



STATE OF WASHINGTON
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July 21, 2015

Mr. Mitch Barker, Executive Director
Washington Association of Sheriffs and Police Chiefs
3060 Willamette Drive NE
Lacey, WA 98516

Subject: DNA work product preservation law (HB 1069)

Dear Mr. Barker:

I would like to advise our clients of some changes regarding the handling of DNA work product that is associated with our laboratory analysis. These changes will occur because of a law that was passed during the last legislative session. That law will result in the addition of a new chapter to Title 5 RCW, becoming effective on July 24th, 2015.

The new law identifies various sample types as DNA work product, and requires government agencies to retain them for a period of time. This DNA work product is typically retained on glass microscope slides or in plastic tubes.

Prior to this legislation, DNA work product items were generally returned to agencies as new items of evidence. They might also have been combined with the original evidence in its original packaging. So that we may assist law enforcement agencies in complying with this new law, all remaining DNA work product will be returned as a separate, new item of evidence that can be conveniently stored at room temperature and be safely preserved for possible future testing.

Prior to the WSP approval of a procedure for returning remaining DNA extracts in 2010, they were generally retained by our laboratories. Consequently, a *Biological Material Inventory* of all DNA work product retained by the WSP Laboratories has been created to assist you in cold cases and post-conviction DNA testing.

Certain products generated during the process of laboratory analysis are not defined in the law as DNA work product, so they do not require retention. One of these products is amplified DNA. When STR DNA typing was first introduced into the WSP Laboratories, and until a protocol change in April of 2006, we retained amplified DNA indefinitely in instances when there was no DNA extract or sample remaining after analysis. Consequently, prior to April of 2006, DNA



Mr. Mitch Barker

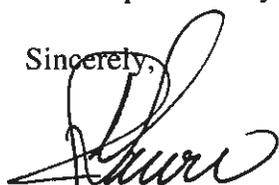
Page 2

July 21, 2015

reports may have stated that amplified product would be retained in the laboratory. Because they are no longer useful for analysis, these old amplified DNA products will be destroyed after September 30, 2015. We will not issue amended reports to state that these amplified DNA tubes are no longer being retained.

As always, we appreciate the opportunity to discuss or answer any questions that you might have about these changes. Please contact the DNA section of your local WSP Crime Laboratory if we can provide anything further.

Sincerely,

A handwritten signature in black ink, appearing to read "James A. Tarver". The signature is fluid and cursive, with a large initial "J" and "T".

James A. Tarver

Crime Laboratory Division Commander

JAT:ggs

Cc:

Director Larry Hebert, Forensic Laboratory Services Bureau

Mr. Tom McBride, Washington Association of Prosecuting Attorneys

Hon. David S. McEachran, Forensic Investigations Council