

City of St. Louis Department of Public Safety/Division of Corrections
POLICY & PROCEDURES

CHAPTER:	3	Institutional Operations	3.1.32
SECTION:	1	Security and Control	EFFECTIVE DATE: 7 / 21 / 2020
SUBJECT:	32	DNA Testing	
Missouri Revised Statutes (RSMO): 650.055.1. STANDARDS: ACA – 4 – ALDF: None			
APPROVED:			REVIEW DATE: 7 / 21 / 20
<hr/> Dale Glass COMMISSIONER OF CORRECTIONS			REVISION DATE: 7 / 30 /20
Rescind: 3.1.32 dated 10/1/08 Cancel:			

I. POLICY

It is the policy of the St. Louis City Division of Corrections to comply with state statute, assist the Missouri State Highway Patrol (MSHP) to collect blood or buccal swab samples for DNA testing from individuals who plead guilty to, or is found guilty of, a felony or any offenses under chapter 566, RSMo, upon entering or before release from the Division. The samples will be submitted to Missouri State Highway Patrol.

II. RESPONSIBILITIES

All Correctional staff and contractors responsible for the daily care, custody and control of inmates housed by the Division are responsible for adhering to the following procedures.

III. DEFINITIONS

“Correctional Staff Member:” For the purpose of this policy means the Division’s custody staff, administrative staff, volunteer staff, and contractors of the Division of Corrections.

DNA: The cells that provides an individual’s personal genetic blueprint. DNA encodes genetic information that is the basis of human heredity and forensic identification.

DNA Data Base: The location where all DNA samples collected from individual defined in section 650.055 and section VII of this policy and procedures will be

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maintained and analyzed; where all authorized DNA profiles uploaded to the state's data base will be maintained; and from where all authorized DNA profiles will be uploaded to the national DNA data base.

DNA profile: The collective results of all DNA identification analysis on an individual's DNA sample.

DNA Record: The DNA identification information stored in the state DNA database. The DNA record is the result obtained from the DNA analysis. The DNA record is comprised of the characteristics of a DNA sample, which are of value in establishing the identity of individuals, the DNA profile as well as data required to manage and operate the state's DNA database, to include the specimen identification number.

DNA Sample: A biological sample provided by any person with respect to offenses covered by section 650.055 or submitted to the Missouri state highway patrol crime laboratory pursuant to sections 650.050 to 650.100 for analysis or storage or both.

Reasonable Force: The use of physical force to achieve a legitimate objective, where the type and degree of force are consistent with the situation and objective to be achieved; and where alternative to physical force are unavailable or proved ineffective and where the force used is only that amount necessary to achieve the objective or control the situation, and no more. The application of handcuffs and/or leg iron on a combative or resistant inmate to minimize resistance is an example of use of force.

“Trained and qualified:” Consists only of a physician, registered professional nurse, Licensed Practical nurse, phlebotomist, and health care worker with phlebotomist training, and Correctional staff member(s) trained by the Missouri State Highway Patrol Crime Laboratory.

The “Division:” Means the St. Louis City Division of Corrections.

IV. PROCEDURES

A. General Information

1. The Chiefs of Security of each facility are the designated DNA collection coordinators of their respective facility. They will be responsible for delegating and coordinating the collection of DNA samples and ensure that the samples are mailed to MSHP.
2. After receiving training from the MSHP or the Divisional Training Academy on how to collect DNA samples, the employees receiving the training will be responsible in collecting the samples and executing other activities related to the sample collection as may be delegated by the DNA Collection Coordinator.

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3. The Division will initiate the collection from qualified inmates only if the inmate is sentenced to serve the imposed sentence in any of the Division's facilities or is ordered to remain in the facility for another unresolved case after being sentenced to Missouri Dept. of Corrections. The Division will further initiate the collection from similar inmates qualified under the following misdemeanor category of offenses under Chapter 566 RSMo:
 - a Child molestation – 2nd degree;
 - b Sexual misconduct – 1st degree;
 - c Sexual misconduct – 2nd degree – prior offender;
 - d Sexual misconduct – 2nd degree;
 - e Sexual misconduct -3rd degree;
 - f Unlawful sex with an animal;
 - g Fail to notify sheriff of prior residency w/in 1000 ft of school/child care facility – 1st ofns;
 - h Offender under Sec 566.149 present/loitering w/in 500' of school building grounds, or conveyance to transport students.
4. Notwithstanding the provision of item #3 of the General Information, the Division will honor all federal, state and local court orders to collect inmate's DNA samples. All such requests will be directed to the Chief of Security.
5. The Data Central will be responsible for identifying inmates whose DNA sample will be collected, upon the following events:
 - a. Admission,
 - b. upon return from court
 - c. Prior to inmate's transfer, and
 - d. Prior to release to free community.
6. Information to initially identify inmates meeting criteria for DNA sample collection may be made through the following sources:
 - a. Court papers,
 - b. Direct communication from, or with Missouri State Highway Patrol,

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- c. Information from the Sheriff Dept,
 - d. Information from the St. Louis Metro Police Dept.,
 - e. Information from other law enforcement agencies,
 - f. Verification during admission via, routine record check,
 - g. Verification of IJMS record during transfer/release.
7. DNA samples will be collected only during the day shift operations, Monday thru Friday unless directed otherwise by the DNA Collection Coordinator. Samples will not be collected if it cannot be mailed out to MSHP on the same day it is collected.
 8. Any inmate required to provide a DNA sample pursuant to Sec. 650.055 RSMo, shall be required to provide such sample, without the right of refusal.
 9. Any individual who previously submitted a blood or buccal swab sample for DNA testing, and for whom a valid sample is on file with the MSHP at the time of their guilty plea or conviction, and whose information can be verified by the St. Louis City Division of Corrections at the time of initiating the collection of biological samples will not be required to submit to another sample drawing.
 10. Verification of whether inmate has previously submitted DNA samples can be made by calling the MSHP, Crime Laboratory during regular business hours of 7 A.M. – 4:00 P.M. Monday thru Friday. (See item #22 of this General Information).
 11. The Division will use reasonable force to cause inmates who refuse to comply with staff directive to give blood or swab for DNA testing, to comply. (See 650.055 RSMO and Policy #3.1.21: Use of Force).
 12. The Division does not operate, test, and store or maintain DNA database or information pertaining to DNA profiling.
 13. The Division does not have the authority to expunge DNA records and cannot assist inmates to expunge their records.
 14. All records containing any information on individual DNA samples or profiles are strictly confidential.
 15. Only Correctional staff members trained and qualified to collect DNA samples will be allowed to do so.
 16. In accordance with Section 650.052 RSMo, the Missouri State Highway Patrol (MSHP) will provide the necessary component DNA collection Kit.

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17. All DNA samples collected will be mailed to Missouri State Highway Patrol Crime Laboratory Division-DNA Profiling. The mailing address is:

**MSHP Crime Laboratory
1510 East Elm St.
Jefferson city, MO 65102
Phone # 573-526- 6134**

18. The Chief of Security of each facility is responsible for ordering the DNA collection Kit from the Missouri State Highway Patrol.

B. Identifying Inmates Eligible to Give DNA Sample

1. The Data Central/Data Entry staff will:
 - a. Screen court returns and newly arriving inmates daily for eligibility,
 - b. Forward the names of eligible inmates, by 7:00 p.m. daily, via email, to:
 - (1) The Chief of Security of each affected facility,
 - (2) The Deputy Superintendent of Operations, and
 - (3) The Unit Manager at the inmate's assigned facility.
 - c. Include information on the inmate's facility assignment, housing unit assignment and inmate master number.
 - d. Forward a signed copy of the inmates' Jail Time Endorsement Form, of the identified inmates, on a daily basis, via, the Divisional Courier, or in person, to the Chief of Security of the affected facility.
2. The Missouri State Highway Patrol may identify additional inmates as appropriate, and submit the names to the Chief of Security.
3. Upon receipt of the names of the inmates that meet the eligibility criteria, and their Jail Time Endorsement Forms, the Chief of Security will:
 - a. Review the names,
 - b. Assign a trained and qualified employee to collect the samples,
 - c. Give the names and the Jail Time Endorsement Forms to the employee, and

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- d. Ensure the samples are collected within seventy two hours, excluding weekends and holidays, between the hours of 7:00 a.m. and 1:00 p.m.
4. The employees will collect the samples in accordance with Procedure B of this policy.
5. The employee collecting the samples will complete the appropriate forms that will accompany the samples and is responsible for the packaging of the samples.

C. Collecting the Buccal Swab Sample for DNA Testing

1. Before collecting the samples the employee will:
 - a. Wear protective gloves, and
 - b. Complete the appropriate forms, including inmate finger printing.
2. Fingerprint Rolling Procedure

The employee will:

- a. Retrieve the pre-inked fingerprint sheet,
 - b. Grasp the top of the inmate's hand,
 - c. Ensure that the finger(s) to be printed (preferably, left index finger or thumb), is fully extended. Roll another finger if inmate does not have left index finger or it is bandaged. (See appendix).
 - d. Position inmate's hand and roll the finger or thumb from awkward to comfortable and from nail edge to nail edge, by:
 - (1) Moving thumb or finger in the opposite direction of the fingers, and
 - (2) Do not roll back and forth.
 - e. Advise the inmate to not try to "help" the roll.
 - f. Roll the inmate's left index finger using the same technique, and print it on the space provided in sample card,
 - g. Make a single roll movement with only enough pressure to give a clear print.
3. To collect the swab sample, the staff member does the following:

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- a. Remove the Buccal Swab from its packaging,
 - b. Avoid touching the tip of the swab,
 - c. Disregard the instructions on the buccal swab packaging,
 - d. Place the sponge tip end in the inmate's mouth,
 - e. Thoroughly swab the inside of both cheeks and between gum lines for one (1) Minute.
 - f. After one (1) minute, move the same swab under the inmate's tongue and soak up as much saliva as possible. Remove swab and:
 - (1) Press the swab tip firmly to the pink circles on the sample card.
 - (2) Continue pressing firmly and rotating each side of the swab within the pink circles until both circles are saturated and the pink area within each circle turns white.
 - (3) Do not rub while pressing on the card to avoid shredding the card, and
 - (4) Ensure that at least one full circle is completely full.
4. Discard the used swab in a waste receptacle. Do not re-use.
 5. If the Correctional staff member did not get a good sample and the pink circle does not turn white, the staff member uses one of the extra swabs and repeat steps #2 and #3. (Insufficient sample or a mixture of samples will be rejected).
 6. When collection is complete, the Correctional staff member will:
 - a. Ensure that samples collected from each individual inmates is packaged individually in separate mailing envelopes.
 - b. Place the sample collection card into the self-addressed mailing envelope,
 - c. Place a copy of the Jail Endorsement Sheet into the self-addressed mailing envelope,
 - d. Remove the peel and seal strip from the flap of the envelope, and
 - e. Press down firmly on the flap to seal the envelope.

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7. The employee will then deliver the samples in person, to the Chief of Security.
8. The Chief of Security will:
 - a. Contact the Divisional Courier and notify the Courier that the samples are ready for pick up and delivery to the US Post Office.
 - b. Keep the samples in the Chief of Security's Office until collected by the Divisional Courier.
9. The Courier will take the package to the post office for mailing on the same day that the package is retrieved from the Chief of Security. In the event that the Courier is unable to mail the package on the same day, the Courier will contact the Chief of Security immediately and return the package to the Chief of Security's office.
10. The employee returns the list of all inmates whose DNA samples were collected and the date of collection, to the Chief of Security who maintains a folder of DNA Sample collection.

D. Collecting Blood for DNA Sample

The Collection of Blood sample for DNA testing shall be in accordance with training obtained from the Missouri State Highway Patrol.

E: Refusal to Comply with DNA sample Collection

1. 650.055 RSMo reads:

Any person required to provide a DNA sample shall be required to provide such sample, without the right of refusal... "[Reasonable] force may be used as necessary to the effectual carrying out and application of such process and operations" to collecting the DNA sample from qualified individuals.
2. In the event that an inmate refuses to provide a DNA sample upon request, the Shift Commander will be notified. The Shift Commander will seek the inmate's compliance by explaining the requirements of the statutes and giving the inmate an opportunity to comply.
3. If the inmate continues to refuse, the Shift Commander calls the medical unit to evaluate the inmate to ensure there is not a physical or mental health condition that prevents the inmate from complying. The Shift Commander also notifies the appropriate chain of command of the inmate's refusal to comply.
4. If no physical or mental defect exists, the inmate will be physically restrained and a trained-and qualified employee shall collect the DNA sample. The medical staff

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will have the authority to temporarily stop the restraint procedures if the inmate would be harmed in the process.

5. An inmate's refusal to provide a DNA sample upon request and or the application of force in collecting the sample shall be documented in an Incident Report and shall be treated as a major rule violation. (See policy #3.3.6).