GLOSSARY

Accreditation: Accreditation of a crime laboratory means a certification by an authority that a particular lab meets the minimum professional standards for general operations.

Adenine: One of the four bases in DNA; abbreviated A.

Agarose: Agarose is a gel used for the separation of DNA fragments.

Allele: One of two or more alternative forms of a gene. In DNA identification, the definition is extended to any DNA region used for analysis.

Allele frequency: The relative occurrence of a particular allele, or gene form, in the population.

Amelogenin: A system that generates different sized fragments for the ‘X’ and ‘Y’-chromosomes, and hence is used for sex identification.

Amplification: Producing multiple copies of a chosen DNA region, usually by PCR.

Antigens: Any biological substance that can stimulate the production of, and combine with, antibodies. Variances in human antigens can be used to identify individuals within a population.

Artifact: A spurious result caused by or during the analysis.

ASCLD: American Society of Crime Laboratory Directors.

ASCLD/LAB: American Association of Crime Laboratory Directors/Laboratory Accreditation Board.

Autoradiogram or Autoradiograph or Autorad: An X-ray film on which radioactively labeled probes have left a mark determining the positions of DNA fragments.

Autosome: Any chromosome other than sex chromosomes ‘X’ and ‘Y’.

Band: The visual image representing a particular DNA fragment on an autorad.

Band shift: The phenomenon in which DNA fragments in one line of a gel migrate at a rate different from that of identical fragments in other lines of the same gel.

Base: A sub unit of nucleic acid. Technically base the portion of a nucleotide that makes it an A, G, T, C.

Base pair: Two complementary bases held together by chemical bonds; complementary base pairs occurs between A and T and between G and C.

Baye’s Theorem: A formal theory of probability used to evaluate competing hypothesis in the context of specific information.
Binning: Grouping VNTR alleles into sets of similar sizes, necessary because the individual alleles are too similar to differentiate.

CACLD: California Association of Crime Laboratory Directors.

Capillary electrophoresis: A method used to separate DNA fragments of different sizes.

Ceiling Principle: It is a multiplication rule endorsed by the National Research Committee I. of U.S. on DNA typing to multiply allele frequencies to determine the strength of a genetic concordance. It states that for each allele in a product calculation, the highest frequency among the groups sampled, or 5% must be used, which ever is larger.

Cell: The basic building block of an organism.

Chip: A miniaturized system for DNA analysis. It uses photolithography and chemical etching of a silicon or glass wafer to produce microchannels that transport sample DNA, the movement of which is detected by a laser beam.

Centromere: The central element of a chromosome.

Certification: It is a process by which forensic scientists and laboratories will be certified by the appropriate authorities for forensic testing. The certification determined the minimum professional knowledge, skill and ability to perform forensic testing.

Chromosome: A physical structure in the cell nucleus. It consists of a tightly coiled thread of DNA with associated proteins and RNA. The genes are arranged in linear order along the DNA.

Coding region: A region of DNA that has the capacity of producing a protein.

Confidence interval, confidence limits: An interval based on a sample, that is expected to include the population mean value, a specified proportion of the time (e.g., 95 percent).

Controls: Tests performed in parallel with experimental or evidence samples and designed to demonstrate that a procedure worked correctly.

Crossing over: The exchange of parts between homologous chromosomes during meiosis; recombination.

Cytosine: One of the four bases in DNA; abbreviated C.

D-loop: A hypervariable region of DNA sequence located on mitochondrial DNA. It is the region typed for forensic mitochondrial DNA analysis.

Degradation: The breakdown of DNA into smaller fragments by chemical or physical means.

Denaturation: Separation of double stranded DNA into single strands by heat or chemical means.

Deoxyribonucleic acid (DNA): The genetic material; a double helix composed of two complementary chains of paired bases (nucleotides).
Diploid: Having two sets of chromosomes. Human beings are diploid organisms.

DNA profiling: The process of testing to identify DNA patterns or types. In the forensic setting, this testing is used to indicate parentage or to exclude or include individuals as possible sources of body fluid stains (blood, saliva, semen) and other biological evidence (bones, teeth, hair).

DNA Amplification: Process of making multiple copies of a particular region of DNA using polymerase chain reaction (PCR).

DNA Polymerase: An enzyme that synthesizes new DNA from an existing template.

DNA Probe: A short segment of DNA labeled with a radioactive or chemical tag that is used to detect the presence of a particular DNA sequence or fragment.

DNA Profile: Profile compiled from the results of DNA testing of one or more genetic markers.

DNA Replication: The synthesis of new DNA from existing DNA.

Double helix: Native form of DNA in which single strands are held together by complementary base pairing and twined around each other in the form of a double helix.

Double-stranded DNA: Form of DNA in which single strands are held together by complementary base pairing.

DQ alpha: An area (locus) of DNA that is used by the forensic community to characterize DNA. Because there exist seven variations (alleles) of DNA at this locus, individuals can be categorized into 1 of 28 different DQ alpha types. Determination of an individual's DQ alpha type involves a Polymerase Chain Reaction-based test.

Electrophoresis: A technique in which different molecules are separated by their rate of movement, usually through a gel, in an electric field.

Enzyme: A protein that is capable of speeding up a specific biochemical reaction but which itself is not changed or consumed in the process.

Epithelial cells: Membranous tissue forming the covering of most internal surfaces and organs and the outer surface of the body.

Epithelial cell fraction: One of two products from a differential extraction that removes DNA from epithelial cells before analysis of sperm DNA can be conducted. The other product is the sperm cell fraction.

Ethidium bromide: A chemical dye that binds to double stranded DNA and renders it visible in the presence of ultraviolet rays.

Eukaryote or Eukaryotic: A type of cell that contains a nucleus and various organelles. Human cells are eukaryote.

Exclusion: A DNA test result indicating that an individual is excluded as the source of the DNA evidence. In the context of a criminal case, "exclusion" does not necessarily equate to "innocence"
**Expressed sequence tag**: A fragment of DNA associated with a particular gene that can be used for gene identification.

**Gel**: Semisolid matrix used for electrophoresis to separate molecules.

**Gamete**: A haploid reproductive cell; sperm or egg.

**Gene**: The basic unit of heredity; a functional sequence of DNA in a chromosome.

**Gene frequency**: (See allele frequency.)

**Gene concordance**: When genetic profiles show the same types at all loci tested and no unexplainable differences exist.

**Genetic marker**: A defined location on a chromosome having known genetic characteristics.

**Genome**: The total (haploid) genetic makeup of an organism. In the human this comprises about 3 billion base pairs.

**Genotype**: The genetic makeup of an individual, as distinguished from its manifestation (phenotype); usually designated by allele symbols, e.g., A1A2 designates the genotype of an individual with alleles A1 and A2. The word is used to designate any number of loci.

**Guanine**: One of the four bases in DNA; abbreviated G.

**Haploid**: Having one set of chromosomes, as a gamete.

**Hardy-Weinberg proportions**: The state, for a genetic locus in a population, in which the alleles making up the genotype are in random proportions.

**Heredity**: The transmission of genetic characteristics from parent to offspring.

**Heteroplasmy**: In particular reference to mitochondrial DNA, the situation in which two populations of hemizygous molecules exist in an individual.

**Heterozygosity**: The proportion of a population that is heterozygous for a particular locus.

**Heterozygote**: A fertilized egg (zygote) with two different alleles at a designated locus; by extension, the individual that develops from such a zygote.

**High Molecular Weight**: This denotes that the DNA is in good quality in large piece, which has not been broken down or degraded by physical or chemical means.

**Hinf I**: A restriction enzyme used for RFLP analysis.

**HLA DQA1**: The current name of a locus used in forensic DNA typing.

**Homologous**: Corresponding; used to describe the relationship between two members of a chromosome or gene pair.

**Homozygote**: A fertilized egg (zygote) with two identical alleles at a designated locus; by extension, the individual that develops from such a zygote.

**Human Genome Project**: International project to decipher and catalog all the information in the human genome, completed in 2000.
Hybridization: Detection of particular DNA fragments or sequences by complementary base pairing of tagged probes.

Hypervariable: A DNA locus that shows extreme variation between individuals.

Hypervariable Region I and II: The highly polymorphic areas in the control region in the D-loop of a mitochondrial DNA. This region is used for the forensic mitochondrial DNA analysis.

Inbreeding coefficient: The probability that two alleles in an individual are descended from the same allele in a common ancestor, or one from the other; a measure of the proportion by which the heterozygosity is reduced by inbreeding; Kinship coefficient: The probability that two randomly chosen alleles, one from each of two individuals in a population, are identical (i.e., both descended from the same ancestral allele, or one from the other); equivalent to the inbreeding coefficient of a (perhaps hypothetical) offspring.

Inclusion: A DNA test result indicating that an individual is not excluded as the source of the DNA evidence. In the context of a criminal case, “inclusion” does not necessarily equate to “guilt.”

Inconclusive: The determination made following assessment of DNA profile results that, due to a limited amount of information present (e.g., mixture of profiles, insufficient DNA).

Independent segregation: Offspring inherit one homologous chromosome of a pair from each parent, never two from the same parent.

Individualization: Two samples that share a common unique source or origin.

Interim Ceiling Principle: A calculation endorsed by the National Research Council of U.S.A to multiply allele frequencies to determine the significance of a genetic concordance. It states that for each allele in a product calculation, the highest frequency among the groups sampled, or 10% must be used, whichever is larger.

In vitro: Literally in ‘glass’. It refers to the biochemical reactions which take place outside the body, usually in a test tube or in a laboratory apparatus.

Isotope: An alternative form of a chemical element used particularly in reference to the radioactive alternative forms.

Kilobase pair (Kb): One thousand base pairs.

Likelihood ratio: The direct comparison of the probabilities of two competing hypothesis. When the evaluation is complete, the conclusion is phrased as: “The evidence is X times more likely under proposition A than under proposition B.

Length polymorphism: A locus that exhibits variations in length when cut with restriction enzymes or amplified with PCR primers. In forensic casework, variable number tandem repeats (VNTR) and short tandem repeat (STR) loci are used.

Linkage: Inheritance together of two or more genes on the same chromosome.
**Linkage equilibrium**: The state in which two or more loci in a gamete are in random proportions (i.e., the gamete frequency is the product of the allele frequencies); abbreviated LE.

**Locus** (pl. loci): The physical location of a gene (or DNA region of interest) on a chromosome.

**Marker**: A gene with a known location on a chromosome and a clear-cut phenotype (physical appearance or observable properties) that is used as a point of reference when mapping another locus (physical position on a chromosome).

**Match**: When genetic profiles show the same types at all loci tested and no unexplainable differences exist.

**Match criteria**: A set of empirically derived, laboratory specific data that is used to set limits on the amount of difference within which two DNA fragments can be considered the same size in RFLP analysis.

**Meiosis**: The two cell divisions that occur in the development of a sperm or egg, during which the chromosome number is halved.

**Membrane**: The support (usually nylon) to which DNA is transferred during the southern blotting procedure.

**Mitochondrial DNA**: The small circular shape DNA found in the mitochondria.

**Mitochondrion** (pl. mitochondria): A particle present in multiple copies per cell and transmitted from the mother to all her children.

**Mitosis**: The process of cell division in which the chromosomes are precisely distributed so that the parent and each daughter cell have the same chromosome content.

**Monomorphic probe**: A DNA probe that detects an allele that is the same in everyone, and hence shows the same pattern. Used as a diagnostic standard in RFLP analysis to check for sample-to-sample variation due to causes other than genetic polymorphism, such as environmental and experimental factors.

**Multi-locus probe**: A DNA probe that detects genetic variation at multiple sites. An autoradiogram of a multi-locus probe yields a complex, bar code like pattern of 30 or more bands per individual.

**Multiplex**: A system for analyzing several loci at once.

**Noncoding**: A region of DNA that lacks the capacity to produce a protein.

**Nuclear DNA**: The DNA contained within the nucleus of a cell. It constitutes the vast majority of the cell genome.

**Nucleotide**: A unit of DNA composed of phosphate, a sugar and a purine or pyrimidine base.

**Organelle**: Any of the subcellular structures found in eukaryotic cells.

**Organic extraction**: The result of incomplete digestion by restriction enzymes. In RFLP analysis this may result in erroneous interpretation.
PCR: Polymerase chain reaction.

PCR product: The DNA amplified as a result of the polymerase chain reaction.

Phenotype: The recognizable manifestation of the genotype; it may be externally visible, as hair color, or observed by a special technique, as blood groups or enzymes.

Physical evidence: Any evidence in a case that can be subjected to physical analysis.

Polymerase: A category of enzymes that catalyzes the addition of sub-units in to a polymer.

Polymerase chain reaction: An in vitro process for making many copies of a chosen fragment of DNA; abbreviated PCR.

Polymorphism: The presence of more than one allele at a locus in a population; usually the word is used only when at least two alleles are fairly common.

Population substructure: The existence of smaller mating groups within a larger community.

Probe: A short segment of synthetic tagged DNA fragment or sequence.

Product rule: A calculation based on population genetics that allows individual allele frequencies and genotype frequencies to be multiplied together to generate an overall profile frequency.

Proficiency test: The analysis of material provided by an outside agency or laboratory to determine whether an analyst can accurately and reliably perform the forensic work. It may be conducted in the form of open proficiency or blind proficiency tests. Internal proficiency tests may also conduct by the laboratories.

Prokaryote: A cell lacking a nucleus or any other sub-cellular organelles. The best example is bacteria's.

Quality assurance: A program conducted by a laboratory to ensure accuracy and reliability of tests performed.

Quality control: Activities used to monitor the quality of DNA typing to satisfy specified criteria.

Reference sample: A sample taken from a known person, against which an evidence sample is compared.

Random match: A match in the DNA profiles of two DNA samples, where one is drawn at random from the population.

Random-match probability: The probability that the DNA in a random sample from the population has the same profile as the DNA in the evidence sample.

Restriction enzyme, restriction endonuclease: An enzyme that cuts a DNA molecule in a specified short base sequence.

Restriction fragment length polymorphism: Variation in the length of a stretch of DNA; abbreviated RFLP.

Ribonucleic acid: The product of transcription from DNA; abbreviated RNA.
**Sequence polymorphism:** Variation in specific base pairs at a particular locus.

**Serology:** The discipline concerned with the immunologic study of the bodily fluids.

**Sex chromosomes:** The 'X' and 'Y'-chromosomes.

**Short tandem repeat:** A tandem repeats of identical DNA sequence in which the repeat units are three, four, or five base pairs; abbreviated STR.

**Slot blot:** A diagnostic tool used in DNA analysis to determine how much human DNA has been extracted from a sample.

**Single nucleotide probe:** A probe that detects a single base change at a specific location.

**Somatic cells:** Body cells; cells other than those in the cellular ancestry of egg and sperm.

**Southern blotting:** The technique for transferring DNA fragments that have been separated by electrophoresis from the gel to a membrane (usually nylon).

**Standards:** Criteria established for quality control and quality assurance.

**Tandem repeats:** Repeating units of an identical DNA sequence arranged in a particular region of a chromosome.

**Thymine:** One of the four bases in DNA; abbreviated T.

**Uracil:** A base in RNA, corresponding to T in DNA; abbreviated U.

**Variable number of tandem repeats:** Repeating units of a DNA sequence; a class of RFLPs; abbreviated VNTR.

**X chromosome:** A sex chromosome, present twice in female cells and once in male.

**Y chromosome:** A sex chromosome present once in males, and transmitted directly from a father to all his sons.

**Zygote:** A diploid cell produced by fusion of an egg and sperm.
MODEL LEGISLATION

FORENSIC PROCEDURES ACT

LONG TITLE
An Act to provide for the establishment of authorities for the collection, storing, testing and reporting of the forensic samples of the individuals involved in crimes and to regulate the matters dealing with collection, storing, testing, reporting and the admissibility of DNA typing evidence and for matters connected therewith. Be it enacted by the Parliament in the Fifty-fifth year of the Republic of India as follows:

CHAPTER 1
PRELIMINARY

1. Short title, extent and commencement. - (1) This Act may be called the Forensic Procedures Act.
   (2) It extends to the whole of India.
   (3) It shall come into force on such date as the Central Government may by notification in the official Gazette, appoint.

2. Interpretation. - In this Act unless the context otherwise requires-
   (a) "Accreditation of the laboratory," means: the grant of certificate of the testing whether the laboratory meets the minimum professional standards for general operations.
   (b) "DNA profiling," means: the process of testing to identify DNA patterns or types.
   (c) "Forensic material" means:
      (i) Samples, or (ii) hand prints, fingerprints, foot prints or toe prints, or (iii) Photographs, or (iv) casts or impressions, taken from the body of a person.
   (d) "Forensic procedure" means:
      (i) an intimate forensic procedure, or (ii) a non-intimate forensic procedure, or (iii) the taking of a sample by buccal swab, but does not include any intrusion into a person's body cavities except the mouth.
(e) "Incapable person" means an adult who is incapable of understanding the general nature and effect of a forensic procedure, or is incapable of indicating whether he or she consents or does not consent to a forensic procedure being carried out.

(f) "Intimate forensic procedure" means the following forensic procedures:

1. An external examination of:
   (i) the genital or anal area or the buttocks, or (ii) the breasts of a female or a transgender person who identifies as a female;
2. The taking of a sample of blood;
3. The taking of a sample of saliva (otherwise than by buccal swab);
4. The taking of a sample of pubic hair;
5. The taking of a sample by swab or washing from:
   (i) the external genital or anal area or the buttocks, or the breasts of a female or a transgender person who identifies as a female;
   (ii) the taking of a dental impression;
6. The taking of a photograph of:
   (i) the genital or anal area or the buttocks; or
   (ii) the breasts of a female or a transgender person who identifies as a female.

(g) "Investigating police officer" means any police officer involved in the investigation of an offence in relation to which a forensic procedure is carried out or proposed to be carried out.

(h) "Non-intimate forensic procedure" means the following forensic procedures:

1. An external examination of a part of the body other than:
   (i) the genital or anal area or the buttocks, or
   (ii) the breasts of a female or a transgender person who identifies as a female, that requires touching of the body or removal of clothing.
2. The taking of a sample of hair other than pubic hair;
3. The taking of a sample from a nail or under a nail;
4. The taking of a sample by swab or washing from any external part of the body other than:
5. The genital or anal area or the buttocks; or
6. The breasts of a female or a transgender person who identifies as a female.
7. The taking of a sample by vacuum suction, by scraping or by lifting by tape from any external part of the body other than:
   (i) the genital or anal area or the buttocks, or
(2) the breasts of a female or a transgender person who identifies as a female.

(vii) the taking of a hand print, finger print, foot print or toe print;

(viii) the taking of a photograph of a part of the body other than:

(1) the genital or anal area or the buttocks, or

(2) the breasts of a female or a transgender person who identifies as a female.

(ix) the taking of an impression or cast of a wound from a part of the body other than:

(1) the genital or anal area or the buttocks; or

(2) the breasts of a female or a transgender person who identifies as a female.

(i) "Person qualified", in relation to carrying out a forensic procedure, means:

(i) having suitable professional qualifications or experience to carry out the forensic procedure, or (ii) qualified under the regulations to carry out the forensic procedure.

(j) "Proficiency test," means: the analysis of material provided by an outside agency or laboratory to determine whether the analyst can accurately and reliably perform the forensic work. It may be conducted in the form of open proficiency or blind proficiency tests. The laboratories may also conduct internal proficiency tests.

(k) "Suspect," means the following:

(i) a person whom a police officer suspects on reasonable grounds as one who has committed an offence; (ii) a person charged with an offence, (iii) a person who has been summoned to appear before a court in relation to an offence alleged to have been committed by the person.

(l) "Senior Police officer", means a police officer not below the rank of a circle inspector.

CHAPTER 2

AUTHORITIES AND THEIR POWER TO CARRY OUT FORENSIC PROCEDURES

3. Authorities and their power to carry out forensic procedures on suspects with their consent. - (1) Any police officer not below the rank of a sub inspector may carry out forensic procedure on any suspect with his informed consent, other than (a) child below the age of 14 years; or (b) a person incapable to give such consent.
(2) A police officer shall not keep any arrested person in his custody for more than twenty-four hours in order to carry out a forensic procedure.

(3) A police officer who has arrested a person after obtaining his consent to carry out on him forensic procedures shall give him an opportunity on his request to communicate with his legal practitioner before the commencement of the forensic procedures. The police officer shall not allow the suspect to communicate, or attempt to communicate, with the legal practitioner in private, if the police officer suspects on reasonable grounds that the suspect may attempt to destroy or contaminate any evidence that may be obtained by carrying out the forensic procedure.

4. Condition precedent for seeking consent to forensic procedures. - Before requesting consent for forensic procedures, the police officer concerned shall satisfy that:

(a) the person on whom he wants to conduct forensic procedures is a suspect and he is not a person below the age of 14 years or a person incapable to give such consent;

(b) there are reasonable grounds to believe that forensic examination may produce evidence tending to confirm or disprove that the suspect has committed a particular offence or it will help in any manner to prove his connection with the offence committed;

(c) Before requesting consent, the police officer concerned shall inform:

(i) the method in which the forensic procedures is to be carried out;

(ii) the evidence obtained through forensic procedures will be used against him;

(iii) the suspect has the right to produce him before a medical practitioner except in the cases of taking finger print, hand print, foot print, toe print, bodily fluids like saliva, buccal swabs, urine, hair including pubic hair, cloths including under wears, sample of nail, external examination of the body, for taking photographs of the external parts of the body and for taking of physical measurements;

(iv) the suspect of his right to refuse to give consent for forensic procedures and the consequences of such refusal;

(v) the suspect if female has a right to demand that she be examined by a female medical practitioner.

5. Consequence of refusal in giving consent to carry out forensic procedures. - (1) No police officer shall apply any force or the suspect if he or she refuses to give consent for forensic procedures. In the case of a non-intimate forensic procedure the police officer shall inform the suspect that, if the suspect does not consent, a senior police officer may order the carrying out of the forensic procedure.
(2) In the case of intimate forensic procedure, the police officer shall inform the suspect that, if the suspect does not consent, an application will be made to a magistrate or other person empowered to make an order for carrying out the forensic procedure.

6. Recording of the information given under Section 5 and the response made by the suspect. - (1) If it is practicable, the manner in which the police officer concerned sought the warrant under section 5 and the response made by the suspect there under shall be recorded with the help of an electronic device and the copy of the same version shall be made available to the suspect.

(2) If such type of recording is not possible, the police officer shall record on paper, the information given by him to the suspect under section 5 and the response made by the suspect to that and a copy of the record shall be made available to the suspect free of cost.

7. Power of a superior police officer to carry out non-intimate forensic procedure. - (1) A police officer not below the rank of a circle inspector can carry out non-intimate forensic procedure if the suspect refuses to consent under section 3 of the Act. However, he is not authorized to carry out non-intimate forensic procedures if the suspect is (1) a child below the age of 14 years; or (2) a person incapable to give such consent.

(2) The superior police officer who wants to carry out non-intimate forensic procedures shall satisfy the conditions provided in sections 4 and 6 (1) and (2) of the Act.

8. Power of a judicial officer to make an order for carrying out forensic procedures.- A Magistrate or a Judge can make an order directing the police officer concerned for carrying out of forensic procedure if:

(a) the suspect is under arrest and has not consented to the forensic procedure, or

(b) the suspect cannot consent to the forensic procedure because he or she is a child below the age of 14 years or a person incapable to give such consent.

9. Procedure to be complied by a Judge or Magistrate before making an order under Section 8:

1. Every judicial officer functioning under section 8 shall act only upon a written application given by the police officer concerned in charge of the suspect;

2. The application shall specify the type of forensic procedure to be conducted;

3. All applications made under section 9 shall be supported by evidence on oath or by an affidavit;

4. If the application moved by the police officer concerned has been rejected by a magistrate then he can move an application before the Sessions Judge having jurisdiction;

5. Before making an order under section 8 the judicial officer shall satisfy himself that:

(a) the person on whom the forensic procedure is to be carried out is a suspect and from the evidence before him that there are reasonable grounds to believe that
the suspect has committed a particular offence for which punishments are provided in any of the law time being in force or there are reasonable grounds to believe that the suspect is involved in any other offence committed in the Indian territory;

(b) there are reasonable grounds to believe that the forensic evidence can be used to prove or disprove the charge alleged against the suspect;

(c) the carrying out of the forensic procedure is justified in the circumstances in the case and it will have probative value like any other evidence in the case;

(d) if the suspect is arrested by the police officer concerned then the judicial officer making the order shall direct the officer to produce the suspect before him and a fair hearing shall be given to the person produced regarding the carrying out of the forensic procedures;

(e) if the suspect is not under arrest, the same procedure provided above shall be applied when he is arrested and produced for the order of forensic procedures.

10. **Order of the Judicial officer.**-

(1) The order of the judicial officer shall be a speaking order which specifies

(a) the type of forensic procedure to be conducted;

(b) reasons for making such order;

(c) ordering the suspect to subject himself to the forensic procedure as provided in the order;

(d) inform the suspect that reasonable force may be used by the police officer concerned to subject him for forensic procedures if the suspect resists the procedure.

2. The judicial officer can make an interim order if there are reasonable grounds to believe that the probative value of the forensic procedure may be lost or destroyed owing to the delay in carrying out it. Before issuing the interim order also the judicial officer shall satisfy the conditions provided in sections 9 and 10 of the Act.

11. **Power of the police officer before obtaining an interim order under Section 8(1) or 10(2) of the Act.** - The police officer concerned has power to use all reasonable force against the suspect before obtaining the order under sections 8(1) or 10(2) of the Act, if there are any attempts on the part of the suspect to destroy or contaminate the evidence.

12. **Mandatory rules for carrying out forensic procedures.** - Authority or the agency carrying out or aiding the forensic procedures shall observe the following guidelines:

1. Forensic procedures shall be conducted giving maximum privacy to the suspect;

2. Subject to guideline 10 below, forensic procedure shall not be conducted in the presence of anybody belonging to the opposite sex or in the presence of any other person whose presence is not necessary for the purpose;
3. Authority conducting forensic procedure shall not remove more clothes of the suspect than is necessary for carrying out the procedure;

4. Authority conducting forensic procedures shall not subject the suspect to more visual inspection than is necessary for the procedure;

5. Forensic procedure shall not be conducted on a suspect at the time of questioning him by the police authorities as part of their investigation;

6. A police officer shall caution the suspect that he or she does not have to say anything while the procedure is carrying out and that anything the person does say may be used in evidence;

7. All forensic procedures are to be carried out in a manner consistent with appropriate medical or other relevant professional standards;

8. Forensic procedures shall not be carried out in a cruel, inhuman or degrading manner;

9. Forensic procedures shall be conducted by professional persons having knowledge in medical field;

10. The forensic procedure shall be carried out in the presence of an independent person who is not a police officer except where the suspect expressly and voluntarily waives his or her right to have an independent person present.

13. Presence of the friend or legal representative for children and incapable person. - If the suspect is a child below the age of 14 or an incapable person, either a friend or a legal representative shall be allowed to stay with him while carrying out forensic procedures.

14. Materials made available to the suspect after conducting forensic procedures.-

(1) After the completion of the forensic procedures, the investigating police officer shall make available to the accused a part of the material collected from him by applying the forensic procedures;

(2) Where a forensic procedure involves the taking of a photograph of a part of a suspect's body, the investigating police officer concerned shall ensure that a copy of the photograph is made available to the suspect;

(3) Investigating police officer shall take special care to ensure that the sample collected from the suspect is protected and preserved until it is analyzed.

15. Circumstances in which court may order the carrying out of forensic Procedure on child or incapable person. - (1) A court may order the carrying out of a forensic procedure on a child or incapable person if:

(a) the consent of the parent or guardian of the child or incapable person to the carrying out of the forensic procedure cannot reasonably be obtained, or
(b) the parent or guardian of the child or incapable person refuses consent to the carrying out of the forensic procedure and the court is satisfied that there are reasonable grounds to believe that:

(i) the child or incapable person is a suspect, and

(ii) the forensic procedure is likely to produce evidence tending to confirm or disprove that he or she committed the offence under investigation, or

(c) The parent or guardian of the child or incapable person consented to the carrying out of the forensic procedure, but subsequently withdrew that consent.

(2) In determining whether to make an order under this section, the court shall take into account the following:

(a) if the forensic procedure is being carried out for the purposes of the investigation of a particular offence—the seriousness of the circumstances surrounding the commission of the offence,

(b) the best interests of the child or incapable person,

(3) An order made under this section may:

(a) require the forensic procedure to be carried out at a time or place specified in the order, or

(b) specify the period for which forensic material obtained from carrying out the procedure may be retained, or both.

CHAPTER 3

AUTHORITIES, THEIR POWERS AND PROCEDURE TO CARRY OUT CRIME SCENE INVESTIGATION FOR FORENSIC SAMPLES AND THEIR EXAMINATION

16. Collection of forensic samples from crime scenes.—(1) The investigating police officer shall have the power to collect forensic samples from the crime scene either with the help of a crime scene investigator or with the help of a person having special training for the purpose.

(2) If the investigating police officer is not specially trained for collecting forensic samples he shall wait till the arrival of the trained person and up to that time he shall not disturb the crime scene.

(3) The concerned government shall appoint in every jurisdiction a particular person who has special training in dealing with crime scene articles or select a police officer not below the rank of sub-inspector and give him special training in dealing with crime scene articles.
(4) Whenever an officer in charge or a police station or a police officer making an investigation, has reasonable grounds to believe that there is a chance for getting forensic materials from a crime scene, he shall take with him a specially trained person to deal with crime scene articles unless he is not specially trained for that.

(5) The trained person who inspects the crime scene along with the investigating officer shall collect necessary articles from the crime scene, if he has reason to believe that those articles may be of use to prove the charge against the offender.

17. Crime scene investigators and their responsibility

(1) To aid and advise the police, the State government may appoint a crime scene investigator in each district.

(2) The crime scene investigator shall be a person competent in taking crime scene photography, examining crime scenes, handling exhibits and assessing, controlling and recording a crime scene.

(3) Crime scene examiners shall be persons having education, training and experience in conducting examination of crime scenes.

(4) They shall be responsible for examining, assessing, recording and collecting physical evidence from crime scenes.

18. Duties of the Crime Scene Investigators

(1) The crime scene investigators shall have the following duties:

(a) Initial assessment of the scene:
   (i) He shall ascertain the circumstances regarding the incident; and
   (ii) define or redefine the scene boundary to optimize the recovery of physical evidence.

(b) Control of the crime scene:
   (i) He shall ensure that a log of all persons entering and leaving the scene is established and maintained;
   (ii) preserve the scene during examination;
   (iii) advise those entering and leaving the scene about the access and exit to minimize loss of evidence; and
   (iv) adopt appropriate procedures to prevent contamination and loss of evidence.

(c) Examination of the scene:
   (i) He shall identify and apply an appropriate search pattern;
   (ii) accurately record details of the scene;
   (iii) locate physical and trace evidence;
   (iv) make appropriate arrangements to collect evidence from victims and suspects; and
   (v) seek assistance from other specialists where appropriate.

(d) Interpretation of evidence:
(i) He shall establish the possible significance of the evidence;
(ii) establish the possible sequences of events, where appropriate; and
(iii) communicate the significance of the evidence to the investigating officer.

(e) Recording the scene:
(i) He shall record time, date and location of the scene; and
(ii) make a thorough and accurate record of the scene.

(f) Exhibit collection:
(i) He shall collect and package exhibits in a manner, which will prevent contamination,
(ii) ensure that exhibits are identified by appropriate labelling; and
(iii) establish a record of exhibits collected.

(g) Case management:
(i) He shall ensure continuity and security of exhibits, items and records;
(ii) maintain liaison with the office in charge of the case and other specialists;

and
(iii) prepare relevant statements, reports and other documentation.

19. Procedure for the collection of crime scene articles

(1) The crime scene articles shall be collected in the presence of a respected person of the locality.

(2) If the collection is completed, the person who headed the collection shall pack the articles in the presence of the respected person and it shall be sealed and dispatched to the magistrate court concerned having jurisdiction over the area.

(3) On the face of the package the crime number, name of the police station, nature and name of the forensic material and the name of the location from where or the person from whom it was collected shall be stated clearly.

20. Procedure for the collection of crime scene articles from the place of death due to police torture.

If the crime relates to that of a person and there is reasonable ground to suspect that the death has been caused due to police torture, crime scene articles shall be collected in the presence of a magistrate.

21. Procedure before magistrate court when crime scene articles are produced

(1) When any crime scene articles are produced before any magistrate court having jurisdiction, the magistrate shall immediately take necessary steps to dispatch them to the forensic laboratory concerned for examination.

(2) As a first step, the crime number, the name of the article and the police station from which it has been received shall be entered in a register kept for the purpose and the crime number and other details entered on the package as provided in section 19(3) shall be erased after allotting a new number for the
article which shall be entered in the register and on the package there after. It shall be dispatched to the forensic laboratory. The magistrate shall sign on the package after recording that it is "crime scene material".

(3) Magistrate shall follow the same procedures regard to samples collected from the suspect, victim or other persons and produced before him. The magistrate shall put on each such package same number as put in the crime scene material. In each package magistrate shall write whether the material belongs to the victim, suspect or any other person.

(4) While dispatching to the forensic laboratory, all materials mentioned in sub sections (2) and (3), the magistrate shall make an order directing the forensic laboratory for the scientific examination and analysis of the articles.

(5) In the order the court shall specifically state what type of examination the court wants from the forensic laboratory.

(6) Before passing the order on forensic examination, the court shall hear the investigating officer and the defence regarding the type of examination to be conducted on the forensic material.

(7) The order of the court shall be accompanied by a statement showing brief facts of the case if any and specifying the needs of the investigating officer in regard to the examination of the forensic material. The investigating officers requirements for examination of the forensic material shall be spelt out clearly for helping the forensic scientist to perform his examination in the best way possible. The facts of the case mean bare facts with no opinion whatsoever.

(8) The Court shall give in its order a special direction to the laboratory to store a part of the forensic material required, if it is practicable, for the reexamination by an independent forensic expert. For the storage of such material all the procedures in section 19(2) shall be followed.

22. Checking the accreditation of the laboratory etc.
Before dispatching the forensic articles to the forensic laboratories, the court shall check the accreditation of the forensic laboratory.

23. Responsibility of forensic laboratories and scientists in the laboratories
If a forensic material has been forwarded by the court to a forensic laboratory or any other laboratory for forensic purpose, the laboratory or the scientist in charge of the laboratory shall be responsible to the court only and not to any other body or person.

24. Duties of the scientists and forensic laboratories

(1) Restrictions on disclosure of test results-
   (a) A person who conducts an analysis shall not intentionally or recklessly disclose the results of the analysis to any person other than the court;
   (b) A person shall not intentionally or recklessly publish-
(i) the name of the suspect on whom a forensic procedure is carried out or proposed to be carried out in relation to an offence, or
(ii) any information likely to enable the identification of the suspect, victim or any other person related with the crime.

(c) This section does not bar the publication of the name of a suspect or any other information likely to enable the identification of a suspect if it is solely for the purposes of the internal management and guidance of the Police Service.

(2) After completion of the examination the results of the tests conducted and the details of the tests shall be forwarded by the head of the forensic lab to the court. The results shall not be disclosed to any outsider without the direction of the court.

25. Destruction of forensic materials after use

(1) Destruction of forensic material after final verdict of the court:

(a) As soon as practicable after the conviction of a person is quashed by the highest appellate court, the forensic laboratory shall ensure that any forensic material obtained from him for the carrying out of the forensic procedure is destroyed;

(2) Destruction of forensic material given voluntarily for elimination purposes:

(a) If a person has consented to take his finger print or hand print for the purpose of eliminating the persons finger prints or hand prints from those found in relation to an offence, the police officer in charge of the investigation of the offence shall ensure that the finger prints or hand prints are destroyed or returned to the person as soon as practicable after they have been used to eliminate the person from inquiries in relation to the event.

(3) Destruction of forensic materials in special situations:

(a) If a period of two years has elapsed since the forensic material was taken, and
b) the proceedings in respect of the offence in relation to which the forensic material was taken have not been instituted against the suspect, or have been discontinued, the forensic materials relating to him shall be destroyed.

26. Admissibility of Evidence collected through forensic procedures

(1) If evidence is collected through proper forensic procedures as provided by this Act, it is admissible before a court of law.

(2) Evidence collected through forensic procedure is inadmissible in the following cases:

(a) if forensic procedure has been carried out on a person using unreasonable force;
(b) if forensic examination has been conducted on a material which section 25 of this Act requires to be destroyed;
(c) if forensic procedure has been carried out on a person in breach of, or failure to comply with any of the provisions in this Act.
(3) Notwithstanding any thing contained in sub section (1) and (2) of section 26, the evidence obtained through improper forensic procedures can be admitted, if the party having protection under section 26 has adduced the evidence.

27. Admissibility of evidence relating to carrying out of forensic procedure

(1) Evidence of how a forensic procedure was carried out is admissible in proceedings against a person in a court:
   (a) to establish or rebut an allegation that unreasonable force was used to carry out the procedure, or
   (b) to establish or rebut an allegation that the forensic procedure was not carried out in accordance with the provisions in the Act.

28. Liability of the persons who conducted forensic procedures

(1) No civil or criminal liability is incurred by any person (including a police officer) who carries out, or helps to carry out, a forensic procedure under this Act in respect of anything properly and necessarily done or omitted to be done in good faith by the person in carrying out or helping to carry out the forensic procedure, if such person believed on reasonable grounds that:
   (a) informed consent had been given for carrying out the forensic procedure, or
   (b) the carrying out of the forensic procedure without informed consent had been duly ordered by a police officer or a Magistrate or other authorised justice under this Act.

CHAPTER 4

PROCEDURE RELATING TO DNA IDENTIFICATION AND ITS ADMISSIBILITY

29. Admissibility of DNA Evidence

(1) DNA evidence is admissible in both civil and criminal proceedings if it is scientifically valid and meets the essential standards.

(2) Before admitting DNA evidence the judge shall evaluate the evidentiary value of the evidence including the quality of the evidence by checking:
   (a) The potential rate of error of the DNA typing technique;
   (b) The existence of standards and their compliance in the laboratory in which DNA typing has been conducted;
   (C) The care with which the scientific technique has been employed and whether it is susceptible to abuse;
   (d) Whether there are analogous relationships with other types of scientific techniques that are routinely admitted into evidence;
(e) The expert's qualifications and stature;
(f) The existence of specialized literature;
(g) The novelty of the technique in its relationship to more established areas of scientific analysis;
(h) The techniques general acceptability by experts in the particular field;
(i) The clarity with which the technique may be explained;
(j) The availability of other experts to evaluate the technique;
(k) The probative significance of the evidence.

(3) Before admitting DNA evidence, court shall make assure that the defendant has got the DNA report and findings of the opposite side.

(4) Before offering DNA evidence, a party shall provide 60 days notice before the trial.

30. Procedures for the collection and preservation of human biological samples for DNA analysis

(1) The procedures for the collection and preservation of biological samples for DNA typing shall be the same as provided in Chapter 2 of this Act.

(2) The person who is authorized for the collection of bodily samples for DNA analysis may collect it from-
(a) the suspects in custody;
(b) the individuals on release, parole, or probation of certain offences provided in section 31 of this Act.

(3) In the case of the persons who were released on parole or probation, the DNA samples shall be collected only under the supervision of the probation officer.

(4) The authorized person for collecting the DNA samples from the suspects under custody and the probation officer may use or authorize to use reasonable force and collect a DNA sample from an individual who refuses to cooperate in the collection of the sample.

31. List of the offences in respect of which bodily samples can be collected by the authorities for conducting DNA typing under Section 30 (2) (b).

(1) The authorities can collect bodily samples for the investigation of the following offences:
(a) Murder u/s 302 and other offences u/ss 304, 307, 311, 326, 327 and 329 of the Indian Penal Code;
(b) An offence relating to sexual abuse as described in Chapter 16 under sections 376, 376A, 376B, 376C and 376D of I.P.C.
(c) Kidnapping and its related offences as provided in section 363, 364, 364A, 365, 366, 366A, 366B, 367, 368 and 369 of I.P.C.
(d) Robbery and related offences under section 392, 393, 394 and Dacoity under section 395, 396, 397, 398, 399, 400 and 402.
(e) Any attempt or conspiracy to commit any of the above offences;

(f) Any offences against the State under section 121, 121A, 122, 123, 124, 124A, 125, 126, 127, 128 and 130 of I.P.C.

(g) If the court thinks fit that any other offences provided in any special Acts be investigated under this Act, they also may be investigated under this Act.

32. Privacy to the persons subjected for DNA typing

(1) Except as provided in section 24 of this Act, no person dealing with the testing of DNA samples shall:
   (a) discloses the samples or the results of the DNA typing;
   (b) obtains, without authorization, a sample or result.

(2) A person who knowingly discloses or obtains the samples or results without authorization for the same shall be punished with imprisonment for a term, which may extend to six months, or with fine, which may extend to 100,000 rupees.

33. Evaluating the standard of the DNA Scientist and the DNA laboratory

(1) The Director General of Police shall once in every year conduct a blind proficiency test to evaluate the quality of each DNA laboratory as well as the competence of the scientists and technicians working there in conducting DNA typing for forensic purposes.

(2) Any other person authorized by the Director General of Police for the purpose as provided in sub section (1) shall give the test specimens to the testing laboratory as routine evidence.

(3) For each blind proficiency testing there shall be biological samples of at least five identifiable persons.

(4) The samples for the blind proficiency test shall consist of the following things:
   (a) Each biological samples shall include the liquid and dried blood, urine, saliva, tissue, hair roots and other biological fluids if any which may be used for regular test in forensic cases;
   (b) The biological samples may be in the form of mixture or single specimens;

(5) All blind proficiency tests samples shall be prepared so as to realistically simulate the characteristics of routine forensic casework.

(6) The person authorized to deliver it to the laboratory shall thoroughly and independently verify the identity of the each specimen.

(7) The part of each specimen prepared for the blind proficiency test shall be retained and stored carefully by the person who prepared the samples for the blind test.

(8) Each sample collected and prepared for the blind proficiency test shall be packed separately and stored carefully until it is submitted to the laboratory for the test.
(9) The conducting of the blind proficiency test shall be very secret and it must not come to the knowledge of the laboratory or any persons working in the laboratory that they are going to be tested.

(10) The Director General of Police or any person authorized by him for conducting of the blind proficiency test may obtain the help of a DNA scientist or a laboratory for the preparation of the samples.

34. Funding Agency for DNA typing

A funding agency of the government shall be created to meet the expenses of the DNA tests for the prosecution, indigent defendants and for blind proficiency tests.

35. Creation of a DNA Database System

(1) The government concerned shall take steps to form a DNA database system including the-

(a) DNA identification records of persons convicted of crimes;
(b) analyses of DNA samples recovered from crime scenes;
(c) analyses of DNA samples recovered from unidentified human remains;
(d) analyses of DNA samples voluntarily contributed from relatives of missing persons.

(2) The principal purpose of the database system shall be to-

(a) assist Central and State law enforcement agencies in the investigation or prosecution of offences in which biological evidence is recovered;
(b) assist the law enforcement agencies to recover or identify the human remains from scene of disaster or accident;
(c) assisting in the identification of living or deceased missing persons;
(d) and other assistance related with law enforcement purposes.

36. Confidentiality in DNA database records

(1) The appropriate government shall establish procedures:

(a) to prevent unauthorized access to the DNA database;
(b) to release records connected with DNA typing results, specimens and other relevant records.

(2) The government may establish procedures and direct the appropriate persons to disclose a DNA sample result or other records:

(a) to any law enforcement machinery under the Central or State government for the criminal or victim or body remains identification purpose;
(b) for a civil or criminal judicial proceeding;
(c) to a defendant in a case in which he has been connected and DNA evidence has been produced as a part of prosecutions evidence;
(d) and for any other purposes in connection with the forming of the DNA database, population statistical database and for the quality control of the DNA labs and the scientists.

(3) A person who discloses any information relating to DNA sample, result or records except as provided under sub section (2) (a) to (d) of section 36 shall be punishable with fine up to rupees 100000; or imprisonment which may extend to six months; or (3) with both.

CHAPTER 5

PROCEDURE FOR POSTCONVICTED DNA ANALYSIS

37. Post conviction DNA Analysis
(1) A post conviction DNA analysis may be allowed by a court in criminal proceedings if court is satisfied on:
(a) the claim raised by the convicted person that he or she is innocent for the offence for which convicted and that a post conviction DNA test will prove his innocence;
(b) the claim that he or she would not have been convicted, prosecuted and found guilty if exculpatory DNA test results had been available.
(c) A prior DNA test has not been conducted and if one is conducted at post conviction stage the result may prove the innocence of the convicted person;
(d) If the post conviction DNA test might affect the nature or quality of the judgment of the court, such as the length of the sentence or the condition and terms of supervision.

38. Procedure for post conviction DNA analysis
(1) The court shall not allow a post conviction DNA analysis without hearing the both parties.
(2) At the time of hearing court shall demand the prosecution or defence to disclose the results of any prior DNA testing and make them available to the opposite side:
(a) the findings based on previous testing of biological materials;
(b) physical evidence containing biological material which is in the custody of the government forensic service.
(3) The court may order the defendant to pay the cost for the DNA testing if he or she is not innocent.
(4) In the case of an indigent person the court shall arrange for financial assistance from the State.
39. Preservation of samples for post convicted DNA testing

(1) Court shall take adequate steps from the initial stage of the case to preserve additional samples for conducting post conviction DNA testing.

(2) All DNA and other laboratories either private or government in which they had actual or constructive custody of the forensic materials shall preserve the biological materials until every person in custody has been finally discharged by the highest appellate court in India. Here the term custody means actual imprisonment, probation, parole, custody of the juveniles and custody of the insane persons in the mental asylum.

(3) In order to make effective this section, the authorities shall preserve both the biological samples and the crime scene articles like cigarette butt, glass, clothes and any other articles from which the biological materials cannot be easily removed for analysis.

(4) The government may destroy the biological material preserved for post conviction DNA analysis if:
   (a) the accused has been finally discharged by the highest court of law;
   (b) may destroy after notifying the said thing to the prosecution and the defence by giving 60 days notice and no reply has been received from either parties within that period.

40. Effect of Evidence derived from a post conviction DNA typing

(1) If the test result of a post conviction DNA analysis is favorable to the person who requested for the test, court shall give a schedule for hearing to determine the admissibility of the new evidence.

(2) If the evidence against the convicted person at the time of trial was direct and very strong, the court may in its discretion after evaluating the total evidences in the case, either affirm the conviction or acquit the accused after giving him a fair hearing.

(3) While hearing the convicted person about his post conviction evidence, the court may conduct a retrial if it is necessary for the proper adjudication of the case.

(4) If the convicted person has claimed his post conviction DNA test before the appellate court, the court may either, allow the claim and proceed with the case as provided in sub section (3) or remand the case to the trial court for conducting the said thing.
CODE OF ETHICS OF THE AMERICAN SOCIETY OF CRIME LABORATORY

Section 1. - Policy: The AMERICAN SOCIETY OF CRIME LABORATORY DIRECTORS (ASCLD) recognizes that laboratory managers bear additional ethical responsibilities beyond those expected of forensic scientists involved in analytical casework. Ethical issues can arise from activities unique to managers, such as hiring, training and supervising subordinates, establishing policies and procedures for evidence handling and analysis, and providing quality assurance. While laboratory managers might not be involved directly in the analysis of evidence and presentation of courtroom testimony, their actions as managers can have a profound impact on the integrity and quality of the work product of a crime laboratory.

Section 2. - Code: As members of the AMERICAN SOCIETY OF CRIME LABORATORY DIRECTORS, we will strive to foster an atmosphere within our laboratories which will actively encourage our employees to understand and follow ethical practices. Further, we shall endeavor to discharge our responsibilities toward the public, our employers, our employees and the profession of forensic science in accordance with the following ASCLD Code of Conduct.

2.1 No member of ASCLD shall engage in any conduct that is harmful to the profession of forensic science including, but not limited to, any illegal activity, any technical misrepresentation or distortion, and any scholarly falsification.

2.2 No member of ASCLD shall engage in any conduct that is detrimental to the purpose of ASCLD as outlined in Article II of the Bylaws.

2.3 No member of ASCLD shall misrepresent his or her expertise or credentials in any professional capacity.

2.4 No member of ASCLD shall offer opinions or conclusions in testimony, which are untrue or are not supported by accepted scientific data.

2.5 No member of ASCLD shall misrepresent his or her position or authority in any professional capacity.
2.6 No member of ASCLD shall make written or oral statements which imply that the member is speaking on behalf of ASCLD or the Board of Directors without the expressed written permission from the Board.

2.7 All members shall report to the Board any known ethics violation committed by another member of ASCLD.

Section 3: Enforcement Procedures

STATEMENT OF PRINCIPLES

It shall be the duty and responsibility of the American Society of Crime Laboratory Directors (hereafter "ASCLD") to supervise, investigate and enforce adherence to the Code of Ethics (hereafter "Code"). Such enforcement shall be fair and impartial, and shall be conducted in accordance with the following procedures.

THE ALLEGATION AND ITS INVESTIGATION

A. The allegation:

1. An "allegation" is a complaint or accusation that an ASCLD member has violated one or more of the ASCLD Ethics codes of conduct.

2. An allegation of a violation (hereafter "allegation") must be submitted in writing to the President. An allegation sent to an officer or member other than the President shall be forwarded immediately to the President and shall not be officially deemed received by ASCLD until it is received by the President.

("President", as used herein, shall mean that person then serving as President or such person who shall assume the duties of the President in his absence.)

3. An allegation may be submitted by any person, whether or not a member of ASCLD.

4. An allegation, while it need not be in any particular format, must refer to facts and circumstances as specifically as possible, referencing the specific Code of Conduct violation.

B. Referral to the Ethics Committee and Investigation:

1. The allegation shall be forwarded within 30 days to the Chairman of the Ethics Committee (hereafter "Chairman").

2. The Ethics Committee shall examine the allegation to determine if there is probably cause to believe that it violates a specific code of conduct, that there is probable cause to believe that the allegation is well founded, and that it falls within the jurisdiction of the Ethics Committee.

3. If the Ethics Committee, in its preliminary determination, finds that it does not have jurisdiction or that there is a lack of probable cause to believe that the allegation may be well founded, it shall dismiss the allegation. It shall issue a report of such determination to the Board of Directors, setting forth the basic facts but omitting the names of the
parties, and stating the reasons for its decision to dismiss. Notice of the filing of the allegation shall also be given to the accused.

4. If the Ethics Committee finds that it has jurisdiction and that there is probable cause to believe that the allegation may be well founded, it shall give notice of the filing of a allegation to the accused, and, in accordance with Rules and Procedures formulated by the Ethics Committee and approved by the Board of Directors, assemble such written data from both the accused and the accuser(s) which will permit the Ethics Committee to determine whether the allegation requires further investigation.

5. If, as a result of an investigation, the Ethics Committee decides to dismiss the charge(s) without a formal hearing, it may do so. It shall notify the accused and the accuser(s) of its decision and shall issue a report to the Board of Directors setting forth the basic facts (but omitting the names of the parties) and stating the reason(s) for its decision.

6. If the Ethics Committee decides to formally hear the charge(s), it shall give both the accused and the accuser(s) a reasonable opportunity to be heard and to confront each other. It shall then make a decision and notify both parties of its decision. The Ethics Committee shall then make a report to the Board of Directors on its decision including reasons and any recommendation for further action.

7. Following receipt of a report of the Ethics Committee and upon a vote of the members of the Board of Directors, the party accused of unethical or wrongful conduct may be censured, suspended or expelled. No member of the Board of Directors who is the subject of a pending accusation shall sit in deliberation on any matter concerning ethics, nor shall any member of the Board sit in deliberation on any matter pertaining to an accusation of Ethics Code violations when the Accused or the Accuser are employed by the same employer as the member of the Board.

8. The accused has the right to appeal from the action of the Board of Directors to the general membership at the annual meeting. In effecting an appeal, the appellant must file a brief written notice of the appeal, together with any written statement he may wish to submit in his behalf, with the ASCLD Secretary not less than 120 days prior to the next Annual Meeting. The Secretary shall immediately advise each member of the Board of Directors of the appeal and shall forward to each a copy of the supporting papers submitted by the appellant.

9. The Board of Directors shall then prepare a written statement of the reasons for its actions and file the same with the Secretary not less than 40 days prior to the next Annual Meeting.
10. Within 20 days thereafter, the Secretary shall mail to each voting member of ASCLD a copy of the appellant's notice of appeal and his supporting statement, if any, and a copy of the Board of Directors statement.

11. A vote of three-fourths (3/4) of the members present and voting at the Annual Business Meeting shall be required to overrule the action of the Board of Directors in regard to censure, suspension or expulsion of a member.

C. Rules and Procedures of the Ethics Committee

INVESTIGATIONS:
1. Upon receipt of a complaint or allegation concerning a member or receipt of any information which, in the opinion of the Chairman, may require further investigation, the Chairman shall open a file on the case and consult with the regular members of the Ethics Committee (hereafter "Committee"), to determine whether the Committee has jurisdiction and whether there is sufficient information or probable cause to warrant further investigation. Members shall confirm their opinion in writing to the Chairman.

2. No members of the Ethics Committee shall serve in that capacity in any matter pertaining to an accusation of Ethics Code violations when the Accused or the Accuser are employed by the same employer as the member, nor shall any member of the Ethics Committee who is the subject of a pending accusation sit in deliberation on any matter concerning ethics. In the event that a member of the Ethics Committee is disqualified from serving by the provisions of this paragraph, the President or the Chair shall appoint another individual to serve in all aspects of activities pertaining to the relevant individual. If the President is the disqualified participant, the President-Elect shall serve in his capacity for all aspects of activities pertaining to the relevant individual.

3. Once a file is opened on a case, the matter shall be treated as confidential and all correspondence between members of the Committee and the parties shall refer to the case by file number only.

4. If it is found that a complaint does not fall within the jurisdiction of the Committee or that probable cause does not exist, the Chairman shall notify the Accuser/Complainant that the file will be closed unless additional information is received within 30 days. If nothing further is received, the file will be closed and the Accused will be notified.

5. If the Committee decides to proceed with an investigation, the Accused shall each be notified and provided with copies of the allegation(s) and the Rules and Procedures of the Ethics Committee. The Accused shall be required to respond within 30 days of mailing of the notice by registered mail to the address on record with ASCLD. Failure to respond will be taken as an acknowledgment of the facts as stated in the complaint.

6. The investigation shall be one of fact-finding, not advocacy. The investigation shall be as thorough, objective and comprehensive as possible. During the investigation, the
Ethics Committee may investigate any potential ethical violations which come to its attention.

7. Should an accused member cease to be a member for any reason after a file is opened and before it is closed, the Committee ceases to have jurisdiction. However, the President shall forthwith issue an "Order of Exclusion", which shall bar the Accused from membership in ASCLD until such time the Order is rescinded by 75% vote of the Board. All proceedings or investigations then being conducted with reference to the Accused shall be suspended. Should the Order of Exclusion be rescinded, action on the file will resume.

8. The Ethics Committee shall define the mandate and duties of any ASCLD member appointed to make an investigation.

9. Other than reports to the Board of Directors, members of the Ethics Committee, or any investigator(s) appointed and the parties shall scrupulously avoid any disclosure of the investigation and accord the Accused member the fullest opportunity for access to information, opportunity to respond to the charges, to present evidence and be represented by counsel.

HEARINGS:

1. If the Ethics Committee decides that a formal hearing is necessary, it shall be held at a location determined by the Chairman of the Committee. If timely disposition of a case permits, a hearing shall be held at the time and site of any regular meeting of the Board of Directors of ASCLD.

2. The only persons who may be admitted to the hearing in addition to the members of the Ethics Committee are the ASCLD members appointed to investigate the case, such clerical or technical assistants as the Chairman deems necessary, the Accused and his counsel, the Accuser and his counsel and other persons called by the Committee or either party to give testimony. Witnesses shall be present only during the time they are presenting their testimony unless the Chairman gives leave for them to be present at other times. The hearing shall not be open to other members of ASCLD or to the public.

3. The parties shall be given at least thirty days notice of the hearing by registered mail to their address on record with ASCLD. Absence from the hearing by either party shall not prevent the hearing from proceeding. The hearing panel shall consist of not less than three members of the Ethics Committee. The Chairman of the Ethics Committee or another member of the Committee designated by the Chairman shall preside over the hearing and make rulings on the admissibility of evidence.

4. Persons giving evidence will not be required to be sworn but may be subject to cross-examination.

5. The proceedings may be recorded if so ordered by the Chairman.
6. Decisions of the Committee shall be based on a preponderance of evidence.
7. The Ethics Committee shall render its decision including any recommendations to be made to the Board of Directors either orally or in writing within three (3) working days of the completion of the hearing. A written report to the Board of Directors shall be forwarded to the ASCLD Secretary within thirty days of the completion of the hearing.
8. The decision and recommendations of the Ethics Committee need not be unanimous but the report to the Board of Directors shall indicate the names of the majority. A minority dissenting report may be included with the names of the dissenting member(s).

GENERAL
1. Reasonable expenses for members of the Ethics Committee, their legal advisor and their investigator(s) in connection with any investigation or hearing shall be paid by ASCLD in accordance with ASCLD policy. Witnesses requested to attend by the Committee may also be properly recompensed for expenses. ASCLD shall not be liable for any expenses incurred by the parties, their counsel, or their witnesses in connection with the hearing.
2. The case files of the Ethics Committee shall be securely maintained by the Chairman who shall transfer them to his successor on leaving office. Other members of the Committee shall destroy their files when the case is completed.

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