



PARTIAL MATCHES AND FAMILIAL SEARCHES

1 Scope

Partial matches and familial searches may determine a potential familial relationship between an offender and a putative perpetrator. This policy serves as the guideline for providing investigative leads to law enforcement officials in unsolved cases where other investigative leads have been exhausted.

In relation to this policy, a **Partial Match** is defined as a moderate stringency candidate match between two single source profiles having at each locus at least one allele in common. A partial match is not an exact match and occurs during a routine weekly search of the CODIS database using the current CODIS software.

In relation to this policy, a **Familial Search** is a deliberate search for biologically related individuals of an evidentiary profile conducted with specialized (non-CODIS) software designed for this purpose. In a familial search, the evidentiary profile will be searched against the convicted offender and arrestee index exported from the CODIS database.

Because the information that is ultimately provided will be the name or names of an offender or offenders in Texas's DNA database who may be related to the actual perpetrator, the process developed requires special DNA testing and review of the offender's non-DNA information. The process specified in the Policy was developed keeping privacy concerns in mind while providing information that may be useful in solving and preventing violent crimes.

In reviewing requests for Partial Match verifications and Familial Searches, a DPS CODIS/DNA review committee will be responsible for determining whether the request meets the policy requirements (Reference CO-04-03).

2 Background

The Texas CODIS database was formally established in 1995 and consists of DNA profiles from offenders/arrestees and evidentiary profiles. When a crime scene profile is searched against the offender database, a match is declared if the crime scene profile cannot be excluded as having originated from the offender in question. In some instances, the profiles may not match directly, but may share similarities that based on statistical analysis, could have originated from closely related individuals. Advances in DNA technology can provide additional information as to whether individuals may be related. It is important that investigating agencies understand that although individuals identified by these procedures can be considered potential relatives, most of them will be unrelated to the offender. It should also be stressed to the investigating agency that a negative search does not mean that the true perpetrator does not have a relative in the CODIS database. Only those offenders with a high likelihood will be tested further and investigated.

3 Limitations

Despite the possibility of success, it should be understood that the processes in this policy have had very little success in practice. The following points should be made to agencies requesting information:



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- A. These approaches should only be used where necessary, justifiable, and impartial, taking into account the impact of the sensitive ethical issues familial searching can generate.
- B. The quantity of names appearing on some familial and partial searches can potentially be several thousand and prohibits the laboratory from testing all candidates.
- C. In order to ensure transparency and integrity, it is imperative that all agencies involved in the process communicate, work together and understand the limitations of the information the search provides.
- D. These procedures only apply if both the offender and putative perpetrator are male. For cases involving females, other arrangements must be made for the possibility of mitochondrial testing of evidentiary and offender samples.
- E. There is always the possibility that a relative of an offender is not known to the family. The fact that an offender has no male relative on record does not preclude the possibility that there exists a relative unknown to the offender and/or public records.
- F. A consistent Y-STR profile between the evidentiary item and the offender does not confirm relatedness between the offender and the perpetrator. As in a regular CODIS match, the information given is only an investigative lead and should be treated as such and nothing more.

4 Partial Profile Match

- A. A **Partial Match** that occurs during a routine weekly search of the Texas CODIS database could be the result of a potentially related individual having a moderate stringency hit with an evidentiary profile. The name of the offender may be released to the investigating agency if the protocol outlined below has been followed and all of the following conditions have been met:
 - 1. As a guiding policy, the offense of the case with the evidentiary profile should be from an unsolved homicide, sexual assault, or other violent crime that has significant public safety concerns. Property crimes will not be considered.
 - 2. The evidentiary profile should be from an item of evidence having unambiguous connection to the crime in question and there is an acceptable level of certainty that the crime scene profile is relevant to the offender (example: sperm cell fraction from vaginal swab of a sexual assault victim). Evidence that is ambiguous to the crime in question may be cause for denial of release of information (example: cigarette butt left 100 feet from crime scene).
 - 3. The evidentiary profile must be a single source profile with results at all 13 core CODIS loci. A single source profile may be a major component of a mixture, but **will not** include an obligate allele (designated as "+") and **not** contain any ambiguous loci. An electropherogram of the profile should be attached to the request, or provided by the local CODIS laboratory.



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4. The profile should not be involved in more than two moderate stringency matches. A profile having more than two moderate stringency matches may not be specific enough for further investigation.
5. A local CODIS laboratory that receives a partial match from a weekly search should determine if the case remains active, unsolved, and the investigator is interested in any possible investigative leads. The local CODIS laboratory must ensure that Y-STR testing is performed on the evidentiary sample, if not already completed.
6. The local CODIS laboratory shall provide the State CODIS laboratory the statistical analysis used to conclude that there may be a potential familial relationship between the suspected perpetrator and the offender.
7. The local CODIS laboratory should instruct the investigating agency to contact the appropriate prosecutor's office.
8. A request for information as a result of a partial match must be made as a joint request from the investigating agency and the district attorney. The request should include the following information:
 - a) *A statement that all standard investigative leads in the case have been exhausted; the case has significant public safety concerns; or a specific exception to the previous two conditions.*
 - b) *The name of the local CODIS laboratory that worked the evidentiary profile in question along with the "specimen id" of the profile and a copy of the laboratory report.*
 - c) *Case summary.*
 - d) *A statement that the agency agrees to further investigate the case after the State CODIS laboratory releases the identifying information to the requesting agency.*
- B. Upon receipt of the necessary paperwork from the investigating agency and local CODIS Laboratory, the State CODIS Laboratory will review the information and make a determination as to the release of identifying information. Any denial of the request will be made in writing.
- C. Once a determination has been made by the State CODIS laboratory to proceed with the process, Y-STR testing will be performed on the offender sample involved in the partial match.
- D. If the Y-STR profiles have been determined to be consistent, the State CODIS laboratory reserves the right to review non-DNA information in order to identify additional evidence bearing on relatedness, if available.
- E. Results of the testing shall be made in writing to the requesting agency. When identifying an individual in a report, the State CODIS laboratory report should be mailed, faxed, or if possible, hand delivered to the requesting agency. **Reports created from the investigation of a partial match will be prohibited from being sent electronically.** When reporting an individual in the case of a consistent Y-



STR profile test, the State CODIS laboratory report shall state that *“This information is for law enforcement investigatory purposes only. It is not a statement of identity. The release of DNA profiles to non-law enforcement agencies/personnel may be a violation of both state and federal statutes.”*

5 Familial Search Policy

- A. A **Familial Search** is a deliberate search for biologically-related individuals of a contributor of an evidentiary profile conducted with specialized (non-CODIS) software. The name of the offender may be released to the investigating agency if the protocol outlined below has been followed and all of the following conditions have been met:
1. A request for a familial search in a case must be made as a joint request from the investigating agency and the district attorney. The request should include the following information:
 - a) *A statement that all standard investigative leads in the case have been exhausted; the case has significant public safety concerns; or a specific exception to the previous two conditions. As a guiding policy, the offense of the case with the evidentiary profile should be from an unsolved homicide, sexual assault, or other violent crime that has significant public safety concerns. Property crimes will not be considered.*
 - b) *The name of the local CODIS laboratory that worked the evidentiary profile in question along with the “Specimen ID” of the profile and a copy of the laboratory report.*
 - c) *Case summary.*
 - d) *A statement that the agency agrees to further investigate the case after the State CODIS laboratory releases the identifying information to the requesting agency.*
 2. Only profiles eligible to be searched in CODIS will be considered.
 3. The evidentiary profile should be from an item of evidence having unambiguous connection to the crime in question and an acceptable level of certainty that the crime scene profile is relevant to the offender (example: sperm cell fraction from vaginal swab of a sexual assault victim). Evidence that is ambiguous to the crime in question will be cause for denial for executing a familial search (example: cigarette butt left 100 feet from crime scene).
 4. The evidentiary profile must be a single source profile with results at all 13 core CODIS loci. A single source profile may be a major component of a mixture, but **will not** include an obligate allele (designated as “+”) and **not** contain any ambiguous loci. An electropherogram of the profile should be attached to the request, or provided by the local CODIS laboratory.
- B. Upon receipt of a request, the State CODIS laboratory will contact the local CODIS laboratory to determine that Y-STR testing will be performed on the evidentiary sample, if not already completed. If no evidence remains for testing, the request for familial searching will be denied.



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- C. The State CODIS Laboratory will review the official request for familial searching and forward requests meeting these requirements to the DPS Director for approval. A written response to accept or deny the request will be provided.
- D. Upon receipt of the Y-STR profile of the evidentiary sample, the State CODIS laboratory shall perform the search.
- E. Y-STR testing of the selected offender sample(s) will be performed by the State CODIS laboratory.
- F. If the Y-STR profiles have been determined to be consistent, the DPS reserves the right to review non-DNA information in order to identify additional evidence bearing on relatedness, if available.
- G. Results of the testing shall be made in writing to the requesting agency. When identifying an individual in a report, the State CODIS laboratory report should be mailed, faxed, or if possible, hand delivered to the requesting agency. **Reports created from the investigation of a familial match will be prohibited from being sent electronically.** When reporting an individual in the case of a consistent Y-STR profile test, the State CODIS laboratory report shall state that *"This information is for law enforcement investigatory purposes only. It is not a statement of identity. The release of DNA profiles to non-law enforcement agencies/personnel may be a violation of both state and federal statutes."*
- H. Names of offenders shall not be released prior to having Y-STR testing performed by the State CODIS laboratory. Only those offenders whose Y-STR profile is consistent with that of the evidentiary profile will be considered for release.
- I. Investigating agencies are encouraged to contact the State CODIS laboratory with any possible leads in order to assist in determining the validity of a possible suspect(s). Some suspects developed from the familial search may already have a sample in the CODIS database and therefore may be excluded, saving time and resources on the part of the investigating agencies and/or laboratories involved.



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00	05/25/2010	Original Issue
01	04/24/2012	Major revision – Sections 1, 4, and 5