA analysis responding to this solicitation must be in compliance with the DNA Identification Act of 1994 (Appendix B), specifically with respect to compliance with the *Quality Assurance Standards for Convicted Offender DNA Databasing Laboratories* (which can be found on the Web at: *http://www.fbi.gov/hq/lab/codis/offender.htm*) and the proficiency testing requirements for participation in the National DNA Index System (NDIS). **To be eligible for funding under this solicitation, States must be participants in the National DNA Index System (NDIS) or must have applied to participate in NDIS as of December 1, 2002.**

3. At the time of the application submission, the States must have in place high-capacity DNA analysis procedures that will allow them to reduce their backlog by 1,000 samples a month.

4. States applying for both in-house analysis funding and outsourcing assistance under NIJ's Convicted Offender DNA Backlog Reduction Outsourcing Program must request funding for a minimum of 12,000 unanalyzed convicted offender samples for in-house analysis.

5. In order to determine the State's backlog, the State should use the number of samples eligible for funding that were collected as of October 1, 2002 and/or projected to be collected as of September 30, 2004.

6. The State laboratory's in-house cost per sample shall be similar to, or less than, typical vendor bids for similar volumes. It is anticipated that samples previously analyzed with some of the 13 CODIS core STR loci will require significantly less funding than wholly unanalyzed samples.

7. There is no match requirement for this program.

B. Program Requirements for State Laboratories - States shall comply with the following mandatory requirements in order to remain eligible to participate in this program:

1. States that receive funding to conduct in-house analysis of their convicted offender samples must begin analysis of their samples within sixty (60) days of receipt of their award. The first batch of samples should be completed within thirty (30) days of beginning analysis.

2. States will be required to complete a batch of at least 1,000 samples every month and complete the analysis of all requested samples by the end of the award period. Any variations must first be approved by NIJ.

3. The State shall conduct quality assurance of their own samples and the number of these quality assurance samples shall not exceed 10% of the total convicted offender samples for which funding was awarded. **Federal funds may be used for this purpose. See Table in Appendix C.** During the award period, the State shall immediately report to NIJ any discrepancies in the quality assurance of their convicted offender analyses and the appropriate action taken.

4. States performing in-house offender DNA analysis on their convicted offender samples must 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*. The State laboratory shall analyze its convicted offender samples for all of the 13 CODIS core loci—**FGA, vWA, D3S1358, CSF1PO, TPOX, THO1, 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 A). The State agrees that once the appropriate quality assurance has been completed, all data generated by its laboratory will

be expeditiously uploaded into its State DNA database.

5. States participating in the program are required to report to NIJ in the format specified by the "CODIS Hit Counting Guidelines" any hits (i.e., matches to crime scene evidence) relating to the convicted offender samples analyzed as a result of funding provided under this program. Such reporting shall occur within sixty (60) days of occurrence of such a hit.

IV. Restrictions and Limitations on Use of Funds

Federal funding will be provided to State laboratories that have demonstrated the ability to meet all listed requirements in this solicitation for the in-house analysis of their own convicted offender DNA samples.

V. Performance Measures

To ensure compliance with the Government Performance and Results Act (Public Law 103–62), this solicitation notifies applicants that NIJ's performance under this solicitation is measured by:

- Number of samples analyzed with the 13 CODIS core STR loci used in the national database.
- Number of samples **to be** analyzed with the 13 CODIS core STR loci used in the national database.
- Number of laboratories demonstrating improved access to and increased laboratory capacities for convicted offender analyses.
- Number of States that have experienced an increase in the number of samples they have available to the national database.

Award recipients will be required to collect and report data in support of this measure. Progress reports must contain information specifically detailing how the Convicted Offender DNA Backlog Reduction Program (In-House Analysis) funding contributed to the processing of convicted offender samples.

VI. How to Apply

Those interested in submitting proposals in response to this solicitation must complete the required application forms and submit related required documents. (See below for how to obtain application forms and guides for completing proposals.)

A. Applicants must include the following information/forms and submit them in the following order to quality for consideration:

- Standard Form (SF) 424—application for Federal assistance
- Geographic Areas Affected Worksheet
- Assurances
- Certifications Regarding Lobbying, Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (one form)
- Disclosure of Lobbying Activities
- Budget Detail Worksheet
- Budget Narrative
- Negotiated indirect cost rate agreement (if appropriate)
- Federal Funds Certification
- Names and affiliations of all key persons from applicant, advisors, consultants, and advisory board members
- Proposal abstract
- Table of contents
- Program narrative or technical proposal
- Privacy certificate
- Form 310 (Protection of Human Subjects Assurance Identification/ Certification/ Declaration)
- Environmental Assessment
- References
- Résumés
- Appendices, if any (e.g., list of previous NIJ awards, their status, and products [in NIJ publications or other publications])
- Program Assurances **(Appendix D)**
- Statutory Assurance Form **(Appendix E)**

- Table of Convicted Offender Samples **(Appendix C)**.

B. Applying. Two packets need to be obtained: (1) application forms (including a sample budget worksheet) and (2) guidelines for submitting proposals (including requirements for proposal writers and requirements for grant recipients). To receive them, applicants can:

- Go to the NIJ Web site: *http://www.ojp.usdoj.gov/nij/funding.htm*

- Request hard copies of the forms and guidelines by mail from the National Criminal Justice Reference Service at 800–851–3420 or from the Department of Justice Response Center at 800–421–6770 (in the Washington, D.C., area, at 202–307–1480).

- Request copies by fax. Call 800–851–3420 and select option 1, then option 1 again for NIJ. Code is 1023.

C. Guidance and information. Applicants who want to receive additional guidance and information may contact the Department of Justice Response Center at 800–421–6770. Center staff can provide assistance or refer applicants to an appropriate NIJ professional.

Additional information on the specific forms and narratives follows.

1. Standard Form 424—Application for Federal Assistance - Refer to the instructions that download with the grant applications document for items 1 through 18. Below is information about specific items on the SF424.

Item 9 - Name of Federal Agency: Type in "National Institute of Justice."

Item 10 - Catalog of Federal Domestic Assistance Number: For this Program, the number is 16.564 and the title is Convicted Offender DNA Backlog Reduction Program (In-House Analysis).

Item 11 - Descriptive Title of Applicant's Project: Type in "[Your State] + Convicted Offender DNA Backlog Reduction Program (In-House Analysis)."

Item 13 - Proposed Project Dates: For this program, the proposed project dates should be April 30, 2003 to May 1, 2004 or 2005 (applicants may select a 1- or 2-year time frame for completion).

Item 15 - Estimated Funding: State laboratories should multiply the number of unanalyzed offender samples for which you are requesting funding by your in-house cost per sample. Also, multiply the number of samples analyzed with some but not all of the 13 CODIS core STR loci for which you are requesting funding by your in-house cost per sample. Combine these two totals and insert the total on line (a), and enter the total from line (a) into line (g) as the total.

2. Federal Funding Certification - Include a statement that Federal funding made available under this program will not be used to supplant State or local funds and have this signed by the head of the agency.

3. Budget Detail Worksheet (OJP Form 7150/1) -
Each application must contain a completed Budget Detail Worksheet. Use "Section H, Other Costs" to indicate the number of unanalyzed convicted offender samples for which funding is being requested multiplied by your in-house cost per sample. Also list the number of samples analyzed with some but not all of the 13 CODIS core STR loci for which you are requesting funding multiplied by your in-house cost per sample. **Please note that appropriate cost estimates should be used for unanalyzed samples and samples previously analyzed with some STRs.**

4. Abstract - Each application must contain a brief synopsis of the program, which should be no longer than one page.

5. Program Narrative Instructions - Each application must contain a completed Program Narrative that includes:

(a) Applicant Information - Provide the name, address, point of contact, telephone, fax, and e-mail address of the applicant agency.

(b) Database Program Summary - Provide a brief summary of your State's DNA database program, including the method and manner of collection, agencies responsible in the State for collection activities, current capabilities within the State to perform offender DNA analysis, average annual workload/caseload (if applicable), and whether the offender is charged a fee for the collection/analysis of the DNA sample. If your State currently performs offender DNA analysis, please describe the facility (or facilities) and staff, including accreditation and certification status. This summary should not exceed two pages.

6. Privacy Certificate, Human Subjects Protection, and Environmental Assessment Instructions

(a) Privacy Certificate - The Privacy Certificate, as listed, is not required for this program. The following should be included: a document with the heading "Privacy Certificate," followed by the statement, "No research will be conducted as part of this project. All information obtained during this project will be governed by the DNA Identification Act of 1994."

(b) Form 310 (Protection of Human Subjects Assurance Identification/ Certification/ Declaration) - The Human Subjects form should be completed, except items #6 and #7, which may be left blank. The applicant should insert the following comment for #8: "No research will be conducted on human subjects as part of this project."

(c) Environmental Assessment - An environmental assessment is not required to be submitted with this initial application. After the proposals are reviewed, awardees will be contacted and then required to submit an environmental assessment.

(d) Certification required by the DNA Identification Act of 1994 and the DNA Backlog Elimination Act of 2000 - Each applicant must provide the signed certification required by the Acts. A certification form ("Statutory Assurance") is included as Appendix E of this solicitation.

VII. Award Criteria

All responses will be reviewed by an evaluation panel selected for their operational expertise as well as their knowledge of the substantive areas covered by this solicitation. The panel's evaluations will be presented to the Director of NIJ, who will make the final award decision.

VIII. Administrative Requirements

In the event that it becomes necessary to revise, modify, clarify, or otherwise alter the solicitation, revisions will be made in the form of addenda to this solicitation. All addenda to the original solicitation become part of this solicitation and shall become part of the final award resulting from this solicitation.

1. NIJ is not liable for any cost incurred by an applicant in preparation for or prior to the approval of a Laboratory for this program.

2. NIJ reserves the right to do the following:

(a) Amend the solicitation specifications to correct errors or oversights, and to supply additional information as it becomes available. All applicants who have received this solicitation will be supplied with all addenda or additional information issued.

(b) Make typographical corrections to responses to the solicitation, with the concurrence of the applicant.

(c) Request clarification and/or additional information from applicants responding to this solicitation.

(d) Change any of the scheduled dates stated herein, with posted on the NIJ Web site.

(e) Disqualify responses to this solicitation that fail to meet the eligibility and program requirements.

3. Public announcements or news releases pertaining to the selection of the grantees for this program shall not be made without the prior written approval of NIJ.

4. Executive Order 12372 requires applicants from State governments to submit a copy of the application to the State Single Point of Contact (SPOC) if one exists and if the program has been selected for review by the State. Applicants must contact their SPOC to determine if the program has been selected for review by the State. A list of current SPOCs can be found on the Web at: *http://www.whitehouse.gov/omb/grants/spoc.html*.

The date that the application was sent to the SPOC or the reason such submission is not required should be entered in item 16 on the Application for Federal Assistance (SF 424).

5. A copy of the application must also be submitted to the State office that administers the Edward Byrne Memorial State and Local Law Enforcement Assistance Formula Grant Program. A list of State offices can be found on the Web at: *http://www.ojp.usdoj.gov/state.htm*.

IX. Audit Requirements

State governments are governed by the Single Audit Act of 1984 and the Office of Management and Budget (OMB) Circular A-128, "Audits of State and Local Governments." The type of audit required under this circular is dependent upon the amount of Federal funds received. Applicants are required to identify when the agency's fiscal year begins and ends and provide the name of the agency's cognizant Federal agency. This information may be provided in the Program Narrative section of the application.

X. Monitoring

Each grant awarded under this Solicitation will be monitored according to the Office of Justice Programs Grant Management Policies and Procedures Manual, Chapter 8, Grant Monitoring.

XI. Suspension or Termination of Funding

NIJ may suspend, in whole or in part, or terminate funding for the following reasons:

- Failure to comply substantially with the requirements of Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended.

- Failure to comply with the requirements of the DNA Identification Act of 1994 (Public Law 103-322), DNA Analysis Backlog Elimination Act of 2000 (Public Law 106-546), regulations promulgated thereunder, or with the terms and conditions of its grant award.

- Failure to comply with the Program Requirements of this award.

Prior to suspension of a grant, NIJ will provide reasonable notice to the grantee of its intent to suspend the grant and will attempt informally to resolve the problem resulting in the intended suspension. Hearing and appeal procedures for termination actions are set forth in Department of Justice regulations in 28 CFR Part 18.

XII. Award Information

A. Award Period - Awards under this program are issued for a period of 12 months, with a maximum of 2 years available for grant completion.

B. Award Amount - It is anticipated that a total of approximately $15 million may be available under this solicitation. Actual awards are based upon the evaluation of the responses received.

If a State is determined to be eligible, the amount of the award will be based upon the number of convicted offender samples that have been collected as of October 1, 2002 and/or samples estimated to be collected as of September 30, 2004, but not fully analyzed with STR technology.

According to the numbers recorded in the Table in Appendix C, formulas for States requesting funding for in-house analysis under this program are calculated as follows:

- Column 4 + Column 5 x In-House Cost per sample = Funding for unanalyzed offender samples.

- Answer to Question (1) multiplied by your In-House Cost per sample for offender samples analyzed with some STRs = Funding for offender samples previously analyzed with some STRs.

Combine the two dollar figures for the total funding request.

C. Due Date - An original plus ten (10) copies of fully executed responses must be received by NIJ by the close of business on **March 20, 2003.** Extension of this deadline is not be permitted.

Applications submitted via facsimile will not be accepted.

Applications must be sent to the following address:

Solicitation for the Convicted Offender DNA Backlog Reduction Program
National Institute of Justice
Office of Science & Technology
810 7th Street, N.W., 7th Floor
Washington, D.C. 20531*

*If shipping other than U.S. Mail, please use Zip Code 20001.

XIII. Contact

Applicants are encouraged to contact NIJ to discuss questions concerning this solicitation before submitting their proposals. Questions may be requested to be submitted in writing for documentation or clarity. To obtain further information, applicants may contact Dr. Lisa Forman, at the above address, by phone at (202) 307–6608, or by e-mail at formanl@ojp.usdoj.gov. Applicants may also contact the U.S. Department of Justice Response Center at (800) 421–6770 or (202) 307–1480 for general information.

SL 000608

APPENDIX A

National DNA Index System (NDIS)

NDIS STANDARDS FOR ACCEPTANCE OF DNA DATA

January 11, 2000

Send comments to Dr. Barry Brown, FBI Laboratory, GRB 3R, 935 Pennsylvania Avenue, Northwest, Washington, D. C. 20535–0001, (202) 324–1337. FAX (202) 324–1276

NDIS STANDARDS FOR ACCEPTANCE OF DNA DATA

Purpose

The concept for utilizing DNA profiles for forensic analysis was proposed by the Technical Working Group for DNA Analysis (TWGDAM), as described by Kirby (1990)[1]. The Federal Bureau of Investigation Laboratory initiated development of the COmbined DNA Index System, (CODIS), which contains separate files or indexes of DNA profile information. The main files in use at the local and state level are forensic and convicted offender. The DNA profiles in CODIS are used for law enforcement purposes only, and access is limited to criminal justice agencies performing DNA analysis (DNA Identification Act of 1994. 42 U.S.C. §14132). CODIS facilitates comparisons of DNA records to generate investigative leads. CODIS also provides functionality for use in assessing the statistical significance of a forensic DNA match.

The National DNA Index System (NDIS) is intended to be a single central repository of DNA records. These DNA records will be locally generated by NDIS participating laboratories in the United States. The centralized repository of DNA records will be used to generate investigative leads. System-wide standards have been established thereby ensuring that only reliable and compatible DNA profiles are contained in the NDIS files.

This document provides the NDIS standards for acceptance of DNA profiles. This version governs DNA data generated by Restriction Fragment Length Polymorphism (RFLP) and for Polymerase Chain Reaction (PCR) based methods.

CHANGES IN THE NDIS STANDARDS FOR ACCEPTANCE OF DNA DATA

From time to time, changes to the NDIS STANDARDS FOR ACCEPTANCE OF DNA DATA (NDIS STANDARDS), may be issued. Changes to the NDIS STANDARDS are to be posted on the FBI Web page (*http://www.fbi.gov*). These changes shall be promptly instituted by NDIS participating laboratories upon notification of the changes. Any laboratory recommending a change to the NDIS STANDARDS shall contact the NDIS Custodian, in writing. This communication should include the name of a contact person and telephone number, as well as a description of the proposed change and the reasons supporting the need for such a change. After review of such request, the NDIS Custodian shall notify the NDIS participating laboratory of his/her determination.

NDIS shall accept a DNA profile after it is determined to be compliant with the NDIS STANDARDS in effect at the time the DNA profile was derived or compliant with the standards that are in place at the time the DNA profile is offered. For example, a “new” molecular weight size marker may be added to the list of acceptable molecular weight size markers. Any DNA profiles offered but previously rejected solely as a result of the use of the previously unrecognized molecular weight size marker shall be accepted after the NDIS STANDARDS are revised to include the “new” molecular weight size marker.

[1]The Combined DNA Index System (CODIS): A Theoretical Model, Appendix II, from DNA Fingerprinting, An Introduction, Kirby, L. T., 1990, Stockton Press, New York.

Laboratory Procedures and Practices

All DNA profiles offered to NDIS by NDIS participating laboratories shall be produced in accordance with the Quality Assurance Standards, as required in the DNA Identification Act of 1994. The Quality Assurance Standards for Forensic DNA Testing Laboratories were approved by the Director of the FBI and became effective October 1, 1998. The Quality Assurance Standards for Convicted Offender DNA Databasing Laboratories, also approved by the Director of the FBI, became effective April 1, 1999. These Quality Assurance Standards supersede the quality assurance guidelines adopted by TWGDAM, entitled "Guidelines for a Quality Assurance Program for DNA Analysis" (TWGDAM Guidelines).[2]

Restriction Fragment Length Polymorphism Section

Protocol for RFLP

1. The laboratory shall demonstrate that it continues to use a protocol that produces NDIS-compatible DNA results by analysis of the K562 human DNA control (American Type Culture Center, [ATCC], registered cell line). The K562 human DNA control shall be run on every RFLP electrophoretic analytical gel that exhibits a DNA profile offered to NDIS. The protocol is acceptable as long as the K562 human DNA control measurements are routinely within NDIS tolerances.

2. The restriction enzyme shall be *Hae III*.

3. Only DNA profiles derived by applying DNA probes to loci listed on the "List of NDIS Accepted Loci" shall be accepted by NDIS.

4. Derivation of base pair values shall be obtained using computer software approved by the Federal Bureau of Investigation.

Changes to the RFLP Protocols

1. A laboratory that changes its protocol shall not use the modified protocol in the analysis of specimens that are intended for submission to NDIS until the laboratory demonstrates that the modified protocol produces NDIS-compatible results.

2. The use of a protocol that does not achieve K562 human DNA control measurements within NDIS established tolerances shall be discontinued.

3. At the request of NDIS, a laboratory shall demonstrate the reliability of data generated by the proposed protocol.

[2] Guidelines for a Quality Assurance Program for DNA RFLP Analysis, Crime Laboratory Digest, April-July 1989, Vol. 16 (2), pp. 40–59; Guidelines for a Quality Assurance Program for DNA Analysis, Crime Laboratory Digest, April 1991, Vol. 18 (2), pp. 44–75; and Guidelines for a Quality Assurance Program for DNA Analysis, Crime Laboratory Digest, April 1995, Vol. 22 (2), pp. 21–43.

Molecular Weight Size Marker (MWSM)

1. An MWSM from the list of acceptable MWSMs shall be run on each gel that exhibits a DNA profile that is submitted to NDIS.

2. All MWSMs, specimens and K562 human DNA control(s) shall be of sufficient clarity and intensity within the relevant measurement area of the gel so that meaningful measurements can be made.

3. No more than five (5) lanes shall be between any two MWSMs.

4. The MWSM lanes shall contain only MWSM.

5. The addition of a "new MWSM" to the list of acceptable MWSMs shall be made by NDIS only after data presented to NDIS demonstrates that the "new MWSM" shall generate NDIS-compatible results.

K562 Human DNA Control

1. The K562 human DNA control shall be on each analytical electrophoretic gel that exhibits a DNA profile submitted to NDIS.

2. Each NDIS subscribing laboratory shall request approval, in writing, from the NDIS Custodian, for established K562 human DNA control tolerances to be used by the NDIS subscribing laboratory. Once approved by the NDIS Custodian, such K562 human DNA control tolerances shall be accepted by NDIS.

3. K562 human DNA control measurements submitted to NDIS shall be within each subscribing laboratory's approved K562 human DNA control tolerances. K562 human DNA control measurements outside acceptable tolerances shall result in the rejection of all associated DNA profiles submitted from that analytical electrophoretic gel, at that locus.

4. Any NDIS subscribing laboratories seeking to change established tolerances shall request of the NDIS Custodian, in writing, approval of the new tolerances for associated DNA profiles to be accepted by NDIS, and the reason(s) for seeking to change established tolerances.

5. Any human DNA controls other than K562 included in a DNA analysis shall not be evaluated by NDIS (except as may be described elsewhere in this document). All sized K562 human DNA control measurements shall be evaluated before DNA results from any specimens are accepted by NDIS (for either use or inclusion in NDIS files).

6. As per Table 1, the NDIS Custodian shall calculate and record K562 human DNA controls for quality assurance as defined according to the following function:

$$\frac{\left(\frac{X-\bar{X}}{SD_x}\right)^2+\left(\frac{Y-\bar{Y}}{SD_y}\right)^2-2R\left(\frac{X-\bar{X}}{SD_x}\right)\left(\frac{Y-\bar{Y}}{SD_y}\right)}{(1-R^2)} \leq K_{1-a}$$

where: X, Y — Measured band size of alleles 1 and 2.
$\overline{X}$, $\overline{Y}$ — Expected interlaboratory band size of alleles 1 and 2
SD_X, SD_Y — Expected interlaboratory reproducibility SD of alleles 1 and 2
R — Expected intralaboratory correlation between allele 1 and 2 measurements
K_{1-a} — Constant for coverage of 100(1-a)% of a bivariate normal distribution

Table 1

Locus	$\overline{X}$	SD_X[c]	$\overline{Y}$	SD_Y[c]	R[d]	$K_{0.99}$[e]
D1S7	4571[a]	34	4231[a]	31	0.62	9.21
D2S44	2907[a]	21	1791[a]	14	0.62	9.21
D4S139	6474[a]	58	3438[a]	24	0.62	9.21
D5S110	3714[b]	26	2942[b]	21	0.62	9.21
D10S28	1757[a]	14	1182[a]	12	0.62	9.21
D17S79	1982[a]	15	1520[a]	13	0.62	9.21

[a] Certified allele band size as stated in the National Institute of Standards and Technology Certificate of Analysis for Standard Reference Material 2390 "DNA Profiling Standard", available from Standard Reference Materials Program, NIST, Gaithersburg, MD 20899 (1992). NIST will update this periodically.

[b]Median of data from 10 laboratories, compiled by Brian Hoey of the Missouri State Highway Patrol.

[c]Predicted standard deviation for the band sizes, using equation:

$$SD = 7.5(1+bp/19500)^{7.1}$$

of: A.M. Stolorow; D.L. Duewer; Dennis J. Reeder; E. Buel; G. Herrin, Jr.; Interlaboratory Comparison of Autoradiographic DNA Profiling Measurements. 3. Repeatability and Reproducibility of Restriction Fragment Length Polymorphism Band Sizing, Particularly Bands of Molecular Size >10k Base Pairs. Analytical Chemistry 1996: 68(11), 1941-1947.

[d]Empirically determined for each locus using data supplied by numerous city, county, state, or Federal forensic laboratories. Correlations were determined for each laboratory supplying data (between 16 and 26 unique data sets, depending on locus). The median correlation at each locus was found to be 0.62±0.04.

[e]$K_{0.99} = \chi^{-1}(.01,2) = 9.21$. The inverse one-tailed (1-0.99) probability of the chi-squared distribution with two degrees of freedom is the limiting (infinite data) critical K for 99% coverage of a bivariate normal distribution.

Monomorphic Human DNA Controls

Monomorphic probes shall not be used concurrently with a probe for any locus in the table of RFLP Loci accepted at NDIS.

Interpretation of DNA Profiles

1. DNA profiles submitted to NDIS shall be interpretable (interpretable - any DNA data that could be used to make an exclusion).

2. A laboratory submitting a DNA profile to NDIS that is derived from forensic evidence, shall only offer those bands that are attributed to the putative perpetrator(s). Alleles derived from forensic profiles that are unambiguously attributed to a victim or individuals other than the perpetrator(s), such as, but not limited to a husband or boyfriend, shall not be offered to NDIS.

3. The DNA results from any locus in which an ambiguity exists in the assignment of one or more alleles to the putative perpetrator(s) may be offered to NDIS. The mere observation of alleles that may be attributed to individuals other than the putative perpetrator, does not in itself, preclude offering DNA profiles to NDIS at that locus.

4. After image analysis, no “correction factors” that alter or adjust the readings derived directly from an image analysis workstation shall be applied to the DNA profile offered to NDIS.

RFLP Loci Accepted and Minimum RFLP Loci for a DNA Profile to be Accepted at NDIS

The inclusion of DNA profiles in NDIS derived from convicted offender, forensic samples, unidentified human remains, and population samples requires conclusive fragment size determinations from certain specific loci. There is a minimum number of loci from which conclusive results are required for profiles submitted to the forensic, unidentified human remains and convicted offender indexes. Additional loci on these samples shall then be accepted. DNA profiles which fail to include these loci (number and name) shall not be accepted by NDIS.

Table 2 constitutes all RFLP loci from which results shall be accepted by NDIS The absence of any particular locus from this table does not suggest the unsuitability of the locus for forensic application. The addition of new RFLP loci shall be accepted by NDIS, upon approval by the NDIS Custodian.

Table 2 RFLP Loci Accepted at NDIS					
Locus	Probe	Convicted Offender[1]	Forensic[2]	Unidentified Human Remains[3]	Population
D1S7	MS1	Accepted	Accepted	Accepted	Accepted
D2S44	YNH24	**Required**	**Required**	**Required**	Accepted
D4S139	PH30	**Required**	**Required**	**Required**	Accepted
D5S110	LH1	**Required**	**Required**	**Required**	Accepted
D10S28	TBQ7	**Required**	**Required**	**Required**	Accepted
D14S13	CMM101	Accepted	Accepted	Accepted	Accepted
D16S85	3'HVR	Accepted	Accepted	Accepted	Accepted
D17S26	EFD52	Accepted	Accepted	Accepted	Accepted
D17S79	V1	Accepted	Accepted	Accepted	Accepted
1. Any of these RFLP loci so indicated shall be accepted at NDIS.					
2. The number required to be a complete profile for Convicted Offender is the required 4.					
3. An analysis of all 4 required loci must be attempted for both Forensic and Unidentified Human Remains. The minimum number of RFLP loci required for search purposes is 3 for Forensic and Unidentified Human Remains.					

Application of probes

Alleles detected following the hybridization of a membrane shall be unambiguously ascribed to a single locus. Therefore, only one locus may be probed during the hybridization of a membrane. The mixing of probes to more than one locus for concurrent application to a single membrane is prohibited.

Molecular Weight Size Markers (MWSMs) Accepted by NDIS for RFLP Loci
The following MWSMs shall be accepted at NDIS:

1. Life Technologies BRL, DNA Analysis Marker System
2. Lifecodes, 23 kb sizing standard
3. Promega Genetic Analysis Marker Ladder

Polymerase Chain Reaction (PCR) Section

Protocol for PCR

PCR DNA Controls, allelic ladders and primer sets that were validated together shall be used together.

1. The laboratory shall demonstrate that it continues to use a protocol that produces NDIS compatible DNA results by its application of a positive PCR DNA Control that has been appropriately validated.

2. All DNA profiles offered to NDIS must be associated with an accurate result for PCR DNA Controls.

3. Only DNA profiles derived from analysis of NDIS Accepted PCR Kits (Table 3) shall be accepted at NDIS.

Changes to PCR Based Protocols (Per the FBI Quality Assurance Standards, page 2)

1. Any significant changes made to a protocol must be demonstrated to be non-detrimental to the PCR results, as indicated by appropriate PCR DNA Control results.

2. The use of a protocol that does not achieve the correct results for the PCR DNA Controls shall be discontinued.

3. At the request of NDIS, a laboratory shall demonstrate the reliability of data generated by the proposed protocol.

Allelic Ladders

1. The allelic ladders used must be from the list of NDIS Accepted PCR Kits (Table 3).

2. The allelic ladders used for each locus must give NDIS compatible results, as demonstrated by the PCR DNA Controls.

3. At each locus, the allelic ladder should have the commonly occurring alleles of the repeat element.

4. An NDIS Accepted Allelic ladder must be associated with each sample set.

Interpretation of DNA Profiles

1. DNA profiles submitted to NDIS shall be interpretable (interpretable - any DNA data that could be used to make an exclusion).

2. A laboratory submitting a DNA profile to NDIS that is derived from forensic evidence, shall only offer those alleles that are attributed to the putative perpetrator(s). Alleles derived from forensic profiles that are unambiguously attributed to a victim or individuals other than the perpetrator(s), such as, but not limited to a husband or boyfriend, shall not be offered to NDIS.

3. The DNA results from any locus in which an ambiguity exists in the assignment of one or more alleles to the putative perpetrator(s) may be offered to NDIS. The mere observation of alleles that may be

attributed to individuals other than the putative perpetrator, does not in itself, preclude offering DNA profiles to NDIS at that locus.

NDIS Accepted PCR Kits

1. The following table (Table 3) provides the PCR Kits accepted by NDIS.

2. The absence of a PCR Kit from Table 3 does not suggest the unsuitability of that particular PCR Kit for forensic application.

3. The addition of a PCR Kit to Table 3 (NDIS Accepted PCR Kits) or modification of an existing PCR Kit, shall be made only after data are presented to NDIS, that demonstrates that the new PCR Kit generates NDIS compatible results, or the modification is justified.

Table 3 - NDIS Accepted PCR Kits	
Manufacturer	Kit Name
Promega	GenePrint PowerPlex 1.1(Catalog numbers DC6091/6090)
Promega	GenePrint PowerPlex 1.2 (Catalog numbers DC 6101/6100)
Promega	GenePrint PowerPlex 2.1 (Catalog numbers DC 6471/6470)
PE Applied Systems	AmpF/STR Profiler Plus (PIN 4303326)
PE Applied Systems	AmpF/STR Cofiler (PIN 4305246)
PE Applied Systems	AmpF/STR Profiler Plus and AmpF/STR Cofiler (PIN 4305979)
Promega Monoplex*	Monoplex D5S818 (Catalog number DC6161)
Promega Monoplex*	Monoplex D7S820 (Catalog number DC6141)
Promega Monoplex*	Monoplex D13S317 (Catalog number DC6151)
Promega Monoplex*	Monoplex D16S539 (Catalog number DC6131)
Promega Monoplex*	Monoplex TH01 (Catalog number DC5081)
Promega Monoplex*	Monoplex TPOX (Catalog number DC5111)
Promega Monoplex*	Monoplex CSF1PO (Catalog number DC5091)
Promega Monoplex*	Monoplex vWA (Catalog number DC5141)

* Monoplexes are all fluorescene-labeled and have same chemistry as when in multiplex kits

PCR Profiles Offered to NDIS

1. The DNA result from each locus will be in the form p,q for heterozygotes (in ascending order) and p,p for homozygotes.

2. Alleles below or above the allelic ladder are entered as < (lowest allele) or > (highest allele), respectively.

PCR Loci Accepted and Minimum PCR Loci for a DNA Profile to be Accepted at NDIS

The inclusion of DNA PCR profiles in NDIS derived from convicted offender, forensic samples, unidentified human remains and population samples require conclusive results from a minimum number of specific loci/systems. DNA profiles which fail to include these loci, at a minimum, shall not be accepted by NDIS. There is a minimum number of loci from which conclusive results are required for profiles submitted to the forensic, unidentified human remains and convicted offender indexes. Additional loci on these samples shall then be accepted. DNA profiles which fail to include these loci (number and name) shall not be accepted by NDIS.

Table 4 constitutes all PCR loci from which results shall be accepted by NDIS The absence of any particular locus from this table does not suggest the unsuitability of the locus for forensic application. The addition of new PCR loci shall be accepted by NDIS, upon approval by the NDIS Custodian.

Table 4 PCR Loci Accepted at NDIS

Locus	**Chromosome Location**	**Convicted Offender[1]**	**Forensic[2]**	**Unidentified Human Remains[2]**	**Population**
CSF1PO	5q33.3-34	**Required**	**Required**	**Required**	Accepted
FGA	4q28	**Required**	**Required**	**Required**	Accepted
THO1	11p15.5	**Required**	**Required**	**Required**	Accepted
TPOX	2p23-2pter	**Required**	**Required**	**Required**	Accepted
VWA	12p12-pter	**Required**	**Required**	**Required**	Accepted
D3S1358	3p	**Required**	**Required**	**Required**	Accepted
D5S818	5q21-31	**Required**	**Required**	**Required**	Accepted
D7S820	7q	**Required**	**Required**	**Required**	Accepted
D8S1179	8	**Required**	**Required**	**Required**	Accepted
D13S317	13q22-31	**Required**	**Required**	**Required**	Accepted
D16S539	16q24-qter	**Required**	**Required**	**Required**	Accepted
D18S51	18q1.3	**Required**	**Required**	**Required**	Accepted

Locus	Chromosome Location	Convicted Offender[1]	Forensic[2]	Unidentified Human Remains[2]	Population
D21S11	21	**Required**	**Required**	**Required**	Accepted
Amlogenin	X:p22.1-22.3 Y:p11.2	Accepted	Accepted	Accepted	Accepted

1. Any of these PCR loci so indicated shall be accepted at NDIS.

2. The number required to be a complete profile for Convicted Offender is the required 13.

3. An analysis of all 13 required loci must be attempted for both Forensic and Unidentified Human Remains. The minimum number of PCR loci required for search purposes is 10 for Forensic and Unidentified Human Remains.

Appendix

Waivers - General Information

NDIS shall conditionally accept DNA results obtained prior to the "Guidelines for a Quality Assurance Program for DNA Analysis" (TWGDAM Guidelines first published in 1989, footnote page 2), the effective date of the NDIS STANDARDS. The Quality Assurance Standards for Forensic DNA Testing Laboratories (effective October 1, 1998), and The Quality Assurance Standards for Convicted Offender DNA Databasing Laboratories (effective April 1, 1999), supersede the quality assurance guide lines adopted by TWGDAM. Waivers shall not be granted to DNA records derived after the issuance of NDIS STANDARDS, except as noted herein.

A waiver granted shall remain in effect until NDIS Custodian issues superseding NDIS STANDARDS, at which time previously granted waivers may be renewed upon approval by the NDIS Custodian.

Provisions Subject to NDIS RFLP Waivers

Applications for waivers to the sections from the NDIS STANDARDS relative to RFLP data listed previously may be submitted to the NDIS Custodian. The application shall specify the DNA results that are to be covered by the waiver. No other waivers shall be granted. Granting of a waiver is at the sole discretion of the NDIS Custodian.

Waiver - DNA Records Derived Prior to April, 1989

Waivers may be granted for those DNA records that were derived prior to the issuance of the TWGDAM Guidelines in April, 1989, at the discretion of the NDIS Custodian. The laboratory must demonstrate that the qualified DNA records were derived in a manner largely consistent with the TWGDAM Guidelines. The certification shall be signed and dated (date signed) by a DNA Supervisor, an individual who is administratively responsible for the DNA analysis work of laboratory personnel.

Waiver - Alternative Image Analysis Workstation (IAW) System

Data demonstrating that an IAW system other than that developed by the FBI (alternative IAW) produces reliable and NDIS compatible DNA records is required. Also, a test plan and data demonstrating the conversion of the electronic format of the DNA records to a NDIS compatible format are required. The electronic conversion of DNA records to a NDIS data compatible format must be demonstrated to retain the integrity of the DNA record through the conversion process.

DNA profiles derived using an alternative IAW software/work station shall only be accepted by NDIS after the alternative IAW has been demonstrated to meet all NDIS performance standards, including reliability, compatibility, and data integrity.

Waiver - RFLP Human DNA control

All analytical electrophoretic gels exhibiting DNA profiles for use by or inclusion in NDIS shall also exhibit a human DNA control. Human DNA controls other than K562 (alternative human DNA control) shall only be

accepted when sufficient data are presented to determine acceptable values for the alternate human DNA control. The waiver shall only apply to analyses conducted prior to 90 days after the effective date of the NDIS STANDARDS.

Waiver for Minimum Loci Constituting a DNA Profile Accepted by NDIS

NDIS shall accept any locus listed as "NDIS Accepted Loci" for "convicted offender," "forensic," "unidentified human remains," and "population" classes of specimens, where results are available for the specified minimum number of loci. Thus, NDIS shall accept any combination of loci for the "population" class of specimen and any combination of accepted loci beyond the required loci for the "convicted offender," "forensic" or "unidentified human remains" classes of specimens; where these locus combinations are defined from among the "Loci Accepted at NDIS": Pages 6 (Table 2) and 9 (Table 4).

Application for a Waiver

States intending to make application for a waiver of NDIS STANDARDS should write the NDIS Custodian for details.

Application for Acceptance of New Loci by NDIS

Applications for new loci to the NDIS STANDARDS may be submitted to the NDIS Custodian by a criminal justice agency. The addition of new loci to NDIS STANDARDS shall be made by the NDIS Custodian only after data presented to NDIS demonstrates that the new loci have been appropriately validated including forensic and population studies, and provide NDIS comparable results. The NDIS Custodian may request further validation by additional criminal justice agencies.

Correspondence

Any correspondence regarding NDIS STANDARDS FOR ACCEPTANCE OF DNA DATA should be sent to:

Attention: NDIS Custodian
Forensic Science Systems Unit
FBI Laboratory
935 Pennsylvania Avenue, Northwest, Room GRB-3R
Washington, DC 20535–0001

Revision History		
Date	Author	Comments
11 November 1996	Barry Brown	Revised per TWGDAM*
12 June 1998	Barry Brown	Revised per TWGDAM*
4 January 1999	Barry Brown	Revised per SWGDAM*
12 July 1999	Barry Brown	Reviewed at SWGDAM*
11 January 2000	Barry Brown	Revised per SWGDAM*

*The TWGDAM CODIS Subcommittee, later SWGDAM CODIS Subcommittee, reviews and makes revision suggestions on a regular basis.

APPENDIX B

Relevant Provisions of
the DNA Identification Act of 1994

Relevant Provisions of the DNA Identification Act of 1994, as Amended

§ 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;

(3) analyses of DNA samples recovered from unidentified human remains; and

(4) analysis of DNA samples voluntary contributed from relatives of missing persons.

(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 (or the Secretary of Defense in accordance with section 1565 of title 10, United States Code) 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 semiannual 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 (or the Secretary of Defense in accordance with section 1565 of title 10, United States Code) 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.

(d) Expungement of records

As a condition of access to the index described in subsection (a), a State shall promptly expunge from that index the DNA analysis of a person included in the index by that State if the responsible agency or official of that State receives, for each conviction of the person of an offense on the basis of which that analysis was or could have been included in the index, a certified copy of a final court order establishing that such conviction has been overturned.

APPENDIX C

Table of Convicted Offender Samples

Table of Convicted Offender Samples

Please note: When recording the number of convicted offender samples collected and analyzed, enter the actual number of samples collected and analyzed as of October 1, 2002 as well as the projected number of convicted offender samples that will be collected as of September 30, 2004.

Column 1.

Specify the actual number of convicted offender samples collected as of October 1, 2002. This number should be the cumulative total of all convicted offender samples collected since the time your State DNA database law took effect.

Column 2.

Specify the actual number of convicted offender samples analyzed with all the 13 CODIS core STR loci as of October 1, 2002. This number should be the cumulative total of all convicted offender samples analyzed with the 13 CODIS core STR loci since your DNA database law took effect through October 1, 2002, regardless of whether the samples were analyzed by a contract laboratory or in-house.

Column 3.

Specify the projected number of convicted offender samples that will be collected between October 1, 2002 and September 30, 2004.

Column 4.

Total the number of convicted offender samples collected and projected to be collected as of September 30, 2004, that have not been analyzed at all 13 CODIS core loci. These samples are eligible for funding.

Column 5.

Total the number of quality assurance samples that will be analyzed for this program. **Please note that the number should not exceed 10% of Column 4 nor be less than 5% of Column 5.**

Questions 1–5 (See page 3.)

Table of Convicted Offender Samples

Column 1	Column 2	Column 3	Column 4	Column 5
Number of convicted offender samples collected as of October 1, 2002	**Number of convicted offender samples analyzed with 13 CODIS STR loci as of October 1, 2002**	**Projected number of additional offender samples to be collected between October 1, 2002 and September 30, 2004**	**Total number of offender samples collected and projected to be collected as of September 30, 2004, not tested with all 13 STRs [(Col. 1 - Col. 2) + Col. 3]**	**Number of Quality Assurance samples that will be analyzed during this project**

1. Please specify the total number of unanalyzed convicted offender samples (including offender and quality assurance samples) for which your State is seeking assistance under NIJ's Convicted Offender DNA Backlog Reduction Program (In-House Analysis). The number should be less than or equal to the total of columns 4 + 5.
   _____

2. If the answer to question (1) is less than the total of columns 4 + 5, please indicate the reason.
   _____
   _____
   _____

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

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

5. Please specify the total number of annual offender sample collections required for the qualifying offenses listed above.
   _____

APPENDIX D

Program Assurances

Program Assurances

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

1. They will begin analysis of their samples within sixty (60) days of receipt of notification of their award by NIJ. The first batch of samples should be completed within thirty (30) days of beginning analysis.

2. They will be required to upload a batch of 1,000 samples every month during this award. Any variations must first be approved by NIJ. The State's backlog will be the number of samples that are eligible for funding, which should be determined by totaling the number of samples collected as of October 1, 2002, and/or the number of samples projected to be collected by September 30, 2004. At the time of submission, the State must have the ability to analyze a minimum of 1,000 samples a month.

3. They will conduct quality assurance of their own samples, and the number of these quality assurance samples shall not exceed 10% of the total convicted offender samples for which funding was awarded. During the award period the State shall immediately report to NIJ any discrepancies in the quality assurance of their convicted offender analyses.

4. They will 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*. The State laboratory should analyze their convicted offender samples for all of the 13 CODIS core loci—**FGA, vWA, D3S1358, CSF1PO, TPOX, THO1, 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 A of this solicitation). The State agrees that the data generated by their laboratory, once the appropriate quality assurance of the samples has been completed, will be expeditiously uploaded into CODIS.

5. They will report to NIJ, in the format specified by the "CODIS Hit Counting Guidelines," any hits relating to the convicted offender samples analyzed as a result of funding provided under this program. Such reporting shall occur within sixty (60) days of the occurrence of such a hit.

Failure to comply with the above certifications constitutes cause for the suspension or termination of funding.

_____ _____

Certifying Official Title

_____ _____

Signature Date

Appendix E

Statutory Assurance Form

Statutory Assurance

Pursuant to the provisions of 42 U.S.C. 3796kk-2, the applicant certifies that:

I. DNA analyses performed at the laboratory will satisfy or exceed the current standards for a Quality Assurance Program for DNA analysis issued by the Director of the Federal Bureau of Investigation under 42 U.S.C. 14131.

II. DNA samples obtained by and DNA analyses performed at the laboratory shall be made available 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 the defendant is charged; or

D. if allowed by State statute, when personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.

III. The laboratory and each analyst performing DNA analyses at the laboratory shall undergo semiannual external proficiency testing by a DNA proficiency testing program that meets the standards issued under 42 U.S.C. 14131, Quality Assurance and Proficiency Testing Standards.

Pursuant to the eligibility requirements of the DNA Analysis Backlog Elimination Act of 2000, the applicant certifies that:

I. The State will implement not later than 120 days after the date of application, a comprehensive plan for the expeditious DNA analysis of samples in accordance with Section 2 of the Act.

II. Each DNA analysis carried out under the Convicted Offender DNA Backlog Reduction Program FY 2002 (In-House Analysis) shall be maintained pursuant to the privacy requirements described in section 210304(b)(3) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132(b)(3)).

III. The State has determined by statute, rule or regulation, those offenses under State law that shall be treated for purposes of Section 2 of the Act as qualifying State offenses.

IV. No dollars of this grant amount will be used for processing crime scene samples.

V. The Budget Narrative clearly identifies the funds requested for convicted offender DNA analysis.

VI. No dollars of this grant amount will be used for increasing the capacity (e.g., equipment, training) of the laboratories owned by the State or by units of local government within the State to carry out processing/DNA analyses of samples from no-suspect casework.

_____	_____
Certifying Official	Title
_____	_____
Signature	Date

S o l i c i t a t i o n

For more information on the National Institute of Justice, please contact:

National Criminal Justice Reference Service
Box 6000
Rockville, MD 20849–6000
800–851–3420
e-mail: askncjrs@ncjrs.org

You can view or obtain an electronic version of this document from
the NCJRS Justice Information Center Web site (*http://www.ncjrs.org*) or the NIJ Web site (*http://www.ojp.usdoj.gov/nij*).