



# WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

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## GUIDANCE DOCUMENT CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections §227.10 and §227.11 of the Wisconsin Statutes.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

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Name of Individual Certifying this Document/Proposed Document

ADMINISTRATOR, DIVISION OF COMMUNITY CORRECTIONS


Title

Signature

6/25/19

Date Signed

Department of Corrections – Wisconsin  
Office of the Secretary  
Wis. Stat. § 227.112(6)  
DOC-2910 (6/2019)

 <p style="text-align: center;"><b>WISCONSIN</b>  <b>DEPARTMENT OF CORRECTIONS</b>  <b>Division of Community Corrections</b></p> <p style="text-align: center;">DOC-1356 (Rev. 12/2009)  Administrative Directive # 16-03  Replaces AD 13-12</p>	EFFECTIVE DATE May 1, 2016	PAGE NUMBER 1 of 2
	MANUAL REFERENCE ECRM	<input type="checkbox"/> New <input checked="" type="checkbox"/> Revision
ORIGINATED BY Administrator's Office Denise Symdon <i>Denise Symdon</i>		
DISSEMINATION <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Supervisory Staff Only	PRIORITY <input checked="" type="checkbox"/> Policy/Directive <input type="checkbox"/> Information Discuss at Staff Meeting      Read/Route/Post	
<b>SUBJECT: DNA Submission Verification</b>		

**Reference(s):**

Wisconsin Statutes § 165.76	Submission of human biological specimen
Wisconsin Statutes § 165.765	Biological specimen; force and immunity
Wisconsin Statutes § 165.77	Deoxyribonucleic acid analysis and data bank
Wisconsin Statutes § 165.84	Cooperation in criminal identification, records and statistics
Wisconsin Statutes § 946.52	Failure to Submit Biological Specimen
Wisconsin Statutes § 973.047	Deoxyribonucleic acid analysis requirements
Wisconsin Administrative Code Jus 9	Deoxyribonucleic acid (DNA) Data Bank
Wisconsin Acts 20 and 214	

**Policy Statement:** The Division of Community Corrections (DCC) shall ensure that a DNA sample has been submitted and verified for those offenders who are statutorily required to submit a sample. DCC shall work in conjunction with the Divisions of Adult Institutions and Juvenile Corrections to ensure that all individuals under Department authority have had appropriate samples taken and verified prior to moving from one division's authority to another or prior to discharge.

**Definitions, Acronyms:**

CCH	Computerized Criminal History file maintained by DOJ (system of record for DNA)
DNA	Deoxyribonucleic acid
DOJ	Wisconsin Department of Justice
ECRM	Electronic Case Reference Manual
WICS	Wisconsin Integrated Corrections System

**Procedure:**

Wisconsin Acts 20 and 214 (2013) created the requirement of DNA collection from:

- Adults and juveniles arrested for a violent crime as noted in §165.76
- Adults and juveniles convicted/adjudicated of any felony crime
- Adults convicted of any misdemeanor crime when the offense and conviction occurred after April 1, 2015
- Juveniles adjudicated of certain misdemeanor crimes as noted in §165.76

Agents must verify that a DNA sample has been provided to local law enforcement and verified by DOJ for all offenders assigned to their case load, if DNA is required. The DNA requirement should not be considered complete until the Computerized Criminal History (CCH) states "Conviction Sample on File" and the WICS "DNA Collection and Tracking" screen has a date in the "DNA Verified Date" field. Further follow up must continue until both of these requirements are met. Offenders who are required to submit a DNA sample must do so prior to discharge.

There are specific points in time that DNA verification must take place. Agents must continue to follow up with offenders to submit a DNA sample to local law enforcement and for that sample to be processed and verified by DOJ. Specific procedures for staff to follow are included in the ECRM.

DCC offices shall cooperate with any local law enforcement agency requirements when referring offenders for DNA sample submission. Offenders should be referred to law enforcement in the county of conviction for DNA sample collection. For those special circumstances when the offender cannot be referred to their county of conviction, the Regional Chief/Designee should be consulted.