



CODIS ELIGIBILITY GUIDE

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CODIS (COMbined DNA Index System) is a nationwide database that compares DNA profiles obtained from crime scene evidence to other evidentiary and convicted offender profiles. CODIS users must adhere to strict eligibility guidelines prior to entering a profile. The reason? When the U.S. Congress enacted the 1994 DNA Act, which enabled the creation of a DNA database, they recognized that the database would contain **genetic data**. Although the creation of such a database would be a powerful tool for law enforcement, they wanted to ensure that only the genetic information from criminal perpetrators was entered. Although evidence may be probative to a case, not all evidence is CODIS eligible. Below are some questions that must be considered to determine if a profile is CODIS eligible.

1. What is the crime committed?

A crime must have occurred for a profile to be eligible for CODIS. Statements like “unfounded” or “no crime” may deem a profile **CODIS ineligible**.

*Example: A sexual assault is reported. The investigator attempts to contact the victim on multiple occasions for information regarding the crime, but the victim does not respond. With no investigative leads, the investigator closes the case as unfounded. A DNA profile from the sexual assault kit is **CODIS ineligible**.*

2. Where was the item of evidence located when it was seized?

Confirm that the item is reasonably linked to the perpetrator during the commission of the crime. Confirm that the item could not have been left by a victim or an uninvolved individual.

*Example: A home is burglarized. A cigarette butt is recovered from the grass beneath a broken window of the residence. The investigator notes that the grass is wet, but the cigarette butt appears fresh and dry. The victim confirms that they do not smoke. A DNA profile from the cigarette butt is **CODIS eligible**. It is reasonable that it could only have been left by the perpetrator of the burglary.*

3. What is the connection of the evidence to the alleged crime?

Confirm that the item was reasonably handled by the perpetrator during the commission of the crime, not independent of the crime.

*Example: Prior to robbing a bank, a perpetrator had a beer in the tavern across the street. A DNA profile from the glass is **CODIS ineligible**. The perpetrator’s DNA got on the glass independent of the crime. Drinking a beer is not a crime.*

4. Will DNA on this evidence likely be from the putative perpetrator? If unknown, is there a reasonable connection between the evidence, the crime, and the putative perpetrator?

Confirm that the item was reasonably left by the perpetrator and not an uninvolved individual.

*Example: At the scene of a stabbing, a bloody knife is found near the victim. A DNA profile that is foreign to the victim from the knife is **CODIS eligible**. It was reasonably left by the perpetrator after stabbing the victim.*

5. If there is a named suspect, was the item seized from the suspect directly or from the suspect’s possession (e.g., from the suspect’s house, car, or person)?

Possessions are **CODIS ineligible**. The perpetrator’s DNA could be on an evidentiary item independent of the crime because it is their possession.

*Example: After an assault, witnesses claim the perpetrator fled into his apartment. During a search of the apartment, investigators seize bloody brass knuckles. A DNA profile foreign to the victim on the brass knuckles is **CODIS ineligible**.*

6. Was the evidence item left by the victim or a non-probative person?

The evidence item must be linked to the perpetrator.

*Example: A shooting takes place at a party. Investigators seize the empty beer bottles. A DNA profile from the beer bottles is **CODIS ineligible**. Although it could be linked to a perpetrator, it could just as easily be linked to an uninvolved individual.*

7. Have elimination standards been requested, where applicable?

Elimination standards are needed to identify victims and uninvolved individuals who also may have left DNA on an evidentiary item.

*Example: A stolen vehicle is recovered. Investigators swab the steering wheel and obtain victim elimination standards. A DNA profile foreign to the victim from the steering wheel is **CODIS eligible**.*

CODIS eligibility can be complicated. Nuances must be considered in each case. Ultimately, eligibility decisions in Oregon are the responsibilities of the state CODIS Administrators. Their decisions are final unless additional documentation is submitted.

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