



# MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★

Subject: Offender Collection Sample Policy Template

Authority: O.R.C. 109.573, 2901.07, 2152.74 (Senate Bill 77)

Effective Date: July 1, 2011

Agencies Affected: Ohio Arresting Authorities

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Disclaimer: This sample policy is to serve as a guide; agencies should refer to their legal counsel for final review of their internal policy and the statements within the policy.

## Objective

The objective of this policy is to establish consistent procedures and guidelines for collecting and submitting DNA specimen samples from individuals described in Ohio Revised Code (O.R.C.) 2901.07 and O.R.C. 2152.74.

## Agencies Affected

The policy and procedures apply to all persons employed or contracted by the (Insert Agency Name) that are authorized and required to collect DNA specimen samples under O.R.C. 2901.07 and O.R.C. 2152.74 and all individuals arrested, booked, confined, convicted or under supervision by (insert agency name) that are required to submit to DNA specimen sample collection under O.R.C. 2901.07 and O.R.C. 2152.74.

## Definitions

“DNA” means human deoxyribonucleic acid. “DNA Specimen” includes human blood cells or physiological tissues or body fluids. “Buccal” means inner cheek/mouth cells.

## Policy

It is the policy of the (Insert Agency Name) that all individuals identified as meeting a qualifying offense pursuant to O.R.C. 2901.07 and O.R.C. 2152.74 shall submit to a DNA specimen collection procedure administrated by (Insert Agency Name). Individuals meeting this criterion whose identity has been verified through fingerprint verification and/or through referencing a government–issues photo, identification and whose computerized criminal history is marked “DNA is registered in the Ohio DNA Databank”, do not need to collect a DNA sample from the arrestee/offender. An individual’s



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computerized criminal history shall be checked each time the individual is identified as having a qualifying offense.

It is the policy of the (Insert Agency Name) that all individuals identified as meeting a qualifying offense pursuant to O.R.C. 2901.07 and O.R.C. 2152.74 and have submitted a DNA specimen collected by (Insert Agency Name) has been recorded in the agency excel spreadsheet. This spreadsheet includes the offender, person identifiers, and date collected.

## Procedure

**Materials:** DNA Collection kit, disposable protective gloves, fingerprint inkpad, and a pen.

**DNA Kit Components:** demographic information card with directions, collector device instructions, Bode buccal collector, transport pouch, return envelope with prepaid postage.

### 1. *Identification of Individual*

A verification of identity may be accomplished by (1) running the fingerprints through a Rapid ID device or (2) referencing government-issued photo identification.

The individual's information, name, BCI number, ITN number, etc., must be obtained from official records. The provided Demographic Information 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 corrected information may be written on the back of the card. Be sure to have the collector initial this information.

Roll the individual's right thumb in the area provided on the Demographic Information Card. 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 document which digit is being applied. If the individual does not have any fingers, a toe may be used. Write down which toe is being printed.

### 2. *Ensure Individual Meets the Requirements that Qualify for DNA Collections.*

Qualifying offenses are referenced O.R.C. 2901.07 and O.R.C. 2152.74.

### 3. *Collection of DNA Specimen.*



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Open the prepaid mailing envelope using tab area on back of the envelope. Please note the envelope holds the components of the kit is the prepaid mailing envelope used to return the completed DNA collector and demographic card.

Remove the buccal DNA collector device from the clear pouch. Write the individual's name and BCI number/ITN number on the handle of the collector. If no BCI number or ITN number is available, write down the individual's last 4 digits of the social security number.

Hold the buccal 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 filter paper side is against the inside of the cheek. With the filter paper pressed against the inside of the cheek, drag it firmly towards lips and out of the mouth. You should see the collector pressing against the cheek. To avoid damaging the filter paper, **ONLY** drag the collector in **ONE** direction toward the 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. Move the plastic slide to cover the filter paper tip of the buccal collector. To avoid sample contamination, **DO NOT** touch the filter paper with your hand.

#### *4. Packaging of the DNA Specimen.*

Place the Bode buccal collector in the provided transport pouch. Peel the adhesive strip on the top flap to expose the permanent seal. Seal the flap of the envelope. Initial and date the seal on the lines provided.

#### *5. Mailing the Completed DNA Collection Kit.*

Place the completed Demographic Information Card and transport pouch in the prepaid mailing envelope. Seal the envelope.

If after sealing the mailing envelope, it is discovered that the Bode buccal collector or Demographic Information 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) over the seal.

Drop the completed DNA collection kit 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.

## **Refusals**

*(Insert Internal Policy Here)*