

 <p style="text-align: center;">DIVISION OF ADULT INSTITUTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>	DAI Policy #: 300.00.38	Page 1 of 10
	Original Effective Date: 09/25/09	New Effective Date: 03/15/16
	Supersedes: 300.00.38	Dated: 05/01/12
	Administrator's Approval: Cathy A. Jess, Administrator	
	Required Posting or Restricted: <input checked="" type="checkbox"/> Inmate <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Restricted	
Chapter: 300 Administrative		
Subject: DNA Collection Procedures		

POLICY

The Division of Adult Institutions shall collect DNA from all DAI inmates or DCC offenders in DAI custody who are serving a felony sentence and/or a sentence for certain misdemeanors under Wisconsin Statutes s. 973.047, or other offenses ordered by the court.

REFERENCES

Wisconsin Statutes s. 165.76 – Submission of human biological specimen

Wisconsin Statutes s. 973.047 – Deoxyribonucleic acid analysis requirements

WICS User Guides:

DNA Collection and Tracking Process – To Collect DNA

DNA Collection and Tracking Process – Update DNA Verified (Sample Confirmed)

DNA Collection and Tracking Process – Submit DNA Collection to DOJ

Attachment – DNA Specimen Collection

DEFINITIONS, ACRONYMS, AND FORMS

AFIS – Automated Fingerprint Identification System

ATR – Alternative to Revocation

BOCM – Bureau of Offender Classification and Movement

CCH – Computerized Criminal History (to include systems like Portal 100)

DAI – Division of Adult Institutions

DCC – Division of Community Corrections

DCI – Dodge Correctional Institution

DigiScan – Electronic 2 Finger Identification Device

DOB – Date of Birth

DNA – Deoxyribonucleic Acid

DOC – Department of Corrections

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DOJ – Department of Justice

DJ-LE-106 – Wisconsin DNA Databank Buccal Swab Collection Kit Submission Form

DJ-LE-177 – Wisconsin DNA Databank Record Expungement Request

ID – Identification

MSDF – Milwaukee Secure Detention Facility

myDOC – Department of Corrections Intranet

ORPS012A – WICS DNA Collection and Tracking Entry screen

ORPS012B – WICS DNA Collection and Tracking Entry screen

Portal 100 – Internet-based system to access criminal history

SID – State Identification Number

TCI – Taycheedah Correctional Institution

Verified SID – SID number retrieved from DOJ-AFIS Hit Candidate Record

WICS – Wisconsin Integrated Corrections System

PROCEDURE

I. Inmates/Offenders Required To Provide DNA

- A. Inmates sentenced to the DOC with a felony conviction or misdemeanors as listed in H. of this section or other offenses ordered by the court, or DCC offenders who are in the custody of DAI shall provide a DNA sample if their DNA is not in the DOJ's DNA Databank.
- B. All inmates received as a new admission at DCI, MSDF and TCI.
- C. All DCC offenders in DAI custody as:
 1. ATR.
 2. Violation of Probation.
 3. Violation of Parole.
 4. Violation of Extended Supervision.
 5. Violation of Mandatory Release or sanctions.
 6. All other short term DCC placements including, but not limited to, DCC offenders placed in the Infirmary.
- D. Short term DAI placements at MSDF.

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- E. DAI inmates housed in a county jail who are serving a felony sentence, or misdemeanors as listed in H or I of this section or other offenses ordered by the court.
- F. Inmates convicted of a felony or misdemeanors as listed in H or I of this section or other offenses ordered by the court in the State of Wisconsin and are in custody of another jurisdiction, i.e., Federal or other state correctional facility.
- G. DAI inmates transferred to a jurisdiction outside of Wisconsin to serve their sentence under the Inter-Governmental Agreement, Interstate Corrections Compact or International Treaty.
- H. Offenders with offense dates prior to April 1, 2015 pursuant to Wisconsin Statutes s. 973.047, "If a court imposes a sentence or places a person on probation for a felony conviction or for a conviction for a violation of s. 165.765(1), 940.225(3m), 944.20, or 948.10, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis."
 - 1. 165.765(1) – Failure to Comply with Reporting.
 - 2. 940.225(3m) – Fourth Degree Sexual Assault.
 - 3. 944.20 – Lewd and Lascivious Behavior.
 - 4. 948.10 – Exposing Genitals or Pubic Area.
- I. Offenders with any offense and conviction date(s) on/after April 1, 2015, "If a court imposes a sentence or places a person on probation, the court shall require the person to provide a biological specimen to the state crime laboratories for deoxyribonucleic acid analysis. The court shall inform the person that (s)he may request expungement under Wisconsin Statutes s. 165.77 (4)."

II. DNA Collection – Intake (for all DCC Offenders and DAI Inmates) to include DCI, TCI, MSDF and any sites with ATR Intake

- A. Collection of a DNA sample as identified in Section I. H. or I. at the time of intake is delayed a minimum of one month from the time of admission. This delay allows for any previously collected sample to be logged into the CCH and reduce duplication of collection.
- B. Verify felony conviction and/or misdemeanor convictions under Wisconsin Statutes s. 973.047 or other offenses ordered by the court.
- C. Upon admission, Security staff shall scan inmate fingerprints utilizing the DigiScan fingerprint identification devices to perform a real time search in the DOJ AFIS database to verify and retrieve the inmate SID number.

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- D. Security staff shall provide inmate name, DOC number and DigiScan 'HIT Candidate Record' print out that contains the SID number to Records Office staff.
- E. Records Office staff shall enter the SID number in the WICS Screen ORPS012B and shall document in the comment section the following: "SID verified via AFIS" with date stamp.
- F. If SID already exists in WICS and does not match DOJ-AFIS SID, Records Office staff shall coordinate the update of SID numbers in WICS with the BOCM COMPAS Coordinator so entries are made on the same day to ensure an additional inmate record is not created in COMPAS.
- G. Records Office staff shall verify Wisconsin DOJ has the DNA sample on file by utilizing Portal 100 and search the CCH by first entering the verified SID number, name and DOB.
- H. If the CCH or Portal 100 record query confirms DNA available/taken in their DNA Databank, this information shall be entered into the WICS Screen ORPS012A, as outlined in Section VI.E. of this policy, unless the information has been previously entered.
- I. The following positions shall have the ability to enter DNA information into the WICS Screen ORPS012A:
 - 1. Lieutenants.
 - 2. Captains.
 - 3. Security Directors.
 - 4. Center Superintendents.
 - 5. Records Supervisor/Registrar for verification entry only. Enter in comment section "CCH confirmed DNA available using verified SID." Time stamp and add facility acronym.
- J. If the CCH query confirms the sample is not available in the DNA Databank, a DNA sample shall be collected by Security staff or DCI Primary Care staff.
- K. Security staff shall enter all DNA completions in WICS Screen ORPS012A immediately following DNA collection.
 - 1. Click on the "Effective Date" hyperlink.
 - 2. Click on the "Prepare to Update" button.
 - 3. Click on down arrow in "Current Status" section.
 - 4. Click on "DNA Collected".
 - 5. Enter DNA Collection Date.
 - 6. In Comments Section, time stamp and include facility acronym.
 - 7. Click "Update".

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III. Releases

- A. DAI inmates and DCC offenders convicted of a felony and/or misdemeanors as listed in Section I. H. or I. of this policy or other offenses ordered by the court shall not be released without first verifying a DNA sample has been provided for the DOJ DNA Databank.
- B. Prior to release, Records Office staff shall provide Security staff with a list of inmates scheduled for release without verified SIDs. Correctional centers without DigiScan are exempt from this section.
 - 1. The list shall contain name, DOC number and release date.
 - 2. As soon as possible after receipt of list, and if SID has not been previously verified (see Section II.E), Security staff shall scan inmate fingerprints utilizing the DigiScan fingerprint identification devices to perform a real time search in the DOJ AFIS database and retrieve the inmate SID number.
 - 3. Security staff shall provide inmate name, DOC number and DigiScan 'HIT Candidate Record' print out that contains the SID number to Records Office staff.
 - 4. If DigiScan results in a "No Hit," see Section VIII.
- C. Records Office staff shall compare SID number retrieved from DigiScan with SID entered in WICS Screen ORPS012B and check for prior verification. Correctional Centers without DigiScan are exempt from this section.
 - 1. If SID matches WICS entry, document the following in the comment section in WICS Screen ORPS012B: "SID verified via AFIS" with date stamp.
 - 2. If SID numbers do not match, Records Office staff shall coordinate updating of SID number in WICS with BOCM COMPAS Coordinator so entries are made on the same day to ensure an additional inmate record is not created in COMPAS.
- D. Records Office shall enter the verified SID along with inmate name and DOB into Portal 100 to verify DOJ has the DNA sample on file.
- E. If the DOJ CCH query utilizing DigiScan SID confirms a DNA sample is available in the DOJ DNA databank, this information shall be entered into WICS, as outlined in Section VI.E. of this policy, unless the information has been previously entered. An additional entry shall be made in the WICS Screen ORPS012A comment field stating "CCH confirmed DNA available using verified SID," time stamp and include facility acronym.
- F. If the DOJ CCH confirms the sample is not in their DNA databank then Records Office shall notify Security staff that a DNA sample shall be collected.

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IV. Process for Inmates Housed at Contract Jail Facilities and Inmates Convicted of a Felony in Wisconsin and Serving Concurrent Wisconsin Sentences in Federal and Other State Jurisdictions

A. DCI Records Office Shall:

1. Track all male and female inmates who receive concurrent Wisconsin sentences and are housed out-of state.
2. Verify felony conviction and/or misdemeanor convictions under Wisconsin Statutes s. 973.047 or other offenses ordered by the court.
3. Verify that DOJ has the DNA sample on file by utilizing Portal 100 and search the CCH by first entering the inmate SID number.

B. If Portal 100 confirms DNA is available in their DNA database, then this information shall be entered into WICS-Screen ORPS012A, as outlined in Section VI.E. of this policy, unless the information has already been previously entered.

C. If the DCI Records Office determines a DNA sample needs to be taken, the DCI Records Office staff shall make contact with the outside facility administrative staff to inform them a DNA sample is required to be taken under Wisconsin laws and request their assistance in securing the sample.

D. DCI Records Office staff shall forward a DNA Buccal Swab Collection kit to the outside facility staff with instructions and a self-addressed stamped envelope for return to DCI to provide for tracking.

E. Enter all DNA completions in WICS Screen ORPS012A immediately following DNA collection as outlined in Section II.K.

V. DNA Collection Procedure – Security Responsibilities (exception DCI Primary Care)

A. Facility staff shall receive training in correct procedures prior to engaging in DNA specimen collection available via the DOC LearnCenter

B. The DNA collector shall verify the correct inmate by visually observing the inmate in front of them and cross checking both the inmate ID badge and the inmate's information from myDOC/Locator-Offender Search. Confirm inmate DOC number and DOB.

C. Scan inmate fingerprints utilizing the DigiScan fingerprint identification devices to perform a real time search in the DOJ AFIS database and retrieve the inmate SID number.

D. Verify Wisconsin DOJ has the DNA sample on file by utilizing Portal 100 and search the CCH by first entering the inmate SID number.

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- E. When DNA is not on file in the CCH record, DNA shall be collected using the Buccal Swab Collection kit provided by the Wisconsin DOJ.
- F. Follow DNA Sample Collection steps as directed in the Attachment to this policy. Enclose a ten-print hand-rolled fingerprint card with the inmate's fingerprints along with the DNA kit.
- G. Complete DJ-LE-106, including the inmate's SID and DOC numbers, if assigned, and agency contact information.
- H. Ensure complete facility name is recorded on the documentation. No acronyms shall be used when completing forms.
- I. Attach a bar code label, showing the kit number, to the outside (back) of the mailing envelope provided by DOJ.
- J. Secure DNA specimen in a "staff only" area of the facility, not accessible to the public or inmates, until they can be mailed to the Wisconsin State Crime Laboratory.
- K. Enter all DNA completions in WICS Screen ORPS012A immediately following DNA collection as outlined in Section II.K.

VI. DNA Databank Confirmation

- A. DOJ shall provide an electronic receipt via e-mail to DOC to confirm receipt of DNA samples that have been shipped by the DOJ.
- B. WICS application shall reconcile the DOJ DNA samples reported by DOJ.
- C. When confirmation of a successful DNA specimen submission has not been received from DOJ, designated DOC staff shall contact DOJ to confirm the status of the shipped samples and determine if a new sample shall be taken.
- D. Upon WICS verification from DOJ that DNA samples have been tested and entered into the DOJ databank, the results shall be uploaded into WICS Screen ORPS012A as "DOJ Verified."
- E. When a facility CCH search indicates a DNA sample has been tested and entered into the DOJ databank, and no confirmation exists in WICS, staff shall make an entry into WICS-Screen ORPS012A as follows:
 - 1. Click on the "Effective Date" hyperlink.
 - 2. Click on the "Prepare to Update" button.
 - 3. Click on down arrow in "Current Status" section.
 - 4. Click on "DNA Verified by DOJ".
 - 5. Enter DNA Verified Date.

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6. In Comments Section, enter Verified DNA available from DOJ CCH report with SID #123456". Date stamp.
7. Click "Update".

F. DOJ shall notify the DOC by submitting an email to the DOC DNA Issues and Communications mailbox when they cannot obtain a useable sample and a new sample is required.

G. The DAI Security Chief shall notify the facility to collect another sample following procedures in Section V.A–L.

VII. Expunction

- A. An inmate's DNA records may be expunged from the State Crime Lab DNA Databank if any of the following circumstances apply:
 1. The conviction for which the DNA was submitted has been reversed, set aside or vacated.
 2. The conviction for which the DNA was submitted has been pardoned by the governor.
 3. The DNA specimen was collected in error.
- B. If a staff person collects a DNA sample in error by or at the direction of the DOC, a staff person shall request a DJ-LE-177 from the State Crime Lab. The completed form shall be submitted to the State Crime Lab along with copies of relevant court documents and a statement from a DOC representative describing why the DNA sample specimen should not have been collected.
- C. Submit the request to expunge a DNA record to:
Wisconsin State Crime Lab – Madison
Attn: Wisconsin DNA Databank
4626 University Avenue
Madison, WI. 53705-2174
- D. A copy of the request to expunge letter shall be placed in the inmate's legal file.

VIII. DigiScan Hit Concerns

- A. When DigiScan results in an identification discrepancy Security staff shall attempt to resolve by rescanning with a different finger or rolling the print.
- B. If problem persists, Security shall contact Records Office staff for resolution. Possible problems could include the following:
 1. No hits.
 2. Alias names or DOBs.
 3. Possible mismatched record.

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Administrator's Approval: _____ **Date Signed:** _____
Cathy A. Jess, Administrator

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Name		
Original Effective Date:	DAI Policy Number: 300.00.38	Page 10 of 10
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Will Implement <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
Warden's/Center Superintendent's Approval:		

REFERENCES

DEFINITIONS, ACRONYMS, AND FORMS

FACILITY PROCEDURE

- I.
 - A.
 - B.
 - 1.
 - 2.
 - a.
 - b.
 - c.
 - 3.
 - C.

II.

III.

RESPONSIBILITY

I. Staff

II. Inmate

III. Other