

December 10, 2002

To: Joe DeAngelo
From: Andy Horita

Re: Notes from phone conversation with Pam

On 12/10/02, at approximately 0930 hours, I spoke with Pam Schaner, the CODIS administrator for CBI, as a first step in determining the process necessary to run a forensic DNA sample against known offender samples for every state in the country. I never mentioned any specific case names, and did not go into detail about what, if anything, I was authorized to actually do with the samples already collected and analyzed. Rather, my focus was directed toward "how" the process worked and "what would need to happen". I did mention that the samples I would want to run would have been collected by Denver, because I needed to know specifically about the status of that lab. Schaner informed me that Denver has completed all the necessary actions to become part of the CODIS system, but their paperwork needed to be submitted and approved by the FBI. She had no idea how long this final step in the process would take, but she said that Denver was assured that they would be able to submit all of their existing forensic DNA profiles once they were online.

Schaner informed me that as of last week, all fifty states are connected to the CODIS system (Hawaii was the most recent state to be added). Schaner further referred me to Smith, Alling, Lane (a research group sponsored by Applied Biosystems [the company that manufactures the forensic DNA testing kits used by CBI]), and I was able to get a nation-wide list of state legislation related to DNA testing of convicted offenders (updated, May, 21, 2002, see attached).

I asked Schaner what would need to be submitted- in terms of profile data assuming a mixed sample, and how the profile would be transmitted to local-level labs. Schaner advised me that forensic samples would need a minimum of 10 loci and consist of no more than four alleles at four loci in order to be accepted for a search. Further, she added that the "interpretation" of a mixed sample would have to be done by the lab submitting the profile. Regarding the process of running the query, she advised me that the FBI uses a "DNA search request by facsimile" form which she would then transmit to the FBI. The FBI would then forward the fax to local-level labs and also post the profile on the CODIS (secure) website for state-level administrators to run the search. I gave Schaner the investigations fax number and requested a copy of the form so that I could get an idea of what needs to be included on the form. Schaner agreed to fax the form to my attention. I also asked her how I could get a list of state-designated CODIS administrators in case we needed to contact them to make sure that the profile submitted to the CODIS website was being checked against each state's databank.

At approximately, 1030 hours on this date, I received a second call from Schaner informing me that she had been in touch with Gregory LeBerge at Denver PD, and they had decided to just have Pam fax the form to Denver and Denver would submit "the profile" to her. I advised Schaner that I was not authorized to go ahead with that and my purpose in contacting her was to get an idea of how the process works. I asked Schaner for LeBerge's phone number so that I

could clarify with him that I was not in a position to authorize any profile submissions. Schaner said that she could not "give out" his phone number, but that she would contact him and advise him that we did not want to submit any profiles at this time.

At 1300 hours, I spoke to Schaner a third time to confirm what, if anything, was happening with "the profile". Schaner informed me that LeBerge had submitted a profile to her from Boulder PD "quite a while ago" and that profile has been searched against the Colorado database of profiles every week since the submission. Further, Schaner said that LeBerge "did not realize he could do (a DNA search request by facsimile)", and "since he just became aware of this, he has decided to submit the search request by facsimile".

Schaner advised that the original purpose of the DNA search request by facsimile was twofold. First, the form was used to run searches in states that were not connected to the CODIS system. As of last week, all fifty states are connected to the CODIS system. The second purpose of the fax request form is to be able to contact local-level labs and provide forensic profiles with as few as six loci (fewer than the 10 loci required for submission to the main CODIS databank). Apparently, this had not been done by Denver PD, but will be submitted very soon.

End

**STATE DNA DATABASE LAWS
QUALIFYING OFFENSES
(As of May 21, 2002)**

<i>State</i>	<i>Sex Offenses</i>	<i>Offenses Against Children</i>	<i>Murder</i>	<i>Assault & Battery</i>	<i>Robbery</i>	<i>Kidnapping</i>	<i>Burglary</i>	<i>Some Drug Offenses</i>	<i>Attempts</i>	<i>Juveniles</i>	<i>All Felonies</i>
ALABAMA	o	o	o	o	o	o	o	o	o		o
ALASKA	o	o	o	o	o	o	o		o	o	
ARIZONA	o	o	o	o	o	o	o	o	o	o	o
ARKANSAS	o	o	o	o	o	o	o			o	
CALIFORNIA	o	o	o	o	o	o	o		o	o	
COLORADO	o	o	o	o	o	o	o	o	o	o	o
CONNECTICUT	o	o				o					
DELAWARE	o	o							o		
FLORIDA	o	o	o	o	o	o	o	o	o	o	o
GEORGIA	o	o	o	o	o	o	o	o	o		o
HAWAII	o	o	o						o		
IDAHO	o	o	o	o	o	o			o	o	
ILLINOIS	o	o	o		o	o	o	o	o	o	o
INDIANA	o	o	o	o	o	o	o				
IOWA	o	o	o	o	o	o	o	o			o
KANSAS	o	o	o	o	o	o	o	o	o	o	o
KENTUCKY	o	o	o	o		o	o			o	
LOUISIANA	o	o	o	o		o			o	o	
MAINE	o	o	o	o	o	o	o	o	o		o
MARYLAND	o	o	o	o	o	o	o	o			o
MASSACHUSETTS	o	o	o	o	o	o	o			o	

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MICHIGAN	○	○	○	○	○	○	○	○	○	○	○
MINNESOTA	○	○	○	○	○	○	○		○	○	
MISSISSIPPI	○	○									
MISSOURI	○	○	○	○		○					
MONTANA	○	○	○	○	○	○	○	○	○	○	○
NEBRASKA	○	○	○						○		
NEVADA	○	○	○	○			○	○	○		
NEW HAMPSHIRE	○		○	○	○					○	
NEW JERSEY	○	○	○	○		○			○	○	
NEW MEXICO	○	○	○	○	○	○	○	○	○	○	○
NEW YORK	○	○	○	○	○	○	○	○	○		
NORTH CAROLINA	○		○	○	○	○					
NORTH DAKOTA	○	○	○	○	○	○	○		○		
OHIO	○	○	○	○	○	○	○		○	○	
OKLAHOMA	○	○	○	○	○	○	○				
OREGON	○	○	○	○	○	○	○	○	○	○	○
PENNSYLVANIA	○	○	○						○	○	
RHODE ISLAND	○	○	○	○	○	○	○	○			
SOUTH CAROLINA	○	○	○	○	○	○	○		○	○	
SOUTH DAKOTA	○	○	○	○	○	○	○		○		
TENNESSEE	○	○	○	○	○	○	○	○	○	○	○
TEXAS	○	○	○	○	○	○	○	○	○	○	○
UTAH	○	○	○	○	○	○	○			○	○

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VERMONT	0	0	0	0	0	0	0		0		
VIRGINIA	0	0	0	0	0	0	0	0	0	0	0
WASHINGTON	0	0	0	0	0	0	0	0	0	0	0
WEST VIRGINIA	0	0	0	0	0	0	0	0	0		
WISCONSIN	0	0	0	0	0	0	0	0	0	0	0
WYOMING	0	0	0	0	0	0	0	0	0		0
TOTALS	50	48	47	43	39	42	38	24	37	28	21