


HOWARD COUNTY DEPARTMENT OF CORRECTIONS
POLICY & PROCEDURE

	SUBJECT:	Central Booking Facility
	P & P #:	K-112
	TITLE:	Collection of DNA
	EFFECTIVE DATE:	November 25, 2019
	REVIEWED BY:	<i>Elhart Q. Flurry</i> Elhart Flurry, Security Chief
	REVIEWED BY:	<i>Andrea King-Wessels</i> Andrea King-Wessels, Deputy Director
	AUTHORITY:	<i>Jack Kavanagh</i> Jack Kavanagh, Director

POLICY: It is the policy of the Howard County Department of Corrections to comply with Maryland State Law (DNA Database System) which dictates that all arrest and booking facilities must obtain a DNA sample from arrestees who are charged with a qualifying crime of violence and/or burglary. After collection, the samples are promptly forwarded to the Maryland State DNA Database. The Central Booking Facility handles all persons arrested and/or in custody by local law enforcement agencies in the county and must operate in accordance with this law. All arrestees whose charges require that a DNA sample be taken shall be verbally informed of the law and in writing. This policy is separate from the statute requiring DNA collection on **conviction** for a qualifying offense. This is described in policy A-036. That policy has different qualifying criteria's.

REFERENCES: Criminal Procedures Article Section §6-232, and §801; Public Safety Article §2-501, §2-504, §2-506, §2-511, §2-512, and §2-514 and HCDC Policy A-036 Collection of DNA-Convicted and Sentenced Inmates.

DEFINITIONS:

MARYLAND CJIS CODE SEARCH FOR QUALIFYING ARREST OFFENSES.

The following search tool identifies offenses that require DNA collection upon charging. [CJIS Code Search for Qualifying Arrest Offenses](#) - As referenced in Appendix 3 of this policy.

Detainee/Arrestee: An individual lawfully arrested by a sworn member of a law enforcement agency.

DNA: Any of various nucleic acids that are usually the molecular basis of heredity, are constructed of a double helix held together by hydrogen bonds between purine and pyrimidine bases which project inward from two chains containing alternate links of deoxyribose and phosphate, and that in eukaryotes are localized chiefly in cell nuclei

CBO: Central Booking Officer (CBO): A certified Correctional Officer or Police Service Support Technician (PSST) assigned to the Central Booking Facility, who has successfully completed the CBO training program.

CBF OIC: Officer-In-Charge (OIC): A Correctional Supervisor (Corporal at a minimum), who has successfully completed the CBO training program, and is assigned as lead supervisor at the Central Booking Facility post is responsible for the operation of the Central Booking Facility and the actions of those officers assigned. The Training Captain shall ensure such training is available upon request by a shift supervisor.

PROCEDURES:

I. Arrestee Notification of DNA Requirement

- A. In accordance with the DNA law, all individuals arrested for a qualifying crime, must provide a DNA sample. During the booking process arrest information is entered the State's Offender Case Management System (OCMS). The system by design will notify the user that the arrestee's charge(s) fall under a qualifying crime and that the arrestee is required by law to submit a DNA sample.
- B. The Central Booking Officer (CBO) shall inform the arrestee verbally of the requirement and shall provide the arrestee with written documentation explaining the law.
- C. The DNA sample shall be taken prior to the arrestee appearing before the District Court Commissioner.
- D. If the DNA Database is down or the webmail doesn't send a response, a manual check shall be made to see if the offense is DNA qualifying. The current website is: <https://codna.mdsp.org> and use the "Check if Collected" module. This requires a user name and password.
 1. If the arrestee already has a Convicted Offender sample on file, the arrestee does not have to provide a sex offender registry sample.
 2. If the arrestee already has an Arrestee sample on file, the arrestee **still must** provide a sex offender DNA registry sample.

II. Preparation

- A. To ensure that the process is controlled and uncontaminated, DNA collection is to be performed by one officer who is trained and certified in DNA collection. Other officers may be on hand to observe however, the collecting officer is singularly responsible for handling the DNA Database Sample Collection kit and the process involved.
- B. DNA Database Sample Collection Kit
 1. The CBO collecting the DNA sample shall obtain a DNA Database Sample Collection Kit.
 - a. The kits shall be maintained in the CBF OIC office. Each kit is numbered to assist in monitoring inventory.

- b. The CBO shall obtain a kit, the DNA Sample Collection Worksheet is to be completed from the SallyPort Forms Search. If the SallyPort system is in operable the form shall be located in the shared forms folder HCDC Form K-112a, attached as Appendix 1.
 - c. An inventory log is maintained in the same location in the DNA Collection Binder. The CBO shall record on the inventory, the kit number, arrestee's name, qualifying charge, status of the collection, and any comments (such as kit damaged, etc.)
 - d. The kit number also shall be recorded on the Worksheet.
2. The CBO shall ensure the kit's tamper resistant seal is intact. If the tamper resistant seal is not intact the kit shall not be used and shall be given to the Central Booking Facility OIC and returned to the Maryland State Police Forensics Science Division for destruction. After the kit is opened, the CBO shall ensure that the following components are present:
- a. One FTA Sample Card (*DNA application area is not to be touched with bare hands as it could result in extraneous DNA placed on the card.*)
 - b. One Sterile Foam-Tipped Applicator (Swab);
 - c. One small ultra barrier storage pouch;
 - d. One large ultra barrier storage pouch;
 - e. Two desiccants;
 - f. One ink strip;
 - g. One alcohol wipe;
 - h. One pair of gloves;
 - i. One DNA Database Information Card;
 - j. One set of four DNA Database barcode stickers;
 - k. One tamper resistant shipping seal sticker; and
 - l. One mailing envelope.

If any of the above components are not available in the kit, the kit should not be used; it shall be given to the CBF OIC who shall forward it to the Administrative Captain for return to the Maryland State Police Forensics Science Division for destruction.

- C. The collecting officer shall confirm the identity of the arrestee, and shall provide the arrestee with their Notification of Rights card enclosed in the DNA Database Sample Collection Kit.
- D. The collecting officer shall complete the DNA Sample Collection Worksheet for CBF (HCDC Form K-112a). The original Worksheet shall be filed with the arrestee's CBF audit file, maintained at the CBF. Should the arrestee be committed to the Detention Center, a copy of the Worksheet shall accompany the arrestee to the Detention Center.
- E. CBF is equipped with Livescan fingerprinting technology. It is not necessary to use the DNA Database Information Card in the kit. The card will be populated via the Livescan data feed and sent to an e-mail account where it will be retrieved from a nearby computer and printed. If Livescan is not available the collecting officer shall

populate the DNA Database Information Card in the kit with the following information:

1. Notification of Rights Card;
 2. The arrestee's last name, first name, middle name, and any suffix;
 3. The sex of the arrestee;
 4. The date of birth of the arrestee;
 5. The race of the arrestee;
 6. If the individual is a convicted offender or an arrestee;
 7. The SID Number assigned to the arrestee;
 8. The Court Number assigned to the incident resulting in arrest;
 9. The PCN Number assigned to the arrestee;
 10. The CJIS Code associated with the qualifying offense;
 11. The ORI Number assigned to the Collecting Agency; and
 12. The date of the collection.
- F. The officer shall obtain the ink strip included in the kit and locate the space provided for fingerprints on the completed DNA Database Information Card. He/she shall then obtain a fingerprint from the index finger of both the left and right hand. If the index finger is not available, an alternate finger shall be used and a record of the alternate finger shall be made. The officer shall ensure the print is made by pressing the finger straight down and not by rolling the finger.
- G. The officer then shall obtain the strip of four DNA Database Number barcode stickers included in the kit, and place one barcode sticker on each of the following:
1. DNA Database Information Card;
 2. FTA Sample Card;
 3. Small ultra barrier pouch; and
 4. Large storage ultra barrier pouch.
- H. The officer then shall print his/her name on the DNA Database Information Card in the designated area.
- I. **The officer shall put on the new gloves provided in the kit and shall not remove them until the process is completed. (Gloves must be changed between each DNA collection.)**

III. Collection

Collecting the DNA sample shall be accomplished by a trained officer as indicated in the following steps.

- A. The Sterile Foam Tipped Applicator is removed from the protective packaging according the instructions on the packaging.
- B. While holding the plastic handle of the applicator, the officer places the foam tip in the arrestee's mouth and completes the following in order:
1. rubs one side of the foam tip on the inside of the cheek for 30 seconds;

2. rubs the other side of the foam tip on the other cheek for 30 seconds;
 3. runs the foam tip along the gum-line and folds of the cheek and under the tongue soaking up as much saliva as possible; and then
 4. removed the applicator from the arrestee's mouth.
- C. The Indicating FTA Sample Card is then removed from its bag exposing the purple sample area. The officer shall then press the flat, circular foam applicator tip within the sample circle area. Without lifting the foam tip from the FTA Sample Card, the tip is squeezed using a side-to-side motion three times to completely saturate the sample area. The applicator is then turned over and the squeezing action is repeated within the same circle. The sample area will turn white indicating the transfer of the sample.
- D. The officer shall then place the foam tipped applicator into the large ultra barrier pouch along with one desiccant. The pouch is then sealed and the collecting officer's initials and date are written across the seal.
- E. The officer then places the FTA Sample Card into the small ultra barrier pouch along with one desiccant. The pouch is then sealed and the officer's initials and date are written across the seal.
- F. The officer shall then place the completed DNA Database Information Card and both sealed ultra barrier pouches into the shipping envelope. The shipping envelope is sealed using the tamper resistant shipping seal sticker provided in the kit. The officer's initials and date are written across the seal. All remaining components shall be discarded and not to be reused.
- G. The collecting officer shall mark on the back of the shipping envelope in the printed section provided if the sample is from a Convicted Offender or an Arrestee. Normal operational practices in CBF will dictate that Arrestee is marked.
- H. The sealed shipping envelope shall be secured in the CBF OIC's office. The CBF OIC shall be responsible for ensuring the envelope gets to the Administrative Records area and placed in the out-going mail. The Security Chief will devise a log to ensure all collected DNA samples are mailed out within two (2) working days.

IV. Refusal to Submit DNA Sample

- A. In the event the arrestee refuses to submit a DNA sample, no physical force shall be used.
- B. The District Court Commissioner shall be advised of the non-compliance.
- C. If the arrestee is released or bails out without providing a DNA sample, the refusal shall be noted on the DNA Sample Collection Worksheet and forwarded to the Director, Deputy Director or Security Chief.
- D. If the arrestee is committed to the Detention Center, the CBO shall ensure that the DNA Sample Collection Worksheet accompanies the arrestee to the Detention Center.

The HCDC staff completing intake shall ensure that a copy of the DNA Sample Collection Worksheet is placed in the inmate's basefile.

- E. HCDC staff supervising a bail review are obligated to inform the court of the inmate's refusal to provide a DNA sample.
- F. The inmate shall be placed on Administrative Segregation until he/she submits a DNA sample. Classification staff completing the Initial Classification shall review the DNA Sample Collection Worksheet and continue placement on Administrative Segregation. The inmate's Administrative Segregation status shall be reviewed weekly for compliance with DNA collection. Classification staff shall report those inmates held in this status to the Director, Deputy Director or Security Chief.
- G. The inmate shall be reminded of his/her obligation to submit to DNA testing at each Administrative Segregation review, and may be removed from this status upon provision of a DNA sample.

V. DNA Testing while at the Detention Center (refer to policy A-036).

VI. Supplies

- A. DNA Database Collection Kits are provided by the Maryland State Police (MSP).
- B. The OIC of CBF and the Administrative Captain are responsible for ensuring that an ample supply of kits is on hand at the Central Booking Facility. To order a supply of DNA kits, contact the Main Number at (410) 379-9070. The kits will then need to be picked up at:

Maryland State Police Quartermaster Division
7777 Washington Blvd.
Jessup, Maryland 20794
Fax Number (410) 799-5289

- C. For information or questions pertaining to DNA Collection, contact the Security Chief or MSP-QMD at Main Number at (410) 379-9070.

VII. Directors Prerogative

The Director has the authority to revise/change a policy or post order as needed to meet the operational demands of the Department. As the changes are initiated, they may be communicated by an email, memoranda or in rare circumstances verbal due to unforeseen situations.

ATTACHMENTS: Appendix 1, DNA Sample Collection Worksheet for CBF, HCDC Form K-112a.
Appendix 2, DNA Eligible for Maryland State Police (Tracking Program).
Appendix 3, DNA Qualifying Offenses.

RESCISSIONS: HCDC Policy K-112 Collection of DNA effective **November 24, 2018**, November 17, 2017, November 23, 2016.

Howard County Department of Corrections - CBF DNA Sample Collection Worksheet

DNA Kit#: _____

Detainee/Inmate Name: _____ Date: _____

Booking/ID Number: _____ SID#: _____

Part I. Qualifying Crimes (including attempts) requiring a DNA Sample to be collected include the following as defined in the Public Safety Article Section §2-501, §6-202-§6-204: **(Check Those That Apply)**

- abduction;
- arson in the first degree;
- kidnapping, attempted kidnapping, attempted abduction;
- manslaughter, except involuntary manslaughter;
- mayhem;
- maiming, as previously proscribed under former Article 27, §§ 385 and 386 of the Code;
- murder; attempted 1st, 2nd degree murder;
- rape; attempted 1st, 2nd degree rape;
- robbery under § 3-402 or § 3-403 of this article;
- carjacking;
- armed carjacking;
- sexual offense in the first degree;
- sexual offense in the second degree;
- use of a handgun in the commission of a felony or other crime of violence;
- child abuse in the first degree under § 3-601 of this article;
- sexual abuse of a minor under § 3-602 of this article if:
 - (i) the victim is under the age of 13 years and the offender is an adult at the time of the offense; and
 - (ii) the offense involved:
 1. vaginal intercourse, as defined in § 3-301 of this article;
 2. a sexual act, as defined in § 3-301 of this article;
 3. an act in which a part of the offender's body penetrates, however slightly, into the victim's genital opening or anus; or
 4. the intentional touching, not through the clothing, of the victim's or the offender's genital, anal, or other intimate area for sexual arousal, gratification, or abuse;
- an attempt to commit any of the crimes described in items (1) through (16) of this subsection;
- continuing course of conduct with a child under § 3-315 of this article;
- assault in the first degree;
- assault with intent to murder;
- assault with intent to rape;
- assault with intent to rob;
- assault with intent to commit a sexual offense in the first degree; and
- assault with intent to commit a sexual offense in the second degree.
- Burglary as enumerated in the Criminal Law Article Section §6-202, §6-203, §6-204, including the following; and
 - 1st, 2nd, 3rd degree burglary; and
 - Attempted 1st, 2nd, 3rd degree burglary
- Convicted of a felony

Part II. DNA Sample Collection is required by law. To comply with Public Safety Article Section §2-501, the following steps shall be documented by the collecting officer: **(Enter Initials Below)**.

_____ Notification of Rights card provided to the detainee/inmate.

_____ The undersigned detainee/inmate provided a DNA Sample consistent with the law.

_____ The undersigned detainee/inmate **refused** to provide a DNA Sample consistent with the law.

A detainee who refuses to provide a DNA Sample under this law is subject to further prosecution under the law.

Detainee/Inmate (Print)

Detainee/Inmate (Signature)

Date

HCDC Staff (Print)

HCDC Staff (Signature)

Date

HOWARD COUNTY DEPARTMENT OF CORRECTIONS
Central Booking Facility
DNA Qualified Offense Table

OFFENSE	SOURCE	CJIS CODE
Abuse and Other Offensive Conduct <i>Child Abuse, physical, 1st degree</i>	CR, §3-601	1-0335; 1-0334; 1-0173; 1-3802
Attempted 1 st Degree Child Abuse		1A-0335; 1A-3803
Abuse and Other Offensive Conduct <i>Child Abuse, sexual, * 2nd Degree</i> <i>*under certain conditions as defined in CR, §14-101</i>	CR, §3-602	1-0322
Attempted 2 nd Degree Child Abuse, sexual		1A-0173; 1A-3802
Arson and Burning <i>A dwelling or occupied structure (Arson, 1st degree)</i>	CR, §6-102(a)	1-6500
Attempted Arson		1A-6500
Assault and Other Bodily Wounding (Maiming) <i>Assault, 1st degree</i>	CR, §3-202	1-1420
Attempted 1 st Degree Assault	CR, §3-202	1A-1420
Handguns <i>Unlawful use in commission of felony or crime of violence</i>	CR, §4-204(b)	1-5299
Kidnapping and Related Crimes <i>Child Abduction, Child under 12</i>	CR, §3-503(a)(1)	1-1005; 1-0163
Kidnapping and Related Crimes <i>Kidnapping, Child under 16</i>	CR, §3-503(a)(2)	4-1005
Kidnapping and Related Crimes <i>Kidnapping, Generally</i>	CR, §3-502(a) CS, §8-801(b) FL, §9-305(a) FL, §9-307(b)	1-1063; 3-1005; 3-5730; 2-1006; 1-0367; 1-0368 1-0369
Attempted Kidnapping		4A-1005; 3A-1005
Attempted Abduction		2A-1005; 2A-1006
Manslaughter and Related Crimes <i>Manslaughter, voluntary</i>	CR, §2-207 CR, §2-209(b) CR, §2-503 CR, §2-504 CR, §2-505 CR, §2-506	1-0909; 1-0910; 1-0900; 1-0693; 1-0755; 1-0760
Attempted Manslaughter		1A-0910; 8A-1313
Murder <i>1st degree</i>	CR, §2-201(a)	2-0900
Murder <i>1st degree, attempted</i>	CR, §2-205	2-0910
Murder <i>2nd degree</i>	CR, §2-204(a)	1-0999
Murder <i>2nd degree, attempted</i>	CR, §2-206	2-0920

OFFENSE	SOURCE	CJIS CODE
Robbery <i>Carjacking, Unarmed</i>	CR, §3-405(b)	1-0825
Robbery <i>Carjacking, Armed</i>	CR, §3-405(c)	1-0826
Attempted Carjacking		1A-0825; 1A-0826
Robbery <i>Robbery With a Dangerous or Deadly Weapon</i>	CR, §3-403(a) CR, §3-402	2-0705; 2-0700
Attempted Robbery	CR, §3-402	2-0700
Sexual Crimes <i>Rape, 1st degree</i>	CR, §3-303(a)(1)	1-1102; 2-1103
Sexual Crimes <i>Attempted Rape, 1st degree</i>	CR, §3-309	2-1120
Sexual Crimes <i>Rape, 2nd degree</i>	CR, §3-304(a)	2-1103
Sexual Crimes <i>Attempted Rape, 2nd degree</i>	CR, §3-310(a)	2-1110
Sexual Crimes <i>Sex Offense, 1st degree</i>	CR, §3-305	2-1102
Sexual Crimes <i>Attempted Sex Offense, 1st degree</i>	CR, §3-311	2-1125
Sexual Crimes <i>Sex Offense, 2nd degree</i>	CR, §3-306(c)(1)	2-3600
Sexual Crimes <i>Attempted Sex Offense, 2nd degree</i>	CR, §3-312(a)	2-1115
Sexual Crimes <i>Continuing course of conduct w/child</i>	CR, §3-315	2-1136
Burglary <i>1st Degree</i>	CR, §6-202	2-3000
Attempted 1 st Degree Burglary		2A-3000
Burglary <i>2nd Degree</i>	CR, §6-203	2-3010
Attempted 2 nd Degree Burglary		2A-3015; 2A-3010
Burglary <i>3rd Degree</i>	CR, §6-204	2-3020
Attempted 3 rd Degree Burglary		2A-3020

Use the attached table to identify DNA Qualifying Crimes under Public Safety Article Section §2-501. Criminal charges are listed by statute and CJIS code. Use this table to review charging documents so that qualifying offenses are properly identified and appropriate DNA samples are taken.