

Idaho Department of Correction 	Standard Operating Procedure Department- Wide Offender Management	Control Number: 326.00.01.001	Version: 1.0	Page Number: 1 of 6
		Title: DNA Collection Procedures		Adopted: 10-15-2010 Reviewed: 7-1-2013

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BOARD OF CORRECTION IDAPA RULE NUMBER

None

POLICY STATEMENT NUMBER 326

DNA and Genetic Marker Database Program

DEFINITIONS

DNA Test Alert: An entry into the Corrections Integrated System (CIS) to indicate that an offender is required to have a DNA (deoxyribonucleic acid) sample and a thumbprint collected.

PURPOSE

The purpose of this standard operating procedure (SOP) is to provide guidance to staff in the divisions of probation and parole; prisons; education, treatment, and reentry, and IDOC Central Office for the collection and documentation of DNA (deoxyribonucleic acid) from offenders in accordance with Idaho Code, Title 19, Chapter 55.

SCOPE

This SOP applies to all Idaho Department of Correction (IDOC) staff members involved in the supervision and management of offenders who are under the jurisdiction of the IDOC.

RESPONSIBILITY

Division Chiefs

The respective division chiefs (or designees) are responsible for overseeing the development and implementation of this SOP and for ensuring the guidelines and procedures herein are followed.

Managers and Supervisors

Managers and supervisors are responsible for ensuring that all staff members involved in the supervision and management of offenders practice the guidelines, standards, and procedures provided herein.

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Staff Members

All staff members involved in the supervision and management of offenders are responsible for practicing the guidelines, standards, and procedures provided herein.

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GENERAL REQUIREMENTS

The IDOC shall adhere to the general policies and specific rules relating to Idaho DNA Database Act of 1996.

1. Applicable Crimes

All offenders sentenced after June 30, 2013, are subject to DNA testing. If a question arises regarding an offender convicted before July 1, 2013, contact the IDOC Central Records. Central Records will retain a list of crimes that required testing before July 1, 2013.

2. Procedures: Division of Probation and Parole Specific

When to Enter a DNA Alert into the Corrections Integrated System (CIS)

During the sentence interpretation stage, the Central Records sentencing staff shall enter a DNA Test caution in the DNA Test link of the CIS on all offenders placed on probation on or after July 1, 2013, unless the crime qualified for DNA sampling under the previous statute and a sample has been submitted.

Additional Samples - Upon notification from Idaho State Police Forensic Services that a sample is not adequate for any reason, Central Records sentencing staff shall enter an additional DNA Caution in the DNA Test link of the CIS.

Running the “DNA Required” Report

Each month, the district office administrative assistant (or designee) shall run the *DNA Required* report from the CIS.

Offenders identified in the report shall be referred to their supervising probation and parole officer (PPO) for the collection of a DNA sample.

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Collecting and Documenting the DNA Sample

Interstate Compact Cases

Interstate compact cases accepted for supervision by the PPO shall be checked to see if the offender is required to submit a DNA sample. (The PPO shall use the same guidance provided in the above subsection titled *When to Enter a DNA Alert into the Corrections Integrated System [CIS]* to determine if a DNA sample is required.) If a sample is required, it must be collected within 10 working days of the offender's assignment to the PPO in accordance with Idaho statute 19-5507(7).

All Cases

When it is determined that the offender is required to submit a DNA sample, the collection and documentation process is as follows:

Functional Roles and Responsibilities	Step	Tasks
Probation and Parole Officer (PPO)	1	<p>Review the Corrections Integrated System (CIS) to ensure that a DNA sample needs to be collected.</p> <ul style="list-style-type: none"> <u>Sample needed</u>—Using the sample collection kit provided by the Idaho State Police (ISP), obtain a sample from the offender during the intake process or upon receiving a referral. The sample must be collected within 10 working days of sentencing, in accordance with Idaho statute 19-5507(6) and should be collected during the offender's check in or during their orientation. <p>If a prior sample has already been obtained, then there is no need for another sample to be taken. The process ends here.</p>
		<p>Caution: When the offender refuses to provide a DNA sample, the supervising PPO shall take the appropriate level of response in accordance with SOP 701.04.02.020, <i>Use of the Idaho Response Matrix</i>.</p>
PPO	2	<p>After the sample is collected:</p> <ul style="list-style-type: none"> Send the collection kit and the white copy of the completed form to the ISP. Be sure to follow the instructions provided. Forward the yellow and pink copies of the form to your district support staff.
District Support Staff	3	<p>Using the received copies of the form, enter the information in DNA Test of the CIS. (The copies of the form do not need to go in the offender's central file and therefore can be destroyed.)</p>

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Note: Every effort must be made to collect a DNA sample before the offender leaves the sending state. In the event a DNA sample cannot be collected before the offender leaves the sending state, a DNA sample kit must be sent to the receiving state for the collection of the sample. All samples must be collected within 10 days of reporting to the PPO in accordance with Idaho statute 19-5507(7).

3. Procedures: Division of Prisons Specific

When an offender is committed as either a retained jurisdiction or term sentence, he shall be required to submit a DNA sample. The collection and documentation process is as follows:

Functional Roles and Responsibilities	Step	Tasks
Central Records Unit Staff	1	<ul style="list-style-type: none"> • Upon receiving a judgment of conviction or other notice of conviction: Initiate an offender DNA test caution in the CIS on those offenders convicted on or after July 1, 2013, unless the crime qualified for DNA sampling under the previous statute and a sample has been submitted; • Initiate an offender DNA test caution in the CIS on all parole violators returning to IDOC custody on or after July 1, 2013, unless the crime qualified for DNA sampling under the previous statute; • Initiate an offender DNA test caution in the CIS on any offender, entering the Division of Prison system after July 1, 2013, unless a DNA sample was previously collected; and • Additional Samples: Upon notification from Idaho State Police Forensic Services that a sample is not adequate for any reason, Central Records sentencing staff shall enter an additional DNA Test Caution in the DNA Test link of the CIS and will notify the facility where the offender is housed.
Reception/Diagnostic Unit (RDU) Staff	2	<p>During the RDU process,</p> <ul style="list-style-type: none"> • Review the CIS-generated DNATests report from the Cautions/Hold Report link in the CIS and collect a DNA sample from each offender listed on the report. • Send the collection kit and the completed form to the ISP. Be sure to follow the instructions provided. • Enter the information into the DNA test module of the CIS.

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Refusal to Provide a DNA Sample

If an offender refuses to provide a DNA sample, the following steps shall be taken:

- Give the offender an order to comply; and
- If the offender refuses to provide a sample, immediately place the offender in restraints, move the offender to a secure location (if necessary), and collect a sample (while the offender is still in restraints) using the minimum amount of force necessary. (If force is used, document the event in accordance with SOP [307.02.01.001](#), *Use of Force: Prisons and Community Reentry Centers [CRCs]*.) When an offender refuses to comply, take disciplinary action in accordance with SOP [318.02.01.001](#), *Disciplinary Procedures: Offender*

Caution: If the offender appears to have a mental health issue, ensure that a mental health professional attempts to talk the offender into compliance before a planned use of force is implemented.

Law Enforcement Agency's Request for a DNA Sample

If a law enforcement agency requests a DNA sample on an offender, collect the sample in accordance with this SOP. The law enforcement agency must have a warrant authorizing the collection of a sample.

Monitoring DNA Collections

The Offender Placement Group shall monitor the offender population to ensure that a DNA sample collection is kept current using the following steps:

Functional Roles and Responsibilities	Step	Tasks
Offender Placement Group	1	<ul style="list-style-type: none"> • On the first Monday of every third month, run the DNA Tests report from the Caution/Hold report link in the Corrections Integrated System (CIS) for all facilities; and • Notify the facility head (or designee) of any offender listed on the report.
Facility Head (or designee)	2	Ensure that a DNA sample is collected as described in section 3, process steps.
Facility Head (or designee)	3	When the collection process has been completed, notify the Offender Placement Group.

REFERENCES

Idaho Code, Section 19-5506, *Scope of Law—Offenders Subject to Sample Collection—Early Collection of Samples—Restitution*

Idaho Code, Section 19-5507, *Responsibility for Sample Collection—Timing of Sample Collection—Site for Sample Collection*

Idaho Code, Title 19, Chapter 55, *The Idaho DNA Database Act of 1996*

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Standard Operating Procedure [307.02.01.001](#), *Use of Force: Prisons and Community Reentry Centers (CRCs)*

Standard Operating Procedure [318.02.01.001](#), *Disciplinary Procedures: Inmates*

Standard Operating Procedure [701.04.02.020](#), *Use of the Idaho Response Matrix: Community Corrections*

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