

**TEXAS DEPARTMENT OF CRIMINAL JUSTICE
PAROLE DIVISION**



**POLICY AND
OPERATING PROCEDURE**

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SUPERSEDES: 04/30/08

SUBJECT: OFFENDER DNA SPECIMEN COLLECTION IN INTERMEDIATE SANCTION FACILITIES, SUBSTANCE ABUSE FELONY PUNISHMENT FACILITIES AND DISTRICT PAROLE OFFICES

AUTHORITY: TEX. GOV'T CODE ANN. § 411.141, 411.148

POLICY: The Texas Department of Criminal Justice (TDCJ) shall comply with all state laws governing the collection, reporting, and delivery of DNA (deoxyribonucleic acid) specimens. These state laws require all offenders who are incarcerated in a TDCJ operated facility, a facility under contract with TDCJ or who are under the supervision of a criminal justice agency, to submit a DNA specimen for the purpose of creating a DNA record, unless DNA was previously collected.

PURPOSE: To provide criteria and guidelines for the collection of DNA specimens from offenders who are in an Intermediate Sanction Facility (ISF), Substance Abuse Felony Punishment Facility (SAFPF) or under the supervision of the Parole Division and who have not previously provided a specimen.

PROCEDURE:

I. OFFENDERS SUBJECT TO DNA SPECIMEN COLLECTION REQUIREMENT

An offender shall be ordered to provide a specimen for the purpose of creating a DNA record if they are confined in a correctional institution operated by or under contract with the TDCJ or are under the supervision of the TDCJ, and DNA has not been previously submitted. This includes offenders whose supervision has been transferred to Texas from out of state under the rules of the Interstate Commission for Adult Offender Supervision.

II. OFFENDER DNA (SALIVA) SPECIMAN COLLECTION AT A DISTRICT PAROLE OFFICE

A. DNA TESTING COORDINATOR

1. Each District Parole Office (DPO) shall have a minimum of one staff member assigned by the Region Director or designee, as the DNA testing coordinator for that office.

- a. Each DNA Testing Coordinator shall be trained by Rehabilitation Programs Division (RPD), DNA Coordinator, on DNA swab/saliva collection procedures, test kit ordering procedures, and the submission of the DNA tests.
 - b. Each DNA Testing Coordinator shall also be trained by RPD in fingerprint collection. A full set of prints shall be taken with each DNA specimen collection.
 - c. The DNA Testing Coordinator shall designate dates and times for officers to schedule offender DNA collection, in the event that collection cannot occur immediately.
 - d. DNA specimen collection shall occur in accordance with the instructions provided on the specimen collection kit.
2. Each Region Director's office shall contact the Special Needs Offender Program (SNOP) Program Specialist III, Specialized Programs, or designee to request specimen collection kits. The request shall include the following information:
 - a. Number of kits needed;
 - b. Name of the person making the request; and
 - c. Physical mailing address of the DPO(s).
 3. The SNOP Program Specialist III, or designee, shall complete the order of specimen collection kits as requested from the DPO DNA Testing Coordinator.
 4. The Regional Director or designee shall have oversight responsibility for DNA collection.
 5. Statewide oversight responsibility shall be provided by the SNOP Program Specialist III, Specialized Programs, to ensure offender DNA collection is completed in accordance with division policy.

B. OFFENDER IDENTIFICATION FOR DNA SPECIMEN COLLECTION

1. Parole Officers shall confirm upon initial receipt and assignment of a case, whether the offender requires collection of DNA, by referring to the Offender Information Management System (OIMS) Fact sheet. Fact sheets that indicate No DNA test taken will require DNA collection.
2. Upon identification of an offender that requires DNA testing, the supervising parole officer shall contact the DNA Testing Coordinator in the assigned parole office to collect DNA immediately or schedule a DNA collection appointment. The following information shall be provided to the DNA coordinator:
 - a. Offender name;

- b. Offender State Identification Number (SID);
 - c. Offender Date of Birth (DOB); and
 - d. Any additional information required for DNA testing.
3. Upon scheduling the DNA collection appointment, the supervising officer shall provide appointment information to the offender, and document in OIMS.
 4. Offender DNA collection shall be taken immediately or no later than 30 days of an offender's release from CID, an ISF or SAFPF, or upon determining that a specimen was not previously collected.

III. OFFENDER DNA (SALIVA/BLOOD) SPECIMEN COLLECTION AT AN ISF OR SAFPF

- A. Offenders requiring a DNA specimen collection shall be identified by the TDCJ mainframe SO00, RL180 database screen. RPD DNA Coordinator shall notify ISF and SAFPF medical staff of this information on a weekly basis, reflecting offenders assigned to each unit.
- B. The facility health administrator or designee shall instruct the appropriate medical staff to collect a DNA specimen from each offender identified.
- C. Offenders identified as requiring DNA specimen collection shall provide a specimen within two (2) weeks of arrival at the facility along with a full set of fingerprints.
- D. The facility shall request blood specimen collection kits by faxing a request to Health Services-Medical Warehouse at (936) 437-6773. The request must include the following information:
 1. Number of kits needed;
 2. Name of the person making the request; and
 3. Physical mailing address of the facility.
- E. DNA specimen collection shall occur in accordance with the instructions provided in the specimen collection kit.
- F. The Program Specialist I, CCU, shall identify offenders scheduled for release within the following week, where there is no documented DNA specimen collected. The Program Specialist I shall:
 1. Notify the facility Warden and Facility Parole Officer of identified offenders.
 2. Notify RPD, DNA Coordinator of identified offenders. The RPD DNA Coordinator shall notify the ISF/SAFPF medical staff of the immediate need to collect a DNA specimen from this offender.
 3. Collect the DNA specimen prior to the offenders release from the ISF/SAFPF.

IV. OFFENDERS WHO REFUSE TO PROVIDE A DNA SPECIMEN

- A. The facility/District Parole Officer shall inform the offender of the consequences of refusal to provide the specimen. Consequences may include disciplinary action.
- B. If an offender refuses to provide a specimen, the following information shall be communicated to the offender:
 - 1. Collection of a DNA specimen for DNA testing is required by law;
 - 2. For offenders under active/normal report status at a DPO, failure to comply with District Parole Officer instructions shall be addressed as a Technical Rule #1 violation.
 - a. Address initially by conducting a case conference.
 - b. Address further non-compliance with a Violation Report requesting summons or warrant issuance.
 - 3. A disciplinary case for refusing to submit a DNA specimen while housed at an ISF or SAFPF will be processed for each refusal and will be subject to progressive sanctions until compliance is achieved.
- C. If an offender requiring DNA collection refuses to submit a specimen and claims a specimen has been previously submitted, the facility/District Parole Officer will contact the DNA Coordinator, RPD at 512-406-5964 or 512-406-5965 or email DNA@tdcj.state.tx.us for confirmation of previous DNA collection.

V. MONITORING AND REPORTING REQUIREMENTS

- A. The ISF and/or SAFPF shall maintain a policy consistent with TDCJ and Parole Division policy regarding DNA specimen collection.
- B. All facility medical staff that collect DNA shall enter this information on the DNA Testing Information Reporting System in the TDCJ mainframe.
- C. The District Parole Office DNA testing coordinators shall email a weekly report to the RPD DNA Coordinator, at DNA@tdcj.state.tx.us listing offender's name, SID# and date of collection of offenders that provided DNA specimens.
 - 1. RPD will update the DNA Testing Information Reporting System with all DNA testing information submitted by Parole Division DNA Testing Coordinators.
 - 2. The OIMS will reflect current DNA collection information immediately upon data information uploads.

- D. The SNOP Program Specialist III, or designee, shall compile by the 15th calendar day of each month, a DNA statewide report identifying offenders requiring a DNA specimen collection.

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