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Subject: Collection of Buccal Samples

Authority: O.R.C. 109.573, 2901.07, 2152.74

Effective Date: May 18, 2005

Agencies Affected: BCI, DRC, DYS, Juvenile Court, Probation, Jail, Court

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Objective

The objective of this policy is to establish consistent procedures and guidelines for collecting and submitting DNA samples from individuals identified by Ohio Revised Code (O.R.C.) 2901.07, 2152.74, and House Bill (H.B.) 525.

Agencies Affected

The policy and procedure applies to all persons employed or contracted by the _____ and all individuals confined in institutions and/or are
(agency name)
under supervision operated by _____.
(agency name)

Definitions

“DNA” means human deoxyribonucleic acid. “DNA specimen” includes human blood cells or physiological tissues or body fluids.

Policy

It is the policy of the _____ that all individuals identified as
(agency name)
meeting a qualifying offense pursuant to O.R.C. 2901.07, 2152.74, and/or H.B. 525 shall have a DNA sample collected during the intake process. Reasonable force may be used to collect the DNA specimen if necessary. All uses of force will be videotaped. Individuals meeting this criteria who have previously had a DNA specimen collected by _____
(agency name)
or another agency pursuant to O.R.C. 2901.07, 2152.74, and/or H.B. 525 do not need to be collected again.

Procedure

Identification of Individuals to be Tested

Individuals meeting a qualifying offense pursuant to O.R.C. 2901.07, 2152.74, and/or H.B. 525 shall have a DNA specimen collected. The following is a summary of the qualifying offenses.

Offenses requiring DNA Sample Submission

These offenders must submit DNA samples (O.R.C. 2152.74; 2901.07):

Juveniles adjudicated as delinquent for committing...

1. An act that would be a felony if committed by an adult.
2. An act that would be a misdemeanor if committed by an adult arising out of a violation of:

- 2903.01 Aggravated murder
- 2903.02 Murder
- 2905.01 Kidnapping
- 2907.02 Rape
- 2907.03 Sexual battery
- 2907.05 Gross sexual imposition
- 2907.12¹ Felonious sexual penetration
- 2911.11 Aggravated burglary
- 2919.23 Interference with custody
- { 2923.03
2903.04 Complicity to commit unlawful sexual conduct with minor

Adult offenders who commit...

1. Any felony.
2. A misdemeanor violation, an attempt to commit a misdemeanor violation or complicity in committing a misdemeanor violation arising out of:

- 2903.01 Aggravated murder
- 2903.02 Murder
- 2905.01 Kidnapping
- 2907.02 Rape
- 2907.03 Sexual battery
- 2907.04 Unlawful sexual conduct with minor
- 2907.05 Gross sexual imposition
- 2911.11 Aggravated burglary
- 2907.12¹ Felonious sexual penetration
- 2919.23 Interference with custody

3. Any misdemeanor sexually oriented offense or a child-victim oriented offense if offender has been adjudicated a sexual predator, a child-victim predator, habitual sex offender or a habitual child-victim offender as defined in O.R.C. 2950.01.

¹ As it existed prior to September 3, 1996.

Collection of DNA Specimens

The DNA 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 DNA database collection card must be accurate and legible; otherwise the DNA specimen may need to be recollected.

Materials: DNA collection kit, protective gloves, inepad and a pen.

Do not use a kit with a broken seal. The seal should only be broken at the time the kit is used.

The DNA collection kit includes an instruction sheet, Bode buccal collector, DNA database collection card, transport pouch, red evidence tape and a return envelope with prepaid postage.

The DNA collection procedure requires a minimum of two staff members. One person collects the sample and the other witnesses the sample collection. The witness is mandatory. A three-person system may be used – one to collect, one to witness and one to seal.

Step 1

The individual's information, name, BCI (inmate number or other agency number used to identify the individual) etc., must be obtained from official records, **NOT FROM THE INDIVIDUAL**. The provided DNA database card or a computer-generated card is used to document the individual's information. When errors are made on this form, simply put one strike through the incorrect information and write the correct information above or below and initial. The individual having their DNA specimen collected should not correct information on this form. If there is not enough room on the front of the card, the correct information may be written on the back of the card. Be sure to initial this information.

Using normal fingerprint procedures, roll the individual's right thumb in the area provided. If the print is not clear, additional prints may be put on the back of the card. If the individual does not have a right thumb, another digit may be used. Simply write down which digit is being used. If the individual does not have any fingers, a toe may be used. Write down which toe is being used.

Step 2

Remove the buccal DNA collector from the pouch. Write the individual's name and BCI on the handle of the collector, and then remove the blue cap. **SAVE the blue cap**. Hold the buccal DNA collector with thumb on the area marked "thumb" on the back of the collector. Place the collector in the individual's mouth. Be sure the collecting paper side is against the inside of the cheek. With the collecting paper pressed against the inside of the cheek, drag it firmly toward lips and out of the mouth. You should see the collector pressing against the cheek. **To avoid damaging the collecting paper, ONLY drag the collector in ONE direction toward opening of the mouth and do not rub it back and forth against the cheek.** Repeat this action seven more times; this may be done on one or both sides of the mouth. Replace the blue cap carefully covering the collection paper. To avoid sample contamination, **DO NOT** touch the collecting paper with your hand.

At a minimum, the collector and witness must sign and date the DNA database collection card.

Step 3

Place the Bode buccal collector in the transport pouch. Seal the zipper. Fold the flap along the "fold here" line. Peel off the white adhesive strip on the top flap to expose the permanent seal.

Seal the flap above the zipper area. Sign and date the seal on the lines provided. There is a desiccant in the transport pouch. Do not remove or open the desiccant.

Step 4

Place the DNA database collection card and the transport pouch in the white mailing envelope. Place the red evidence tape from the kit over the mailing envelope seal and sign and date the seal.

Step 5

Drop the mailing envelope in the mail. The DNA specimen shall be forwarded to BCI no later than 15 days after the date of the collection of the DNA specimen, O.R.C. 2901.07 and 2152.74.

If after sealing the mailing envelope it is discovered that the Bode buccal collector or DNA database collection card are not in the envelope, reopen the envelope, make the necessary corrections, and seal the mailing envelope. On the outside of the mailing envelope, state why it was reopened, initial and date. Be sure to initial and date (half on and half off) the scotch tape.

Refusals

If an individual refuses to provide a DNA specimen, the following steps should be taken.

1. The individual should be instructed that he/she is required to submit a DNA specimen to O.R.C. 2901.07 or 2152.74, given a direct order to do so, and informed that refusals are not permitted.
2. If the individual continues to refuse, the individual is to be counseled by the appropriate staff.
3. The individual is to be given a second direct order to submit a DNA specimen.
4. If the individual still refuses, force will be utilized to collect the DNA specimen. The use of force is to be videotaped.