



Operating Procedure

Effective Date November 1, 2013	Number 750.1
Amended	Operating Level Department
Supersedes Operating Procedure 750.1 (11/1/10)	
Authority COV §16.1-299.1, §19.2-310.2 et seq.	
ACA/PREA Standards None	
Office of Primary Responsibility Health Services Unit	

Subject
DNA (DEOXYRIBONUCLEIC ACID) SAMPLING OF ADULT FELON OFFENDERS

Incarcerated Offender Access
Yes No

FOIA Exempt Yes No
Attachments Yes #2 No

I. PURPOSE

This operating procedure establishes uniform guidance for obtaining buccal samples of every convicted felon sentenced to the Department of Corrections. The Department of Forensic Science will use buccal swab samples collected by the DOC to type DNA of convicted felons.

II. COMPLIANCE

This operating procedure applies to all units operated by the Department of Corrections (DOC). Practices and procedures shall comply with applicable State and Federal laws and regulations, Board of Corrections policies and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

III. DEFINITIONS

Buccal Sample - A sample for DNA analysis taken by swabbing the cheek inside an offender's mouth

DNA - Deoxyribonucleic acid

LIDS DNA Sample Tracking Database - Local Inmate Data System administered as Virginia's DNA data bank by the State Compensation Board

IV. PROCEDURE

A. Requirements for DNA Sampling

1. The following offenders are required to provide samples to the Virginia DNA database:
 - a. Violent felony arrestees ([COV §19.2-310.2:1](#))
 - b. Convicted felons, adult and juvenile, including interstate transfer cases (see [COV §16.1-299.1](#) and [§19.2-310.2](#) for conviction and incarceration dates)
2. A DNA sample should be collected from offenders who are currently under supervision for multiple misdemeanor convictions if they have prior felony convictions that qualify under [COV §19.2-310.2](#).

B. Sampling Confirmation

1. DOC staff must confirm that each eligible offender entering a Reception and Classification Center, a Community Corrections facility or supervision in a Probation and Parole District has provided a DNA sample by accessing the [LIDS DNA Sample Tracking](#) database.
2. Searches should be conducted by name, social security number, and aliases (instructions are available on the [State Compensation Board](#) web site)
3. All eligible offenders who have not provided a DNA sample prior to entering incarceration or supervision shall provide a buccal sample at that time. DOC staff should collect DNA samples only on sentenced offenders; samples should not be collected when a case is taken under advisement, or in cases with deferred judgment or sentencing.

C. Sample Collection

1. Buccal DNA Collection Kits may be obtained from one of the Department of Forensic Science locations listed in the *Storage, Handling, and Shipment of Buccal Samples* section of this operating procedure
2. The sample will be obtained by a laboratory technician or other trained staff as designated by the Organizational Unit Head.
3. Collection of the sample consists of a DNA collector (swab) placed against the inside of the offender's cheek, pulling the collector forward while applying pressure against the cheek, toward lips and repeated five additional times (see Attachment 1, *Buccal DNA Collection Kit Instructions*,).
 - a. The offender should not have gum or candy in their mouth but it is not necessary to remove any dentures or mouth piercing.
 - b. If the sample swab is contaminated by dropping or touching another surface besides the offender's mouth, it should be discarded and a new swab used for the sample.
4. Cover the filter paper end of the collector with the cap. Place the barcode (front of envelope) onto the sample swab and place into the storage envelope.
5. Complete and sign the *Buccal Kit Sample Submission* form (see Attachment 2 for sample) in accordance with the *Buccal DNA Collection Kit Instructions*.
6. The offender's left and right thumbprints must be placed on the card affixed to the envelope.
 - a. Press each thumb on exposed ink strip provided, and then press the thumb in the appropriately labeled box. **DO NOT ROLL THUMB.**
 - b. If the thumb print smears or is otherwise obviously poor quality, a new Buccal Sample Kit should be used.
7. The Organizational Unit Head will designate facility staff responsible to enter the date the DNA sample was collected into LIDS and VACORIS.

D. Verification Prior to Release

1. Prior to release from incarceration or supervision, verification of an offender's DNA sample will be conducted by the facility records office or Organizational Unit Head designee. Verification means that the sample has been drawn and recorded in LIDS.
2. Prior to transfer out of state, whether under incarceration or supervision, verification of an offender's DNA sample will be conducted by the facility records office or Organizational Unit Head designee.

E. Refusal to Provide DNA Sample

1. Incarcerated offenders who refuse to allow a sample to be taken will be disciplined under offender disciplinary procedures (see Operating Procedure 861.1, Institutions, Operating Procedure 861.2, Community Corrections facilities).
2. Incarcerated offenders who have been granted discretionary parole and who refuse to allow a sample to be taken will be referred back to the Parole Board for reconsideration of parole.
3. Offenders under community supervision who refuse to allow a sample to be taken will be in violation of a Court order or in violation of Probation or Parole conditions (failure to follow P& P Officer's instructions) and should be handled accordingly.

F. Storage, Handling, and Shipment of Buccal Samples

1. All buccal samples will be stored in a clean, dry area until delivered to the [Department of Forensic Science](#).
2. Sealed storage envelopes shall be delivered to the Department of Forensic Science within fifteen days of collection.
3. When mailing the storage envelope, place it into a shipping envelope and attach a self-addressed mailing label. If hand delivered, samples should also be placed in a sealed shipping envelope and

returned to a Regional Forensic Laboratory as follows:

Department of Forensic Science, Central Lab
700 North Fifth Street
Richmond, VA 23219

Department of Forensic Science, Northern Lab
10850 Pyramid Place
Manassas, VA 20110

Department of Forensic Science, Eastern Lab
830 Southampton Avenue, Suite 400
Norfolk, Virginia 23510-1028

Department of Forensic Science, Western Lab
6600 Northside High School Road
Roanoke, Virginia 24019-2837

V. REFERENCES

6VAC40-40 [Regulations for the Implementation of the Law Permitting DNA Analysis upon Arrest for All Violent Felonies and Certain Burglaries](#)

Buccal DNA Collection Kit Instructions – Department of Forensic Science

VI. FORM CITATIONS

None

VII. REVIEW DATE

The office of primary responsibility shall review this operating procedure annually and re-write it no later than three years from the effective date.

Signature Copy on File

9/8/13

A. David Robinson, Chief of Corrections Operations

Date