

<b>GEORGIA DEPARTMENT OF CORRECTIONS</b> <b>Standard Operating Procedures</b>		
<b>Policy Name:</b> Collection of Offender Samples for the DNA Database		
<b>Policy Number:</b> 208.04	<b>Effective Date:</b> 06/12/15	<b>Page Number</b> 1 of 12
<b>Authority:</b>  Bryson/Jacobs/Kraft	<b>Originating Division:</b>  Facilities Operations,  Probation Operations	<b>Access Listing:</b>  Level II: Required Offender Access

I. Introduction and Summary:

Pursuant to the Official Code of Georgia, Annotated (O.C.G.A.), Section 35-3-160 & 35-3-161, the Georgia Department of Corrections (GDC) shall collect DNA samples from all eligible offenders within 30 days of intake, so that the Georgia Bureau of Investigation (GBI) can analyze and record the identifying characteristics of each offender's DNA (deoxyribonucleic acid).

II. Authority:

- A. O.C.G.A.: 35-3-160, 35-3-161, 35-3-163, 35-3-164, 35-3-165, 16-13-2, 42-8-60
- B. GDC SOPs: (209.04) IIB08-0001 (Use of Force and Restraint for Offender Control), (220.05) IIC03-0002 (Diagnostic Reception, Orientation, and Processing), (507.04.90) VH85-0001 (Forensic Information) (313) IIB01-0002 (First Offender Probation), (340) IIB08-0003 (Use of Force or Weapons), (104.71.06) IIB03-0006 (Specialized Probation Supervision)

III. Definitions:

- A. **Convicted Felon:** For the purposes of this procedure, convicted felon means any person convicted as a felon under Title 35 of the Official Code of Georgia. **(This does not apply to those sentenced under First Offender and Conditional Discharge).**
- B. **Statewide Correctional Repository and Information System (SCRIBE):** GDC's agency wide computerized system for processing, storing and managing offender information.

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C. **Offender:** Any person sentenced for a crime and placed on probation or incarcerated in a penal institution under the jurisdiction of the Department of Corrections.

D. **First Offenders:** Those persons sentenced under the First Offender Act.

E. **State Correctional Facility:** A penal institution under the jurisdiction of the Department of Corrections, including prisons, county correctional institutions, offender work camps, transitional centers, probation detention centers, probation boot camps, and private prisons operating under contract with the Department.

IV. Statement of Policy and Applicable Procedures:

A. Eligibility:

1. Facilities: Any person convicted of a felony and incarcerated in a state correctional facility must submit DNA with the exception of an offender sentenced under the First Offender Act or Conditional Discharge. Submissions shall remain in the database as required by code/statute;
2. Probation: Any offender convicted of a felony and placed on probation must submit DNA with the exception of those sentenced under the First Offender Act or conditional discharge under code section 16-13-2 and 42-8-60; and
3. Collection for purposes other than submission to the GBI Database: Health Services staff members employed by the Georgia Department of Corrections, Private Prisons contracted to house GDC offenders, and County Prisons housing GDC offenders, shall not collect DNA samples for any purpose other than submission to the GBI database or when the offender consents for paternity verification. Collection of DNA samples for any other purpose, including court orders, must be performed by an outside medical facility as defined in (507.04.90) VH85-0001, Forensic Information.

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**B. Verification of Eligibility for Collection of a DNA Sample:**

All incarcerated offenders convicted of a felony shall submit to DNA collection.

1. Facilities, including Diagnostics, shall view court cases in SCRIBE to determine eligibility. Prior to collection of a sample, review the medical tab in SCRIBE to determine if a sample collection has already been entered. If it has been collected, do not recollect a sample;
2. Probation Staff shall view the court case in SCRIBE and/or sentencing order disposition; and
3. First Offender or Conditional Discharge: Offenders sentenced under First Offender Act or Conditional Discharge shall not be required to submit a DNA Sample.

**C. Offender Refusal of Collection of DNA Sample for Submission to the DNA Database:**

The Georgia Department of Corrections is compelled by Georgia Law to obtain DNA samples from every eligible offender for submission to the GBI database. The following procedures shall be utilized if an eligible offender refuses to comply with the process:

1. In the event an offender refuses to allow Health Services personnel to perform the necessary procedures, Health Services staff shall immediately notify Security and Correctional Staff shall be dispatched to the area and issue a directive to the offender to comply with the sample collection procedure;
2. If the offender continues to refuse to comply with the sample procedure after Correctional Staff has issued the directive, the offender shall be issued a Disciplinary Report for Failure to Follow Instructions, Insubordination, etc.,

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as the situation dictates. The offender shall be assigned to Administrative Segregation pending the outcome of the Disciplinary Hearing;

3. In the event that disciplinary sanction does not initiate compliance with the sample collection procedure, Use of Force under SOP (209.04) IIB08-0001 guidelines shall be initiated by Correctional Staff in order for Health Services personnel to perform the sample process;
4. The Use of Force in this procedure shall only be initiated at the direction of the Warden or Superintendent and after all attempts to counsel the offender have failed;
5. In accordance with SOP (209.04) IIB08-0001, only the minimum amount of force necessary shall be utilized by Correctional Staff in order for Health Services personnel to complete the sample collection process as prescribed by Georgia Law; and
6. If force is used to collect the sample, the staff member designated to make DNA entries in SCRIBE shall edit the entry regarding the offender to indicate that force was required.
7. Probation Officers shall follow SOP (340) IIB08-0003 Use of Force or Weapons and the above documentation process.

**D. Method of Collection of DNA Samples:**

The Georgia Department of Corrections has designated the oral swab as the method to be used in collection of buccal samples for DNA analysis. No other method of collection of samples, including drawing of blood, shall be used for this purpose without specific prior authorization of the GDC Statewide DNA Coordinator.

**E. Collection of DNA Samples:**

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Facilities, Diagnostic Centers, and Probation Offices shall collect oral swab (buccal) samples on newly arriving offenders **eligible for testing** during the intake process within 30 days of incarceration and forward such samples to the Georgia Bureau of Investigation.

1. Collection of Samples from Offenders in Facilities:

- a. Designated Medical or Dental Health Service Providers along with Certified Correctional Staff shall be responsible for collecting oral swab (buccal) samples during the regular intake process and for forwarding the samples collected to the Georgia Bureau of Investigation, using the mailing kits obtained from the vendor approved by the Georgia Bureau of Investigation and contracted by the Georgia Department of Corrections;
- b. The designated staff member shall access SCRIBE, under the medical tab, and record the required information for each incoming offender and enter a case note. This information includes the name of the facility where the sample is being collected, the name and title of the Health Care Provider collecting the sample, the name and title of the Correctional Staff identifying and fingerprinting the offender and the type of document used to identify the offender, i.e., GDC I.D. Card, Driver's License, or Verifiable State Photo I.D.;
- c. After recording the necessary information, the designated staff member shall print two copies of the "DNA Database Submission Form" for each incoming offender;
- d. DNA identification, thumb printing, and sampling shall occur in the area where thumb printing is done. Medical personnel shall join the Correctional Staff at this location and bring a sufficient supply of test kits, gloves, etc. to accomplish the testing at the Correctional Staff's location;
- e. Correctional Staff, in the presence of the health care provider, shall make positive identification of the offender to be tested using the offender's GDC I.D. Card and shall take the left and right thumbprint of the offender in the space provided on both copies of the "DNA Database Submission

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Form." Identification may be completed by cross-matching identifiers on the "DNA Database Submission Form" with the offender's GDC I.D. Card by questioning the offender or any other reliable means necessary. Correctional Staff shall then observe the health care provider while the sample is collected;

- f. The health care provider shall observe the Correctional Staff member taking the thumbprints. Then the health care provider, in the presence of the Correctional Staff member taking the thumbprints, shall collect the sample from the offender in the manner described on the "Georgia Bureau of Investigation Buccal Swab Collection Kit Instruction Sheet" enclosed in the DNA sample collection kit;
- g. The health care provider and the Correctional Staff member shall sign both copies of the "DNA Database Submission Form" in the spaces provided;
- h. Under the observation of the Correctional Staff member, the health care provider shall place the swabs in the swab envelope (swab end down) and affix the police evidence seal where indicated on the swab envelope, then initial and date the seal. The offender's name and ID number shall be printed on the swab envelope exactly as it appears on the "DNA Database Submission Form." Do not copy this information from a roster or the Offender's ID Card. The name and ID number on the swab envelope shall match the name and ID number on the form;
- i. If the health care provider uses an assistant to perform any part of this procedure, the assistant shall perform all steps in the sight of the health care provider who collected the sample. The kit shall not leave the sight of the health care provider who collected the sample and the Correctional Staff member who took the thumbprints until all seals are in place. This is a requirement to preserve the chain of evidence. (See F. 1-4. for submitting the sample); and
- j. The duplicate or a photocopy of the original of the "DNA Database Submission Form" shall be filed in the offender's Institutional File.

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2. Collection of DNA Samples from Offenders housed in Probation Detention Centers, Residential Treatment Facilities, Integrated Treatment Facilities, and Probation Boot Camps:
  - a. All Probation Detention Centers, Residential Treatment Facilities, Integrated Treatment Facilities, and Probation Boot Camps shall collect oral swab (buccal) samples on all offenders eligible for testing upon intake or prior to the discharge of those offenders. (If not collected by the P.O. prior to intake, see 3.b.) Center's designated medical or dental health service provider shall be responsible for collecting oral swab (buccal) samples prior to the discharge of the offender and for forwarding the samples collected to the Georgia Bureau of Investigation; and
  - b. Specific procedures for collecting samples from eligible offenders on probation are the same as those described above.
  
3. Collection of Samples from Newly Sentenced Offenders on Probation:
  - a. All DNA testing shall be completed by the assigned Probation Officer upon reception of the offender **eligible for testing** to Probation Supervision;
  - b. All offenders **eligible for testing** sentenced to a Probation Detention Center shall have their DNA sample taken by the assigned field probation officer prior to intake into the above mentioned facilities;
  - c. The Probation Officer shall access SCRIBE and record the required information for each eligible incoming offender under the Medical tab and enter a case note. This information includes the name of the Probation Office where the sample is being collected, the name and title of the person collecting the sample, the name and title of the Probation Officer identifying and fingerprinting the offender and the type of document used to identify the offender i.e., GDC I.D. Card, Driver's License, or

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Verifiable State Photo I.D.;

- d. After recording the necessary information, the Probation Officer shall print two copies of the "DNA Database Submission Form" for each **eligible** incoming offender. In lieu of making two originals of the "DNA Database Submission Form", one original may be made and photocopied after the form is completed. If this option is used, the original and not the copy must accompany the swab samples;
- e. DNA identification, thumb printing and sampling occur in the area where thumb printing is done. The Probation Officer shall have a sufficient supply of test kits, gloves, etc. to accomplish the testing at that location;
- f. The Probation Officer shall make positive identification of the offender to be tested using the **eligible** offender's GDC I.D. Card, Driver's License, or Verifiable State Photo I.D. and shall take the left and right thumbprint of the offender in the space provided on both copies of the "DNA Database Submission Form." Identification may be by cross-matching identifiers on the "DNA Database Submission Form" with the offender's GDC I.D. Card, Driver's License, or Verifiable State Photo I.D., by questioning the offender, or any other reliable means necessary;
- g. The Probation Officer shall take the thumbprints. Then the Probation Officer shall collect the sample from the offender in the manner described on the "Georgia Bureau of Investigation Buccal Swab Collection Kit Instruction Sheet" enclosed in the DNA sample collection kit. The kit shall not leave the sight of the Probation Officer who collected the sample and took the thumbprints until all seals are in place. This is a requirement to preserve the chain of evidence;
- h. The Probation Officer shall sign both copies of the "DNA Database Submission Form" in the spaces provided;



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- i. The Probation Officer shall place the swabs in the swab envelope (swab end down) and affix the police evidence seal where indicated on the swab envelope, then initial and date the seal. The Offender's name and ID number shall be printed on the swab envelope exactly as it appears on the "DNA Database Submission Form." Do not copy this information from a roster or the offender's ID Card. The name and ID number on the swab envelope shall match the name and ID number on the form;
  - j. The duplicate original or a photocopy of the original of the "DNA Database Submission Form" shall be filed in the offender's case history file. (See F. 1-4. for submission of Sample); and
  - k. This process shall be completed within the first thirty (30) days of initial supervision.
4. Collection of DNA Samples from Offenders with Court Production Orders or Immediate Release:
- a. Upon receiving a court production order or an immediate release order, the designated staff member shall access SCRIBE and verify that a DNA sample has been collected on the offender. If no sample has been collected, the offender shall be called up to the medical section and a DNA sample shall be collected prior to the offender's release or departure for court.
- F. Submission of Sample:
1. Under the observation of the Correctional Staff, the health care provider shall place the swab envelope and one original of the "DNA Database Submission Form" in the mailing envelope and affix the kit shipping seal. In lieu of making two originals of the "DNA Database Submission Form", one original may be made and photocopied after the form is completed. If this option is used, the original and not the copy must accompany the swab samples. (Probation Officers shall complete the entire process);

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2. Prior to mailing the sample, clearly mark the swab envelope with the offender's name, GDC# or SSN, enter a SCRIBE case note, and enter the collection under the Medical tab in SCRIBE to reflect the collection;
3. Once the envelope is completed, all samples must be mailed to Georgia Bureau of Investigation, Department of Forensic Services (DOFS), Northeastern Regional Crime Lab 77 Cobb Vantress Drive, Cleveland, GA 30528; and
4. The duplicate original or a photocopy of the original of the "DNA Database Submission Form" shall be filed in the offender's institutional file or Probation case history file.

G. Expunging DNA Samples:

1. If an employee of the Georgia Department of Corrections determines that a DNA sample has been collected or submitted on an ineligible offender or has been submitted with incorrect identifiers, the employee shall notify the Statewide DNA Coordinator. The DNA Coordinator shall delete the entry from the SCRIBE database and shall notify GBI to destroy the sample and delete the entry from the GBI DNA database. A DNA sample obtained in good faith shall be deemed to have been obtained in accordance with the requirements and its use is authorized until a court order, directing the sample to be expunged, is obtained and submitted to the bureau;
2. If an employee of the Georgia Bureau of Investigation determines that a DNA sample must be destroyed and expunged from the DNA database, the employee shall notify the Director of the Forensic Biology Section of the GBI or designee. The Director of the Forensic Biology Section of the GBI or designee shall notify the Statewide DNA Coordinator. The Statewide DNA Coordinator shall delete the entry from the SCRIBE database;

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H. Handling of DNA Sampling Errors (Retakes):

1. If the Forensic Biology Section of the Georgia Bureau of Investigation determines that a sample submitted by the Georgia Department of Corrections is invalid or cannot be used due to errors in labeling or a break in the chain of evidence, the designee of the Forensic Biology Section shall notify the Statewide DNA Coordinator. Upon receipt of such notification, the Statewide DNA Coordinator shall delete the testing record from SCRIBE and shall notify the offender's current facility to resubmit a DNA sample or resubmit corrected forms as necessary;
2. If the offender has been released, but is under probation or parole supervision, the Statewide DNA Coordinator shall contact the supervising officer and arrange for resubmission of the DNA sample; and
3. Collect and submit retakes as you would original sample collection and submission.

I. DNA Test Kits:

Each Facility and Probation Office shall be responsible for maintaining a sufficient supply of DNA test kits. Test kits shall be purchased from the designated vendor contracted by the Georgia Department of Corrections.

V. Attachments:

- Attachment 1: Instruction Sheet for Buccal Swab Collection  
Attachment 2: Buccal Swab Collection Procedure

VI. Record Retention of Forms Relevant to this Policy:

Both attachments are instructional in nature only and does have a retention date. A photo **copy** or duplicate original "DNA Database Submission Form" shall be placed in the offender's institutional file or probation case history file and shall be retained

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according to the official records retention schedule of that file. The **original** of the "DNA Database Submission Form" shall be forwarded to the Georgia Bureau of Investigation as part of the sample submission materials to be retained by the schedule set by the GBI for such forms.