

STATE OF OHIO



DEPARTMENT OF REHABILITATION
AND CORRECTION

SUBJECT: DNA Sample	PAGE <u> 1 </u> OF <u> 8 </u>
	NUMBER: 52-RCP-05
RULE/CODE REFERENCE: 2901.07	SUPERSEDES: 52-RCP-05 dated 11/29/2013
RELATED ACA STANDARDS:	EFFECTIVE DATE: October 1, 2014
	APPROVED: 

I. AUTHORITY

This policy is issued in compliance with Ohio Revised Code 5120.01 which delegates to the Director of the Department of Rehabilitation and Correction the authority to manage and direct the total operations of the Department and to establish such rules and regulations as the Director prescribes.

II. PURPOSE

The purpose of this policy is to establish consistent procedures and guidelines for the drawing and submission of DNA samples from inmates identified by Ohio Revised Code 2901.07.

III. APPLICABILITY

This policy is applicable to staff, contractors, privately run facilities, and inmates of the Department of Rehabilitation and Correction as well as offenders supervised by the Department of Rehabilitation and Correction on behalf of local probation departments.

IV. DEFINITIONS

DNA – Deoxyribonucleic Acid

DNA Sample – A blood, physiological tissue, or body fluid specimen provided by any person identified by Ohio Revised Code 2901.07.

OnBase - An enterprise content management system utilized by DRC for electronic document archival and retrieval. Access to OnBase is restricted to essential users only.

V. POLICY

It is the policy of the Ohio Department of Rehabilitation and Correction to ensure a DNA sample has been collected from every inmate who is admitted or readmitted to the Department of Rehabilitation and Correction pursuant to Ohio Revised Code 2901.07 as well as any offender who is supervised by the Department of Rehabilitation and Correction.

VI. PROCEDURES

A. Incarcerated Inmate Procedures.

1. DNA samples are to be collected during the intake process or prior to release pursuant to R.C. 2901.07(B)(2) and (3). Reasonable force may be used to collect the sample if necessary in accordance with Administrative Rule 5120-9-01, Use of Force. All uses of force shall be videotaped.
2. Identification of Inmates to Be Sampled
 - a. In accordance with Ohio Revised Code 2901.07, an inmate convicted of a felony shall be automatically flagged in the Departmental Offender Tracking System (DOTS Portal) through use of computerized technology.
 - b. Upon admission, the Central Record Office staff shall review the BCI Computerized Criminal History report to determine if a DNA sample has previously been collected. If yes, the Central Record Office staff shall mark the DNA screen on DOTS Portal to indicate testing is completed and BCI received indicating the date of review. Inmates who the BCI Computerized Criminal History report indicates have already provided a sample shall not be required to provide another sample to the Department.
 - c. Each Managing Officer shall appoint a DNA Coordinator. Pursuant to Department Policy 68-MED-09, Medical Legal Issues, all healthcare personnel shall not be designated as DNA Coordinators. The DNA Coordinator shall notify the responsible Deputy Warden of all inmates required to provide a DNA sample. The responsible Deputy Warden shall ensure the samples are collected using the buccal swab. The DNA Coordinator at the reception centers shall provide their record office staff with the list of inmates whose sample was successfully collected and the record office staff shall record the completed testing in DOTS Portal. The DNA Coordinator at the parent institutions shall notify the Central Record Office staff when inmates are successfully collected so that this information can be accurately recorded and documented in the DNA database.
 - d. Using the list, the reception center record office shall indicate on DOTS Portal that each inmate on the list has submitted a DNA sample. The Central Record Office staff shall document the collection in the DNA database.
 - e. As part of the initial pre-release file review, the Central Record Office staff shall ensure that all inmates required to submit a DNA sample have been sampled by reviewing the BCI OHLEG database. If the reviewing staff member does not have an OHLEG password, the staff may review the BCI CCH document. A new CCH will be printed and uploaded to OnBase reflecting that DNA is on file with BCI. All release documents shall be scanned to the inmate's electronic master file. If no DNA test is recorded on file by BCI, a test shall be requested through

the appropriate institution DNA Coordinator. In situations where BCI records did not indicate DNA on file at the initial file review, as part of the 5 day pre-release file review, the Central Record Office staff shall again review the BCI OHLEG database to ensure a DNA sample is on file with BCI. If no DNA test record is on file by BCI, a test shall be requested through the appropriate institution DNA Coordinator. Confirmation of this test shall be provided by the DNA Coordinator to the Central Record Office release section staff prior to the inmate's physical release from prison. The BCI record on the CCH or OHLEG shall be the final confirmation that DNA has been collected.

- f. Upon scheduling an inmate for pickup by law enforcement for an outside court proceeding, the Central Records Out to Court Section shall confirm by using the BCI OHLEG database that the inmate has a DNA sample on file with BCI. If no DNA test is recorded by BCI, a test shall be requested through the appropriate institution DNA Coordinator. Confirmation of this test shall be provided by the DNA Coordinator to the Central Record Office Out to Court Section prior to the inmate's physical release into the custody of any other law enforcement agency.
- g. DNA collection is for those inmates who have been convicted of a felony, currently incarcerated, or under APA supervision, and who the BCI Computerized Criminal History report indicates have not previously provided DNA. The DNA sample may not be used by any correction staff as part of an internal criminal investigation.

3. Collection of DNA Samples - Ohio BCI DNA Database Collection Kit

- a. The DNA Database Buccal Collection kits are to be treated as evidence. Seals must be intact when the kit is received and when the kit is mailed. The Database collection Card to be utilized is found at <http://DNAREPORTS> and is generated from DOTSPortal information. The Database Collection Card must be accurate and legible; otherwise specimen samples may need to be redrawn. The inmate's BCI number shall be included on the collection card in section (2). The collecting institution identification shall be included in section (8).
- b. Refer to Appendix A for instructions.
- c. To obtain DNA kits, contact BCI CODIS at 740-845-2000 or email directly to CODIS@ohioattorneygeneral.gov. (There is no charge for kits.)

4. Refusals

If an inmate refuses to provide a sample, the following steps are to be taken and shall be videotaped in accordance with Department Policy 310-SEC-17, Hostage and Crisis Negotiation:

- a. The inmate must be instructed that he is required to submit to a DNA sample, shown the law, given a direct order to do so, and informed that refusals are not permitted.

- b. If he/she continues to refuse, the inmate is to be counseled by the appropriate staff.
 - c. The inmate is to be given a second direct order to submit a DNA sample.
 - d. If the inmate still refuses, force shall be utilized in accordance with Administrative Rule 5120-9-01, Use of Force. Uses of force shall be videotaped and the inmate issued a conduct report for disobedience of a direct order.
 - e. Inmates may not be held in prison pending their cooperation in this matter. If an inmate is scheduled for release and still requires sampling, the inmate shall be sampled and then released on schedule.
5. Submission and Recording of DNA Samples
- a. When a DNA swab is collected, a copy of the DNA REPORTS generated collection card shall be copied and scanned to the inmate's electronic master file (Onbase Master File Section 4) prior to sealing and mailing the card and sample to the BCI Testing Lab.
 - b. All DNA samples shall be sent via certified mail or delivered by DRC staff directly to BCI in London, Ohio. The signed receipt of certified mail or signed receipt of batch samples delivered by DRC staff shall be scanned to the inmate's electronic master file (Onbase Master File Section 4).
 - 1. Individual Samples: The institution DNA Coordinator shall ensure that the green certified card contains the inmate's name and number. Upon receipt of the returned card, the DNA Coordinator shall ensure that the card is scanned to the inmate electronic master file. There shall not be a delay in mailing the samples to BCI.
 - 2. Batch Samples: The batch sample collecting method is primarily for use by the reception centers; however, parent institutions may utilize the method if mass testing is conducted. The institution DNA Coordinator shall ensure that each included inmate's sample is recorded on ODRC Bulk DNA Test Record (DRC2440). The form shall include each inmate's name, number and the date of the collection. The batch may be held no longer than 7 calendar days before being mailed via certified mail or hand delivered by DRC staff directly to BCI in London, Ohio. The DNA Coordinator shall hold a copy of the receipt until the green certified card is returned from the postal service at which time the card and receipt shall be matched and combined. Both the green card and receipt shall be scanned to the inmate electronic master file (Onbase Master File Section 4). If the batch samples are hand delivered by DRC staff to BCI, BCI shall sign the ODRC Bulk DNA Test Record (DRC2440) acknowledging acceptance of the samples listed. The Test Record shall be forwarded to the Central Records Document Management Section for scanning to Onbase.

- c. DNA retests as requested by BCI shall be coordinated by the Central Record Office staff. Retest requests shall be forwarded to the appropriate institution DNA Coordinator via email and receipt of the email confirmed. The DNA Coordinator shall ensure the retest is completed and notify the Central Record Office via email at DRC Records LEADS Section when the retest has been completed. If a retest request is sent by BCI directly to an institution, the DNA Coordinator shall immediately forward it to the Central Record Office staff and seek further guidance.

B. Adult Parole Authority Responsibilities

1. In accordance with Ohio Revised Code 2901.07, the Ohio Adult Parole Authority (APA) shall collect the DNA of an offender if the DNA is not recorded in the BCI OHLEG database as having been collected. The collection of DNA shall be documented in NOTEC stating the date it was collected and forwarded to support staff for mailing. Tests shall be mailed via certified mail to BCI. The designated APA staff shall review semi-annually thereafter until confirmation of the DNA being collected is in the BCI OHLEG database. If at verification of DNA collection semi-annually, the DNA is not indicated as having been collected per BCI OHLEG database, the Adult Parole Authority shall retake the DNA and document in NOTEC stating the date it was collected and mailed via certified mail to BCI.
2. A copy of the Collection Card shall be scanned to the inmate's electronic master file (Onbase Master File Section 4) prior to sealing and mailing the card and sample to the BCI Testing Lab. If there is no Onbase record, a copy shall be maintained in the offender file.
3. If an offender does not have a BCI number then a 10 print card shall be completed and mailed certified with the DNA sample to BCI. The collection of DNA shall be documented in NOTEC /FOT stating the date it was collected and mailed to BCI. The follow up for this shall be the same as above.
4. A copy of the BCI OHLEG screen verifying DNA collection shall be attached to the Termination Recommendation as per Department Policy 100-APA-16, APA Termination Recommendation.
5. If an offender who is under any kind of supervision (whether being supervised on PRC/parole or for the court) refuses to submit to a specimen collection procedure, then the offender is subject to the provisions of R.C. 2967.15. If an offender under Compact supervision refuses to submit a specimen collection procedure, the offender is then subject to violation procedures through Interstate Compact.

Related Department Forms:

ODRC Bulk DNA Test Record

DRC2440

Attachments:

Appendix A

Buccal Collection Kit Instructions

APPENDIX A
INSTRUCTIONS FOR USING THE
BUCCAL COLLECTION KIT

AN INK PAD AND A WRITING DEVICE ARE NEEDED TO COMPLETE A SAMPLE.

The kit includes an instruction sheet, buccal DNA collector, database collection card, transport pouch, and return envelope.

STEP 1 COLLECTOR

The inmate's name, identifying number (also known as SID number), social security number, etc. must be obtained from official records. Instead of using the blank card that comes in the kit, a collection card will be computer-generated from DRC's DOTS system with the required information. The collector must accurately match each inmate with the correct collection card. The collection card can be accessed by typing DNAREPORTS into the browser and logging on with the appropriate DOTS Portal logon.

Information should not be obtained from the inmate. If the inmate indicates the information is different than the DOTS computer-generated card, draw a line through the information on the card and write the self reported information above it. BCI will use both sets of information and determine which is accurate.

Using normal fingerprint procedures, roll inmate's right thumb on the card (block 12) and allow drying. Repeat on the rear of the computer-generated collection card if necessary until reasonably clear (no smudges).

The collector will take the cloth side of the Buccal DNA collector device and gently swipe the inner lining of the subject's jaw at least seven (7) times.

Each swipe shall be one smooth motion to prevent injury and ensure effective collection of the sample.

The collector must immediately slide the protective blue cover over the Buccal DNA collector device and fill in all information requested on the device label. The collector shall print the inmate's name and BCI number on the handle of the swab device. Do not touch the filter paper with the bare hand.

The collector will fill in all information requested in block 9 of the computer-generated collection card.

STEP 2 COLLECTOR

A witness is no longer required by BCI.

The collector will immediately place the completed Buccal DNA collector device in the transport pouch and seal using the attached adhesive strip. When sealing the DNA kit, the Collector shall ensure that the name on the DNA collection card matches the name on the handle of the swab device. It is not necessary to seal the kit in the presence of the inmate. The inmate is not required to sign the collection card and no witness is required.

Place the completed collection card and sealed transport pouch that includes the specimen sample into the return envelope.

DNA specimen samples shall not be stored longer than 7 calendar days prior to mailing.

Questions regarding collection procedures shall be directed to CODIS@ohioattorneygeneral.gov or call 740-845-2000 (CODIS)

ERRORS DURING COLLECTION:

Caution should be taken to ensure that each process is completed in a thorough manner.

If the collector failed to complete the computer-generated DNA collection card, insert the collection card or insert the sample in the return envelope after securing the adhesive strip, follow these instructions:

- REMOVE THE ADHESIVE STRIP
- REOPEN THE ENVELOPE
- MAKE THE NECESSARY CORRECTIONS
- ON THE OUTSIDE OF THE RETURN ENVELOPE, STATE REASON FOR REOPENING, DATE AND INITIAL
- PLACE SCOTCH TAPE ONE-HALF INCH ON AND ONE-HALF INCH OFF THE ENVELOPE FLAP TO RESEAL

SAMPLES THAT MAY HAVE BEEN CONTAMINATED THROUGH HUMAN ERROR SHOULD BE DISCARDED AND A NEW SAMPLE COLLECTED.