

	MARICOPA COUNTY SHERIFF'S OFFICE POLICY AND PROCEDURES	
	Subject CUSTODY DNA COLLECTION	Policy Number DO-6
		Effective Date 07-22-21
Related Information ARS 13-610 ARS 13-4240 DO-2, <i>Release Process</i>		Supersedes DO-6 (05-09-19)

PURPOSE

The purpose of this Office Policy is to establish guidelines and procedures used in obtaining, processing, and delivering saliva samples for deoxyribonucleic acid (DNA) identification.

POLICY

It is the policy of the Office to collect a DNA sample from inmates in Office custody who are charged with certain crimes that are mandated by Arizona Revised Statute (ARS). At the time the DNA is collected, the inmate may or may not have been convicted of the crime.

DEFINITIONS

Buccal DNA Collector: A plastic device used to gather cheek cells from the inside of the mouth.

Deoxyribonucleic Acid (DNA): A molecule that encodes the genetic instructions used in the development and functioning of all known living organisms and many viruses.

Judicial Officer: A Maricopa County Superior Court Judge or a commissioner appointed by the Presiding Judge of Maricopa County.

Page Two: The recording of additional charges based on outstanding warrants or new charges discovered since the time of incarceration.

RapID: A security identification and authentication device used to input a person's fingerprint into a computer and measures a unique physical characteristic of a person.

PROCEDURES

1. **Office Requirements DNA Sample Collection:** Deoxyribonucleic Acid (DNA) samples shall be collected from those who are charged with certain crimes that are mandated by ARS to have their DNA collected. The Office shall collect DNA samples from prisoners arrested by the Maricopa County Sheriff's Office (MCSO). All other arresting agencies should process a DNA sample for their prisoner prior to being booked into Office custody. The Office shall also collect a DNA sample from inmates remanded by Superior Court, Justice Court, Juvenile Courts, and inmates who receive a Page Two, while in MCSO custody. The sample shall be collected using a Buccal DNA Collector within 30 days of an inmate being in custody.
 - A. When a prisoner is booked into an Office jail facility by an MCSO deputy on charges that require a DNA sample, or when remanded by Superior Court, Justice Court, or Juvenile Court, or inmates who receive a Page Two while in MCSO custody, the Sheriff's Inmate Electronic Data (SHIELD) will

automatically place a file stop on the booking record indicating a DNA sample is required of the inmate prior to their release from custody.

1. The Office shall ensure duplicate samples are not taken by using RapID. The Intake, Transfer, and Release (ITR) facility is equipped with RapID which is linked to the Arizona Department of Public Safety (DPS). The RapID device is used to determine whether there is a DNA sample for the inmate on file with DPS. Verification must be conducted through the RapID system prior to collecting a DNA sample.
2. If the inmate has a DNA sample on file, the Office is not required to obtain another sample and will clear the SHIELD file stop. If there is not a DNA sample on record, then a sample shall be taken and submitted to DPS, as specified in this Office Policy.

B. If a DNA collection is not obtained at the time of booking or the inmate receives new charges while in custody requiring a DNA sample, the jail facility where the inmate is assigned shall coordinate with the ITR facility to have the inmate transported to the ITR to be checked on the RapID. If necessary, a DNA sample will be obtained.

1. Each jail facility shall review their respective SHIELD facility court desk dashboards daily to view the quadrant named, Inmates Awaiting DNAs.
2. Each jail facility shall coordinate with the ITR facility to have the inmates on their Inmates Awaiting DNAs list transported to the ITR facility so their fingerprints can be verified in the RapID system to ensure no DNA samples are on file with DPS.
3. Inmates who do not have a DNA sample on file shall have a sample taken while at the ITR facility.
4. Once the sample is taken, the inmate shall be transported back to their assigned jail facility.

➤ C. If at the time of release, SHIELD indicates an inmate's DNA sample is required and RapID is unavailable to determine if a sample has already been collected, a DNA sample shall be collected and forwarded to DPS in the manner prescribed by this Office Policy.

➤ D. The Records and AFIS Division shall be responsible for collecting DNA samples and verifying duplicate samples are not collected from the following individuals:

1. Individuals summoned by a court order to appear;
2. Individuals who have been cited by a law enforcement agency for charges requiring the collection of a DNA sample, as specified in ARS; and
3. Individuals who are required to register as a sex offender, as specified in ARS 13-610.

2. **Obtaining Buccal DNA Collection Kits:** Buccal DNA Collection Kits are provided by DPS. The ITR Division Commander shall be responsible for obtaining the collection kits from Sheriff's Office Warehouse Operations for their jail facilities. The Records and AFIS Division Commander or designee shall be responsible for obtaining the collection kits for their division.

3. **Collection and Processing Samples:** To ensure DNA evidence is properly collected and processed, the procedures below shall be followed:

- A. Supervisors shall ensure employees responsible for collecting and processing samples have been instructed in the appropriate procedures and methods of collection to eliminate cross-contamination.
 - B. Detention personnel shall follow the procedures on the DPS DNA Databank Form included with the collection kit. The procedures include:
 - 1. Complete the DPS DNA Databank Form by legibly printing all required information.
 - 2. Fingerprint the inmate's left and right index finger using the ink specified on the DPS DNA Databank Form.
 - 3. Label the Buccal DNA Collector with the inmate's name and State Identification number (SID). The SID number can usually be obtained by accessing the inmate's booking information. If there is no SID number in the booking information, the inmate's booking number shall be used.
 - 4. Instruct the inmate in the proper procedure for collecting the DNA sample. Instructions are provided on the DPS DNA Databank Form.
 - 5. Instruct the inmate to carefully place the cap on the Buccal DNA Collector to avoid contaminating the sample, and then place the collector inside the transport pouch.
 - 6. Enclose the transport pouch and the completed DPS DNA Databank Form in the pre-printed return envelope and seal the envelope.
 - 7. Update the appropriate SHIELD formats, as required.
 - 8. Forward the completed collection kit to the DPS within 30 calendar days.
 - a. The completed collection kit shall be placed into a locked and secured container in the ITR facility.
 - b. ITR designated detention personnel shall ensure the collection kit is forwarded to DPS either by the United States Postal Service (USPS) or hand delivered to any Arizona DPS DNA Database Unit.
4. **Refusal to Submit to a DNA Sample:** If an inmate refuses to provide a DNA sample, the shift supervisor shall be notified and a court order shall be requested from the Initial Appearance (IA) judicial officer ordering the inmate to submit to a DNA sample prior to their release from Office custody, as specified in Office Policy DO-2, *Release Process*.
- A. If the inmate continues to refuse to comply with the judicial officer's order, the judicial officer shall be re-notified and requested to hold the inmate in contempt of court. Force will not be used to obtain a DNA sample, as specified in Office Policy DO-2, *Release Process*.
 - B. If the court order or contempt charge is denied by the judicial officer, detention personnel shall do the following:
 - 1. Explain to the inmate they have five calendar days to return to the arresting agency to provide a DNA sample, as specified in ARS.

2. Enter a notation into SHIELD to reflect that the inmate did not complete the DNA process and the inmate was informed to return to the arresting agency to provide a DNA sample. Detention personnel shall include their name and serial number in the entry.