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## DNA Data Bank

### **Secs. 54-102j-1—54-102j-4.**

Repealed, March 5, 2007.

### **Sec. 54-102j-1a. Definition**

For the purposes of sections 54-102j-1a to 54-102j-4a, inclusive, of the Regulations of Connecticut State Agencies, “forensic science laboratory” means the forensic science laboratory maintained by the Division of Scientific Services within the Department of Public Safety.

(Adopted effective March 5, 2007)

### **Sec. 54-102j-2a. DNA records searches and release of information**

#### **(a) Procedure for a search request by a law enforcement agency**

(1) With the exception of a request made by the forensic science laboratory director or his or her designee, any request to search the DNA data bank shall include the name and position of the person making the search request, the requesting agency and the purpose of the search. Such search request, which shall be directed to the forensic science laboratory director, shall be submitted in writing on official letterhead of the agency making the request. Such written request may be submitted in person, by mail or by electronic means.

(2) The forensic science laboratory director or his or her designee shall verify the identity and employment or other affiliation of the person making the search request by telephoning or writing to someone in authority at the agency that the person represents to confirm that the individual has the authority to make the request.

#### **(b) Procedure in the event of a match**

(1) Only when the director of the forensic science laboratory or his or her designee is satisfied that a sample or DNA profile supplied by the person making the request matches a profile in the DNA data bank, and such match is based upon standard laboratory matching criteria, shall the existence of data in the DNA data bank be confirmed or identifying information from the DNA data bank be disseminated.

(2) The results of an analysis and comparison of the identification characteristics from two or more blood or other biological samples shall be made available directly to federal, state or local law enforcement officers engaged in an official investigation of the criminal offense that prompted the search request. Results shall be released to such officers upon written request to the director of the forensic science laboratory or his or her designee, in accordance with the verification procedures set forth in subdivisions (1) and (2) of subsection (a) of this section.

#### **(c) Notification of authorities in the event of a non-match**

If a DNA data bank search does not result in a match, the director of the forensic science laboratory or his or her designee shall promptly notify the person that made the search request or the state’s attorney handling the case.

#### **(d) Procedure for providing copies of search requests and their results to persons identified and charged with an offense**

(1) In accordance with subsection (c) of section 54-102j of the Connecticut General Statutes, a copy of a search request and the results shall be furnished to any person identified and charged with an offense as a result of a search of information in the DNA data bank. Requests pursuant to this subsection shall not be made directly to the forensic science laboratory, except as provided in subsection (e) of this section.

(2) Copy requests shall be transmitted to the forensic science laboratory by the law enforcement agency that made the original search request. Such law enforcement agency shall verify the identity of the person seeking such copy.

**(e) Procedure when copies are not provided by the law enforcement agency that made the original search request**

In the event that the copies requested in accordance with subsection (d) of this section are not provided within ten (10) business days of the date of the request to the law enforcement agency, the forensic science laboratory shall provide such copies upon written request, following verification of the identity of the person making the request. Such request shall be addressed to the director or his or her designee.

**(f) Release of a profile to a person from whom a blood or other biological sample has been taken**

As provided in section 54-102j of the Connecticut General Statutes, a copy of a person's DNA profile shall be released to such person. The request shall be made to the director of the forensic science laboratory or his or her designee on such form or forms as the Commissioner of Public Safety may prescribe. The form or forms shall request information that will assist the director of the forensic science laboratory in verifying the identity of the person making the request. A person making a request under this subsection shall also provide a thumbprint, which shall be witnessed by an employee of a law enforcement agency or such other government agency as has authority under section 54-102h of the Connecticut General Statutes to take blood or other biological samples for DNA testing.

**(g) Authority to conduct searches in the absence of a request**

The director of the forensic science laboratory or his or her designee may initiate a DNA data bank search in the absence of a specific request from federal, state or local law enforcement officers. Such search may be made for the purpose of ensuring the accuracy of DNA data bank retrieval systems or in furtherance of an official investigation into a criminal offense.

(Adopted effective March 5, 2007)

**Sec. 54-102j-3a. Establishment of a statistical database**

**(a) Removal of identifying information**

Any data obtained from a DNA data bank sample and used to establish a separate statistical database shall have any individual identifying information deleted from the database file when used for this purpose.

**(b) Release of statistical information**

Statistical information may be released and shared by authorized laboratory personnel with other laboratories, statisticians, law enforcement or criminal justice agencies.

(Adopted effective March 5, 2007)

**Sec. 54-102j-4a. Positions that require access to records and samples**

The director, assistant director, supervising criminalist or their designees shall have regular access to DNA data bank records and samples as a necessary function of their positions.

(Adopted effective March 5, 2007)