

# DNA BUCCAL SWAB COLLECTION PROTOCOL

STANDARD NO(S): NYSLEAP# 50.9

DATE: March 29, 2010  
REVISED: 07/25/12

REFER TO: Robert Jensen

## I. OBJECTIVE:

To establish a clear, well defined policy, guideline and procedure for the handling and processing of DNA. Buccal Swab Collection in accordance with NYS Executive Law 995-C.

## II. POLICY:

The Seneca County Sheriff's Office has developed a comprehensive process, ensuring that the proper D.N.A. collection is acquired from certain designated offenders for inclusion into the D.N.A. Databank, NYS Police Forensic Investigation Center. Furthermore, to comply with all federal, state, and local laws, rules, regulations and standards which may relate to this Directive.

## III. DETAILS:

- A. Effective August 1, 2012 a DNA sample will be collected from **all persons convicted of any felony of any state law and Penal Law misdemeanors.** This change is not retroactive. D.N.A. Specimens will be obtained from convicted inmates described in NYS Executive Law 995-C (Attached Appendix A) will be followed for all convictions that occurred prior to August 1, 2012.
- B. D.N.A. Buccal Swab Collection will be administered in a timely manner once the person(s) has been committed to the Seneca County Correctional Facility, or if Court ordered, at anytime a person presents themselves pursuant to the Court Order.
- C. Only Medical personnel and Correction staff who have received training are to administer DNA Buccal Swab Collection.
- D. The D.N.A. Collection Coordinator will be responsible to coordinate with the Courts regarding the collection of samples and to ensure that all required samples are collected.

IV. PROCEDURES:

- A.** The Booking Officer will during the booking process, or the release process, or if court ordered, effective August 1, 2012 a DNA sample will be collected from **all persons convicted of any felony of any state law and Penal Law misdemeanors.** This change is not retroactive. D.N.A. Specimens will be obtained from convicted inmates described in NYS Executive Law 995-C (Attached Appendix A) will be followed for all convictions that occurred prior to August 1, 2012. The Booking Officer will notify the Shift Supervisor and Medical personnel that a sample is required. If medical is not available, a trained member of the Corrections staff will administer the collection.
- B.** Using the collection kit provided by the New York State DNA Databank, initiate and complete the required documentation, ensuring all of the following elements are completed:
1. All copies of DNA Submission Form are accurately completed.
  2. Use oral swab to collect specimen.
  3. Fingerprints are taken.
  4. Double check that NYSID # and Barcodes are in the proper place. The Barcode labels must be placed on each; on the submission form (all three copies), on the microcard, and on the 2x4 envelope.
  5. Place submitting agency copy (green) in inmate folder.
- C.** When all elements of the DNA collection procedure are completed, the sample and accompanying documentation will be mailed to the DNA Databank, NYS Police Forensic Investigation Center, 1220 Washington Avenue, Building # 30, Albany, New York 12214-0262.
- D.** Should a Seneca County Correctional Facility inmate refuse the DNA collection procedure, contact the DCJS DNA Databank, 518-485-0940, for a court order. Physical force will not be used. Refusing to comply with a DNA collection is a violation of facility rules as stated in the Inmate Handbook.
- E.** In any case where a Court Ordered collection has not been completed within sixty (60) days of receiving the order the Court issuing the order will be notified in writing by the DNA collection coordinator.

- F.** The hard copy of each Court Order and a photo-copy of the DNA DATABANK SPECIMEN SUBMISSION FORM will be maintained in a file in the Correction Lieutenants office. Information specific to: date received, court of record, defendant's name, DOB, address, the requisite conviction, due date for sample collection, date sample was collected and by whom and notification to the appropriate court that the sample has or has not been collected will be compiled on each order received and stored electronically in the provided file.

**NOTE:** The Seneca County Sheriff's Office also collects DNA samples from individuals who are convicted of a qualifying offense, but are not committed to the Correctional Facility or are directed to give a sample as a condition of a conditional discharge or a waiver for DNA sample in connection with a plea agreement. These individuals will be directed to report to the Seneca County Correctional Facility by the sentencing magistrate. Samples will also be taken when an inmates Fingerprint Response indicates that a SAMPLE IS OWED, regardless of why the inmate is committed to this facility. The procedure for DNA collection remains the same.