



COLLECTION OF DNA SAMPLES

POLICY.

It is the policy of the Deschutes County Sheriff's Office – Adult Jail (AJ) for corrections deputies to obtain and transmit blood and buccal samples of convicted felons and certain misdemeanants, for inclusion in the DNA data base of the State, according to law, court orders, and other governing directives.

PURPOSE.

The purpose of this policy is to provide staff with guidelines to obtain DNA blood and buccal samples in a way that complies with laws, court orders and other governing directives.

OREGON JAIL STANDARDS: NONE

REFERENCES:

- ORS 137.076, Blood or Buccal Sample and Thumbprint of Certain Convicted Defendants
Required: Application
- ORS 161.325(4), Entry of Judgment of Guilty except for Insanity; Blood or Buccal Testing upon Judgment

DEFINITIONS:

Blood Sample. May only be drawn in a medically acceptable manner by a licensed professional nurse, a licensed practical nurse, a qualified medical technician, a licensed physician or a person acting under the direction or control of a licensed physician.

Buccal Sample. Buccal samples may be obtained by anyone authorized to do so by the appropriate agency. A buccal sample is taken by brushing a swab or Q-tip against the inside of a person's cheek, so as to obtain cells that can be DNA typed. The person obtaining the buccal sample shall follow the collection procedures established by the Oregon Department of State Police.

Training for Taking Buccal Samples. All deputies collecting an inmate's DNA using a buccal sample (oral swab of the cheek area) must first receive training on Oregon State Police (OSP) procedures for obtaining and transmitting a sample via the Oral Swab Instructions and instructional video.

Sample Kit. Deputies will use an OSP Convicted Offender Oral Swab Kit to take a buccal sample

PROCEDURES.

SECTION A: BUCCAL SAMPLE KIT

- A-1. The deputy must follow the instructions in the kit, except the deputy will send the sealed return envelope containing the sample and Felony Submission Card to jail administration.
- A-2. Jail administration staff will send the envelope to the OSP Forensics Lab via mail.
- A-3. Jail administrative staff will maintain a stock of oral swab kits in administrative supply and will reorder the kits from the OSP Forensics Lab.

SECTION B: CONVICTIONS REQUIRING DNA BLOOD OR BUCCAL SAMPLE AND THUMBPRINT

- B-1. Any person convicted of:
 - a. All felony convictions.
 - b. Sexual abuse in third degree or public indecency;
 - c. Conspiracy or attempt to commit rape in the third degree, sodomy in the third degree, sexual abuse in the second degree, burglary in the second degree or promoting prostitution.
 - d. Murder or aggravated murder.

SECTION C: CHECKING DNA STATUS

- C-1. When an inmate is convicted of any of the crimes listed in B-1 and is confined in the jail, the booking deputy shall check the inmate's criminal history and the Jail Management System (JMS) to determine if a DNA sample has been taken from the inmate. If the records indicate no DNA sample has been taken, the procedures set out under section E and F shall be followed.
- C-2. **Felon Sentenced or Sanctioned to Jail as a Condition of Probation or Probation Violation.** When an inmate is convicted of any of crimes listed under B-1 and is to be confined in the jail as a condition of probation or a probation violation, the booking deputy will check the JMS and Jail Identification File to confirm if the original conviction was a felony and check for DNA status from the original booking. The DNA entry in the new booking screen will depend on the original conviction.

- C-3. Parole Violators Pending Sanctions.** The booking deputy will check the CCH, JMS and existing Jail Identification File to confirm that the original conviction required and resulted in a DNA sample being obtained or if a sample is required prior to release from jail.

SECTION D: HANDLING NON-COMPLIANT HEALTH RISK INMATES

- D-1.** A shift supervisor may authorize reasonable force to obtain an oral swab DNA sample.
- D-2.** If obtaining a sample would create a substantial and unreasonable risk to the health of the inmate, a court may order that no sample is required.

SECTION E: DNA CODES IN THE JAIL MANAGEMENT SYSTEM

- E-1. DOA – Done by Other Agency.** Enter “Done by Other Agency,” when it is known that a DNA sample has been collected and the CCH does not yet reflect that a sample is on file.
- E-2. NA – Not Applicable.** Enter “Not Applicable,” when an inmate is charged with misdemeanors or felonies, prior to conviction.
- E-3. REQ – Required.** Enter “Required,” when an inmate is convicted of a felony and is sentenced to serve time in the jail. Only use this status when circumstances do not allow for DNA to be immediately collected.
- E-4. DOC – Department of Corrections.** Enter “Department of Corrections,” when an inmate is convicted of a felony and sentenced to the Oregon Department of Corrections. The DNA sample will be collected once the inmate is transferred to prison.
- E-5. D – Today’s Date.** Enter “Done Today,” when a DNA sample has been collected and not yet mailed to State Police.
- E-6. BLD – Ordered Blood Draw.** Enter “Ordered Blood Draw,” when a court orders or *OSP* notifies the jail that a blood sample is needed.
- E-7. Sample on File for DNA Profiling.** Enter “Sample on File for DNA Profiling,” when an inmate’s CCH contains this language.
- E-8. DNA Collection at Release.** The release deputy will verify that any required DNA sample is collected before physically releasing an inmate.

SECTION F: BLOOD SAMPLE PROCEDURE

- F-1.** When a blood sample is required, jail staff will arrange with a medical laboratory to take the sample. The Facility Nurse or shift supervisor will notify the inmate that a blood

sample is required pursuant to ORS 137.076 and that they are responsible for paying for this service. Deputies may transport an inmate to a sample collection site if necessary.

- F-2.** Inmates will be charged only for the current cost of blood sampling as quoted by the medical laboratory. Monies will be obtained from the inmate's commissary account and delivered to the medical laboratory at the time of the blood sampling. If an inmate does not have the money on his commissary account, he can make arrangements for an outside party to deliver the monies to the laboratory prior to the sampling. If the inmate does not have any means to pay for this service, the AJ will pay for the service. If the person is placed on probation, Adult Parole and Probation Department will be notified that these monies need to be reimbursed to the AJ as a condition of probation. This money will be placed in the general funds.
- F-3.** The Facility Nurse will maintain accurate records of inmates providing blood samples.
- F-4.** Contract health care providers are not allowed to draw blood for DNA collection or other forensic purposes.

FORMS USED:

- Felony DNA Submission Card (OSP)
- *Training Order No. 1*- Oral Swab Instructions (10/29/09)