DEPARTMENT OF CORRECTIONS

Policy: 203.040
Title: DNA Analysis of Offenders
Effective Date: 1/2/18

PURPOSE: To provide legislatively mandated offender biological specimens to the Bureau of Criminal Apprehension (BCA) for the purpose of DNA analysis and filing.

APPLICABILITY: Minnesota Department of Corrections (DOC); all adult and juvenile facilities. All adult offenders and adjudicated juveniles currently serving a term of imprisonment.

DEFINITIONS:
Biological specimen – a blood or body fluid specimen drawn for DNA analysis.

Office of special investigations (OSI) investigation specialist – person trained in the investigation of internal affairs, criminal acts and violations committed by offenders, staff, public and who coordinates investigations with local, state and federal correction/law enforcement agencies, attorneys and other public officials.

Office of special investigations (OSI) DNA technician – person trained in collecting buccal swab sample for DNA testing.

PROCEDURES:

A. The Office of Special Investigations (OSI) DNA technician/designee must electronically access BCA records to determine if a biological specimen is on file. The OSI DNA technician/designee must ensure this information, including the date and location of the DNA draw, is accurately entered into each offender's correctional operations management system (COMS) record.

B. If a biological specimen is not on file, the OSI DNA technician/designee must advise the offender of the statute that requires a biological specimen to be submitted.

C. The OSI DNA technician/designee must complete the designated portions of the DNA Sample Information Sheet (link attached below) and forward it to the department-designated DNA technician. If the offender's release date is five days or less, the form must go to the OSI investigation specialist. The OSI investigation specialist/designee must ensure the specimen is obtained, before completion of the offender's term of imprisonment.

D. The OSI DNA technician specialist/designee must obtain a DNA sample. In the event the release date is five days or less, the facility OSI investigation specialist/designee must obtain a DNA sample.

E. Saliva specimens must be obtained by a trained OSI DNA technician or investigation specialist/designee.

F. The OSI unit must comply with Policy 500.240, "Offender Post Exposure Blood Draws," for obtaining a biological specimen in the event an offender refuses to comply.

G. The trained DNA technician collecting the DNA specimen must complete the bottom portion of the DNA Sample Information verifying collection.

H. The OSI DNA technician must package the specimen, including the DNA Sample Information Sheet, and deliver/ship it to the Bureau of Criminal Apprehension (BCA) lab.

I. The OSI DNA technician/designee must enter the DNA collection date and agency into each offender's COMS record. A notification of DNA collection must be forwarded to the facility's records unit for inclusion in the offender's electronic file.

J. The OSI DNA technician and OSI investigator must maintain an ample supply of DNA collection kits, based upon availability from the BCA.

K. When the State of Minnesota accepts an offender from another state under the Interstate Compact for the Supervision of Probation or Parole, the acceptance is conditional on the submission of the offender's biological specimen. The biological specimen must be provided under the supervision of department staff or a Community Corrections Act county within 15 business days after the offender reports to the supervising agent. The supervising agency is responsible for the cost of obtaining the biological specimen. (See also Policies 206.220, "Interstate Compact for the Supervision of Adult Parolees and Probationers," and 206.221, "Interstate Compact – Juvenile Community Supervision.")

L. For offenders from Minnesota housed in another state:

1. Interstate compact cases
   a) OSI must complete the top half of the DNA Sample Information Sheet and forward it to the DOC interstate office located in central office.
   b) The DOC interstate office staff must forward the form, instructions for return, and a DNA collection kit to the designated state's interstate office.
   c) The designated state's interstate office must forward the DNA collection kit and form to the appropriate correctional facility. The offender's housing correctional facility must obtain the biological specimen and return it directly to the Minnesota BCA.

2. Dual commit cases
   a) OSI must complete the top half of the DNA Sample Information Sheet and forward the form and a DNA collection kit directly to the out-of-state housing facility.
   b) The offender's housing facility must obtain the biological specimen and return it directly to the Minnesota BCA.

INTERNAL CONTROLS:

A. The DNA collection information for each offender is retained in COMS as well as the offender's electronic file.

ACA STANDARDS: None

REFERENCES: Minn. Stat. §§ 609.117; 241.29; 243.1605; 299C.155; 609.3455 subd. 3a; 609.185; and 609.342 through 609.345.
Policy 500.240, "Offender Post Exposure Blood Draws"
Policy 206.020, "Interstate Compact for the Supervision of Adult Parolees and Probationers"

Policy 206.021, "Interstate Compact – Juvenile Community Supervision"

REPLACES: Policy 203.040, "DNA Analysis of Offenders," 8/19/14.
All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: DNA Sample Information Sheet (link to BCA form)

APPROVED BY:
Deputy Commissioner, Facility Services
Deputy Commissioner, Community Services
Assistant Commissioner, Facility Services
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