

Administrative Completion of Cases		
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## Administrative Completion of Cases

### 1 Guiding Principle and Scope

- 1.1 Under certain circumstances it may be advantageous to complete a case file without issuing a technical report on the findings. Many cases submitted to the Department of Forensic Biology are resolved without relying on the data generated from the evidence. For example, plea agreements, recanted complaints, or investigative results that indicate no crime was committed are all reasons why testing results on submitted evidence may not be needed. In many of those situations cessation of testing, report writing, and/or technical review will prevent unnecessary expenditure of Forensic Biology resources.
- 1.2 This document describes the process to administratively close a case.

### 2 Procedure

- 2.1 Cases are eligible for administrative closure if all of the following are true:
  - 2.1.1 An appropriate entity, e.g., ADA, NYPD Liaison Unit, has provided written or oral confirmation (letter, e-mail, telephone communication, etc) that a Forensic Biology report is no longer needed. If the written or oral confirmation has come from the NYPD, follow up with the District Attorney’s Office is necessary to ensure that the case can be administratively closed.
    - 2.1.1.1 The documentation is retained in the case record.
  - 2.1.2 For sexual assault kits, the written or oral confirmation MUST confirm that the case is “unfounded”, “recanted”, or “no crime” has occurred. No other reasons for administrative closure are acceptable, including an uncooperative victim, the inability to locate the victim, etc. If the communication is not clear that any of these three specific criteria are met, additional communications should be made to clarify the specific situation.
  - 2.1.3 Any DNA profiles that might potentially be generated from testing the evidentiary items would not be CODIS-eligible (as per the usual rules for determining CODIS eligibility).
- 2.2 Unless no crime occurred, testing on items of evidence that might produce a CODIS-eligible profile testing must continue and a report must be issued. In order to satisfy this requirement, the case must be confirmed to be “unfounded”, “recanted”, or “no crime” has occurred.

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- 2.3 The Criminalist IV supervisor responsible for the case evaluates whether the case qualifies for administrative close-out.
- 2.3.1 For major crimes it may be preferable to finish a report and the technical review even if the case qualifies for administrative closure. This is because the case may be re-opened, for example after an appeal, and it would be a challenge to finalize the initial results at a later date.
- 2.4 The Criminalist IV should perform the following actions before approving an administrative close-out of a case:
- 2.4.1 The Criminalist IV reviews the written documentation to confirm that a DNA report with technical results is not needed.
- 2.4.2 The Criminalist IV documents their approval in the case communication log.
- 2.5 Securing data and evidence
- 2.5.1 Depending on the status of the testing, different steps are required before the case can be closed.
- 2.5.1.1 Evidence was examined, no extraction
- 2.5.1.1.1 Remove samples from any pending extraction batches.
- 2.5.1.1.2 Reunite clippings with retained stains or evidence items before the evidence is returned. However, if the evidence was swabbed with 0.01% SDS the swab is extracted and tested to avoid degradation issues.

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- 2.5.2 Samples were extracted and/or quantitated
  - 2.5.2.1 Extracts of biological fluid stains and other **high template DNA** samples are saved.
  - 2.5.2.2 Extracts for low level DNA items, such as a touched object, are amplified and run, but the data is not interpreted.
- 2.5.3 Samples were amplified
  - 2.5.3.1 The STR typing steps, including run analysis and editing, are completed, but the data is not interpreted.
- 2.5.4 Samples were run
  - 2.5.4.1 Electropherograms are included in the case record, but the data is not interpreted.
- 2.6 Administrative Report
  - 2.6.1 All technical pages are numbered and initialed.
  - 2.6.2 The productivity worksheet (pre-LIMS evidence only) is filled out to capture the completed analytical steps.
  - 2.6.3 The report contains the header and the evidence disposition section, but no results.
  - 2.6.4 The first page should contain a statement regarding the suspension of testing and that no technical results will be reported.
- 2.7 Administrative Review and Report Distribution
  - 2.7.1 The case is submitted to administrative review.
  - 2.7.2 If the case is less than one year old the report is distributed in the usual manner. If the case is older than one year, the report is maintained in the case record, but is not distributed.