

# WEST VIRGINIA CODE: §15A-12-9

## §15A-12-9. Cold case database.

(a) As used in this section:

"CODIS" means the Combined DNA Index System;

"Cold case" means any investigation into a qualifying crime, a missing person, or unidentified human remains where all investigative leads have been exhausted and the crime remains unsolved;

"Database" means the cold case database;

"NAMUS" means the National Missing and Unidentified Persons System;

"NCIC" means the National Crime Information Center;

"NCMEC" means the National Center for Missing and Exploited Children;

"Qualifying crime" means felony offenses set forth in §61-2-1 *et seq.*, §61-3-1, §61-3-2, §61-3-7, §61-3C-14b, §61-3E-1 *et seq.*, §61-8-1 *et seq.*, §61-8A-1 *et seq.*, §61-8B-1 *et seq.*, §61-8C-1 *et seq.*, and §61-8D-1 *et seq.* of this code; and

"ViCAP" means the Violent Crime Apprehension Program.

(b) The West Virginia Fusion Center shall develop a secure database that contains all information related to each cold case in any jurisdiction in the state.

(c) The West Virginia Fusion Center shall adopt policies and procedures to collect information for the database and for its maintenance.

(d) Each law-enforcement agency in the state and the State Fire Marshal's Fire Investigation Division may provide the information required by the West Virginia Fusion Center for inclusion in the database for each cold case. Each law-enforcement agency and the office of the State Fire Marshal may maintain its physical evidence and investigation files for each cold case until the investigation is resolved.

(e) Information to be collected and maintained in the cold case database. - Each law-enforcement agency in the state and the Fire Marshal's Fire Investigation Division may provide a written report or other information to the West Virginia Fusion Center for inclusion in the database containing the following:

(1) The victim's:

- (A) Name;
- (B) Gender;
- (C) Race;
- (D) Ethnicity; and
- (E) Date of birth;
- (2) The ViCAP number if the case has been entered into the ViCAP system;
- (3) The NCMEC number if the case has been entered into the NCMEC system;
- (4) Whether the case was entered into the NAMUS system;
- (5) The NCIC number if entered into the NCIC system;
- (6) The Medical Examiner case number;
- (7) Whether a probative, unanalyzed suspect referenced DNA is available;
- (8) Whether a probative crime scene DNA profile from the putative perpetrator has been uploaded to CODIS;
- (9) Whether reference DNA from the victim is available;
- (10) The West Virginia State Police Forensic Lab case number;
- (11) The name of the agency investigating the case;
- (12) The investigating agency's phone number;
- (13) The agency case number;
- (14) Whether the victim was a juvenile or adult victim at the time the crime occurred;
- (15) The date the crime was reported to the investigating agency;
- (16) The date or approximate date the victim was last seen;
- (17) The date or approximate date of death;
- (18) The cause or manner of death;
- (19) The location where the body was found;
- (20) Whether a weapon was used, and the type of weapon used;

(21) Whether the following evidence is available:

- (A) Fingerprints;
- (B) Palm prints;
- (C) Latent prints;
- (D) Dental records;
- (E) Shell casings; or
- (F) Other physical evidence;

(22) Whether a suspect or person of interest has been identified;

(23) Scars, marks, tattoos, and any other unique distinguishing features of any suspects or persons of interest;

(24) A case narrative; and

(25) Any other additional information that is pertinent to the case.

(f) The following information may be entered if applicable to either the victim or the suspect, but the law-enforcement agency shall specify which individual is being referenced:

- (1) Vehicle information;
- (2) Aliases;
- (3) Associated case addresses;
- (4) Associated phone numbers;
- (5) Associated names;
- (6) Case photos or composite drawings at the discretion of the investigating agency; and
- (7) Any other additional information that is pertinent to the case.

(g) The West Virginia Fusion Center shall maintain the information contained within the database indefinitely.