

Offender DNA Collection

Instructions for completing the DNA collection process.

Missouri State Highway Patrol
DNA PROFILING
Crime Laboratory
573-526-6134



What is the purpose of the DNA Profiling System?

- **To solve more crime!**
- **To exonerate persons mistakenly accused or convicted.**

History of RSMo 650.055

- August 28, 1991 DNA Profiling legislation passed for the collection of violent and sexual offenders.
- August 28, 1996 DNA Profiling legislation modified to include retroactive collection of offenders incarcerated and on probation and parole.
- August 28, 2004 Expansion law SB1000 passed to include all felonies, misdemeanors under Chapter 566, and interstate cases.
- August 28, 2009 HB 62 and HB 152 expanded collections to include registering sex offenders and individuals who are 17 and older who are arrested for burglary 1st, burglary 2nd, or any felony offense under 565, 566, 567, 568, or 573.

Who is required by law to give a DNA sample?

Certain convicted offenders

Individuals who plead guilty or are found guilty of any felony offense or a misdemeanor offense under Chapter 566.

Certain arrested individuals

Individuals 17 and older who are arrested for burglary 1st, burglary 2nd, or any felony offense under 565, 566, 567, 568, or 573.

Registering sex offenders

Persons required to register as a sexual offender.

Convicted Offenders

RSMo 650.055

*Every individual in a Missouri circuit court,
who pleads guilty to or is found guilty of a
felony or any offense under chapter 566,
RSMo ,...*

Arrestees

RSMo 650.055

...who is seventeen years of age or older and who is arrested for burglary in the first degree under section 569.160, RSMo, or burglary in the second degree under section 569.170, RSMo, or a felony offense under chapters 565, 566, 567, 568, or 573, RSMo,

Sex Offenders

RSMo 650.055

...is an individual required to register as a sexual offender under sections 589.400 to 589.425, RSMo,...

RSMo 650.055

*shall have a fingerprint and blood
or scientifically accepted
biological sample collected for
purposes of DNA profiling
analysis...*

Who will each agency be responsible for collecting?

- **MO Department of Corrections
(institutions and probation/parole)**

MO Department of Corrections will be responsible for collecting individuals under their supervision who have plead guilty or are found guilty of any felony offense or a misdemeanor offense under Chapter 566, and interstate cases.

Who will each agency be responsible for collecting?

- **County jails and detention facilities**
 - *Jails are responsible for collecting individuals in their custody who have plead guilty or are found guilty of any felony offense or a misdemeanor offense under 566 who are NOT going to be supervised by DOC.*
 - *Arresting agencies are responsible for collecting individuals 17 and older who are arrested for burglary 1st or burglary 2nd or any felony arrest under 565, 566, 567, 568, or 573. The arresting agency shall collect the sample.*
 - *Each county sheriff's office (and St. Louis City) is responsible for collecting persons required to register as a sexual offender. The DNA sample shall be collected by the registering agency.*

Before collecting a **convicted offender**, be sure to:

- Verify that the offender has plead guilty or been found guilty of a felony offense or a Chapter 566 misdemeanor offense.
- Check whether the offender will be going on to supervision under Missouri DOC, probation/parole or an institution. If so, no collection is needed by the jail. DOC will collect the sample.
- Make sure a DNA sample has not been previously collected for the offender by checking for DNA information in MULES or by contacting the Profiling Section of the Crime Lab. If a DNA sample already exists for the offender, no collection is needed.

Before collecting an arrestee sample, be sure to:

- Verify that the individual was arrested for qualified offense. (burglary 1st, burglary 2nd, all felonies under 565, 566, 567, 568, 573).
 - 565 (Crimes against the person)
 - 566 (Sex offenses)
 - 567 (Crimes against the family)
 - 568 (Prostitution)
 - 573 (Pornography)
- Make sure a DNA sample has not been previously collected for the arrestee by checking for DNA information in MULES or by contacting the Profiling Section of the Crime Lab. If a DNA sample already exists for the arrestee, no collection is needed.

Before collecting a **sex offender** sample, be sure to:

- Verify that the individual is required to register as a sexual offender pursuant to sections 589.400 to 589.425, RSMo.
- Make sure a DNA sample has not been previously collected for the offender by checking for DNA information in MULES or by contacting the Profiling Section of the Crime Lab. If a DNA sample already exists for the offender, no collection is needed.

Using MULES to avoid duplicate collections

- In order to avoid duplicate collections of a single offender, it is important that collecting agencies ensure that a DNA sample does not already exist for the individual prior to collection. The following transactions in MULES will provide you with DNA information:

QMH - Criminal History

QDNA - DNA Available Inquiry

QIDI - Criminal History Inquiries

***NOTE: DNA information in MULES is based on MSHP receiving and accepting a DNA sample that has an assigned SID number. The SID number is needed in order to populate the MULES records with DNA information.**

If a DNA sample exists for an offender and the information can be linked with MULES via the SID number, you will see something similar to this:

| | |
|-----------------|---|
| DNA DATA | DNA AVAILABLE |
| | MOMHP0005 MO HP CRIME LAB - JEFFERSON CITY |
| | P O BOX 568, JEFFERSON CITY, MO 65102 |
| | (573)526-6134 |
| | DNA COLLECTED 04/24/2009 |
| | ANALYSIS COMPLETED 5/13/2009 |

If a DNA sample does not exist for an offender, you will see something similar to this:

| | |
|-----------------|--------------------------|
| DNA DATA | DNA NOT AVAILABLE |
|-----------------|--------------------------|

DNA Collection Kit

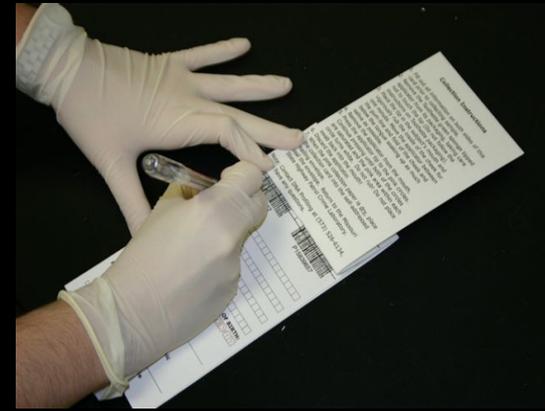
- Once you know an individual is required to submit a DNA sample, use a collection kit provided to you by the Missouri State Highway Patrol to perform the DNA collection. The collection kit will contain:

- DNA sample collection card
- Gloves
- Fingerprint ink strip
- Toothette swab
- Return envelope



Collection Procedure

1. Put on the gloves immediately. Gloves must be worn throughout the collection process and must be changed each time a sample is taken.
2. Complete the back of the collection card first which includes the certification and the left index fingerprint.
3. Complete the inside of the card with the offender's information.
4. Obtain a buccal sample from the offender's mouth and transfer to the pink circle area on the collection card.
5. Place the sample in the return envelope and mail to the Highway Patrol Crime Laboratory.



Certification

Missouri State Highway Patrol
Convicted Offender
DNA Sample Collection Card

Back

Certification

I certify that I collected on this date a DNA sample from the individual listed on this kit. This person was positively identified to me by (check one):

Official Identification (Driver's license, Dept. of Corrections ID, etc.)
 Personal recognition by attending official
 Other form of identification (Specify) _____

Person Performing Collection

Signature: Jane Doe
Printed Name: JANE DOE
Agency: EP
Date: 8/23/05 Phone Number: 573-555-1212

SAMPLE


If left index finger is not available, indicate which finger was printed.


Left Index Fingerprint

FOR LAB USE ONLY

Received by: _____ Date: _____

Whatman®
Whatman is a trademark of Whatman International Ltd.
FTA is a trademark of the Whatman Group.
Covered under US Patents 5496562, 5756126, 5807527 and patents pending.

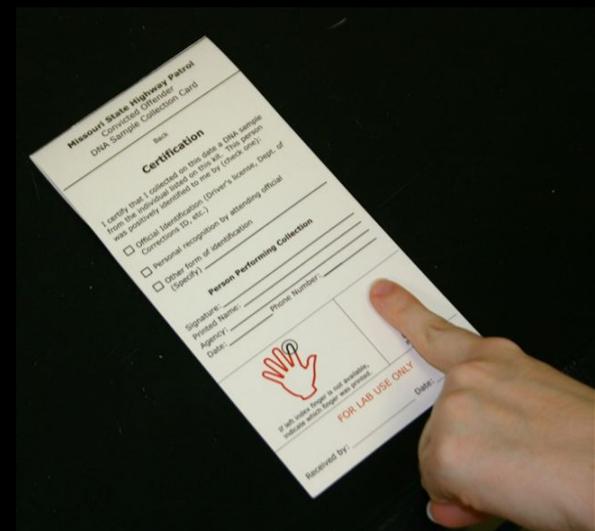
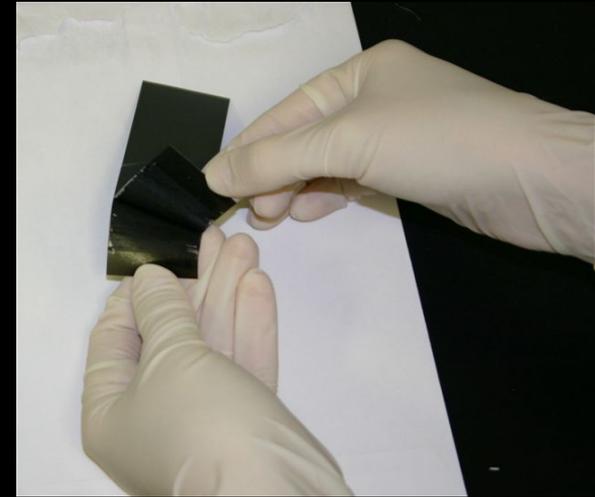
Lot No. FT8184804

- The offender is positively identified. (If possible)
- The collector's printed name, signature, agency, phone number and date the collection was performed.
- Offender's left index fingerprint.

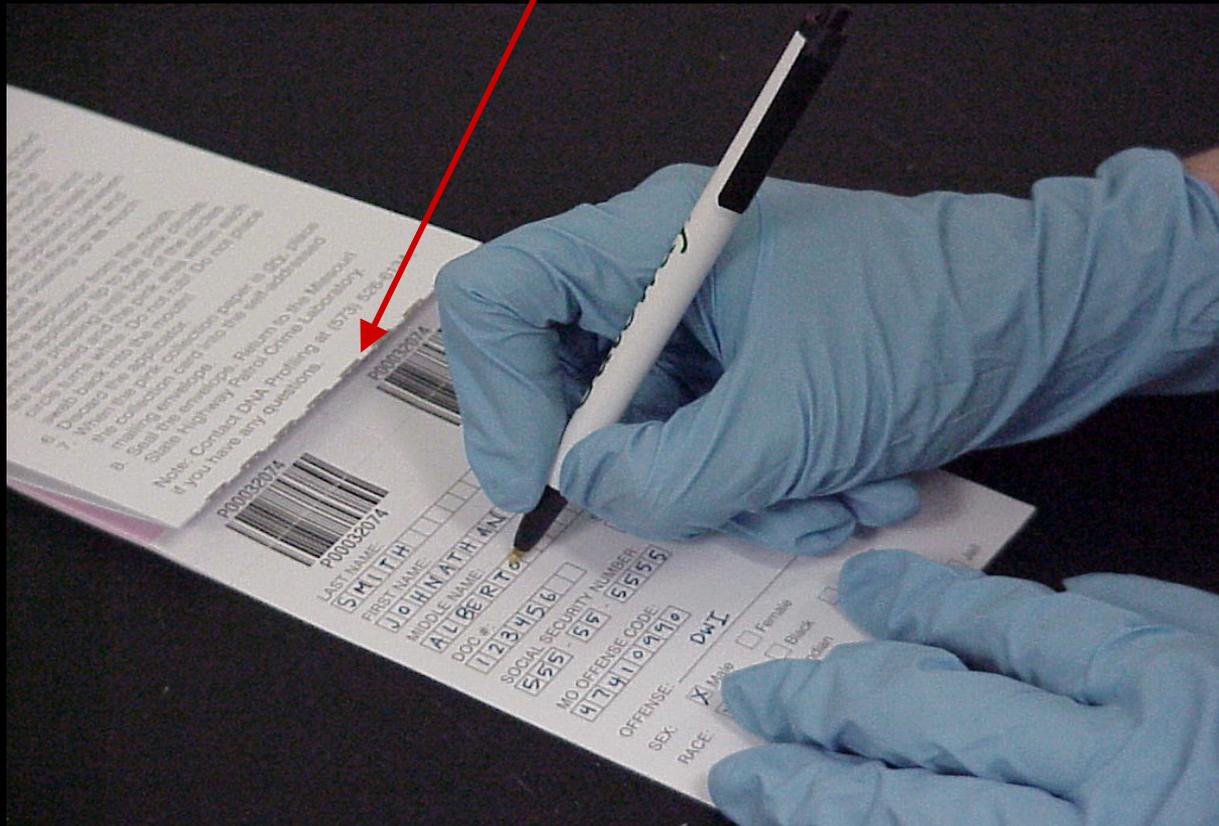


Taking a fingerprint

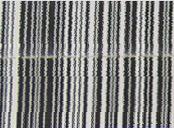
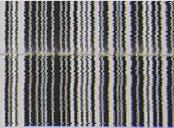
- Tear back the fingerprint foil paper.
 - Roll the offender's finger on the ink then roll the finger on the card.
- * If the left index finger is not available, indicate which finger was printed.



FOLD AT PERFORATED LINE !!!
DO NOT REMOVE ANY PORTION OF THE COLLECTION CARD!!



Offender's Information

 SAMPLE 
P00034643 P00034643

LAST NAME:
SMITH

FIRST NAME:
JOHN

MIDDLE NAME:
DAVID

DOC #:
123456

SID #:
MO 00789012

SOCIAL SECURITY NUMBER:
495 - 55 - 5555

DATE OF BIRTH:
04 / 23 / 76

MO OFFENSE CODE:
13031990

OFFENSE: **ASSAULT II**

SEX: Male Female

RACE: White Black Hispanic
 American Indian
 Other:

Incarcerated Probation / Parole Jail **MA**

- Last name
- First name
- Middle name
- DOC# (not applicable for jails)
- SID#
- SSN
- DOB
- MO Offense Code
- Sex
- Race
- Jail
- "A" or "SO" (arrestee or sex offender)

Additional Information Required

- **Arrestee samples**

- The OCN must be written inside the card. There is not a designated space for this number, but it is imperative that it appears on the card so that the arrest may be tracked. There is extra space next to the charge code boxes where the OCN can be written.
- Write an “A” next to the jail check box at the bottom of the card. This will indicate to us that the sample is an arrestee collection.

- **Sex Offender samples**

- Write “SO” next to the jail check box at the bottom of the card. This will indicate to us that the sample is a sex offender collection.

**It is very important that we're immediately able to identify whether a sample is for a convicted offender, an arrestee, or a sex offender. How the sample is processed and entered into the database is dependent on which category the sample belongs to.

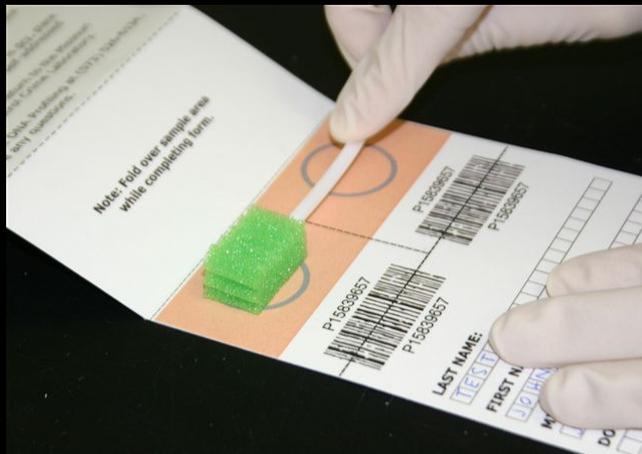
We need your help to verify qualification of convicted offender samples.

- Why: The integrity of the profiling system is crucial. We must do everything possible to ensure that the DNA samples we accept into this system were lawfully obtained.
- How: Often times the conviction and sentencing information is not yet available to us on the offender's criminal history in which we can verify the legality of the collection. We try to use the offender's criminal history and Case Net to verify convictions, however it isn't always possible. It may be necessary for you to give us a copy of the sentencing and judgement sheet for our records.

Collecting A Buccal Sample

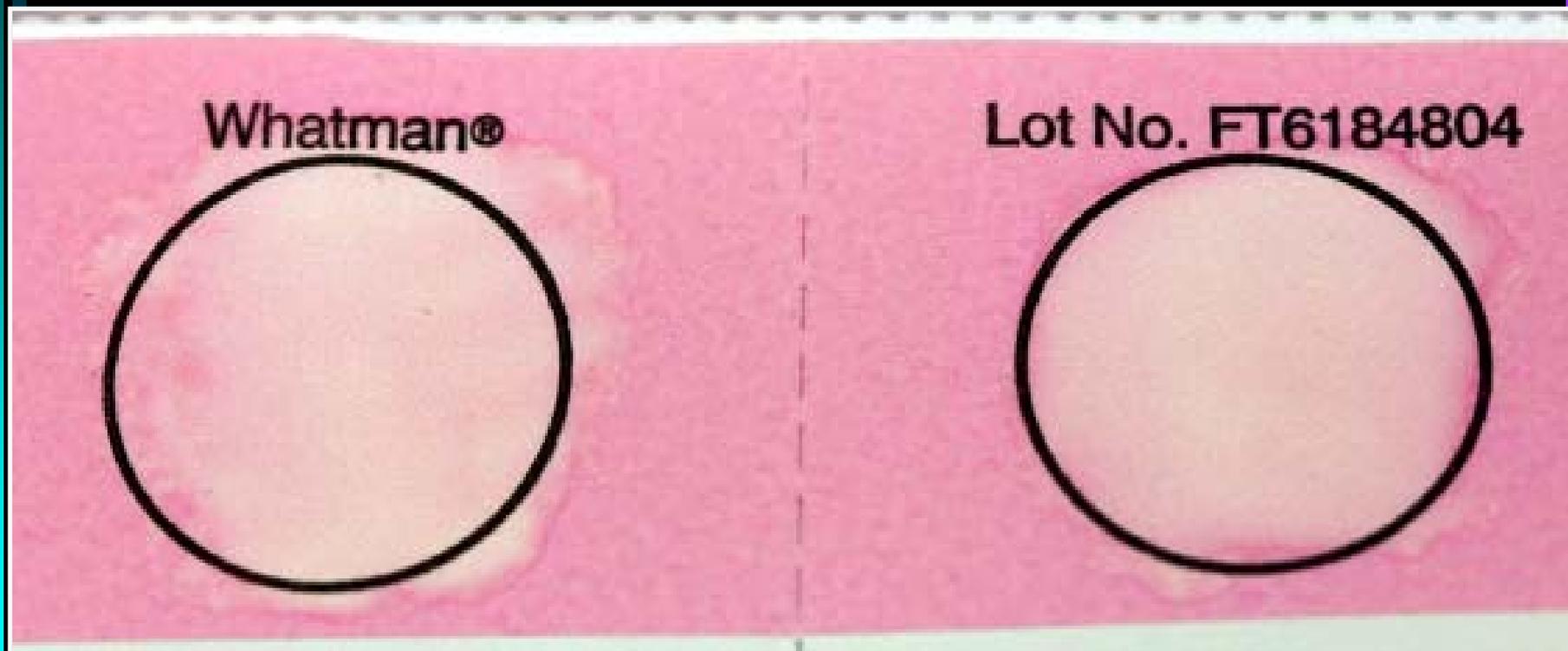


- Use the toothette swab provided in the kit to swab the inside of the offender's cheek for **ONE MINUTE**.

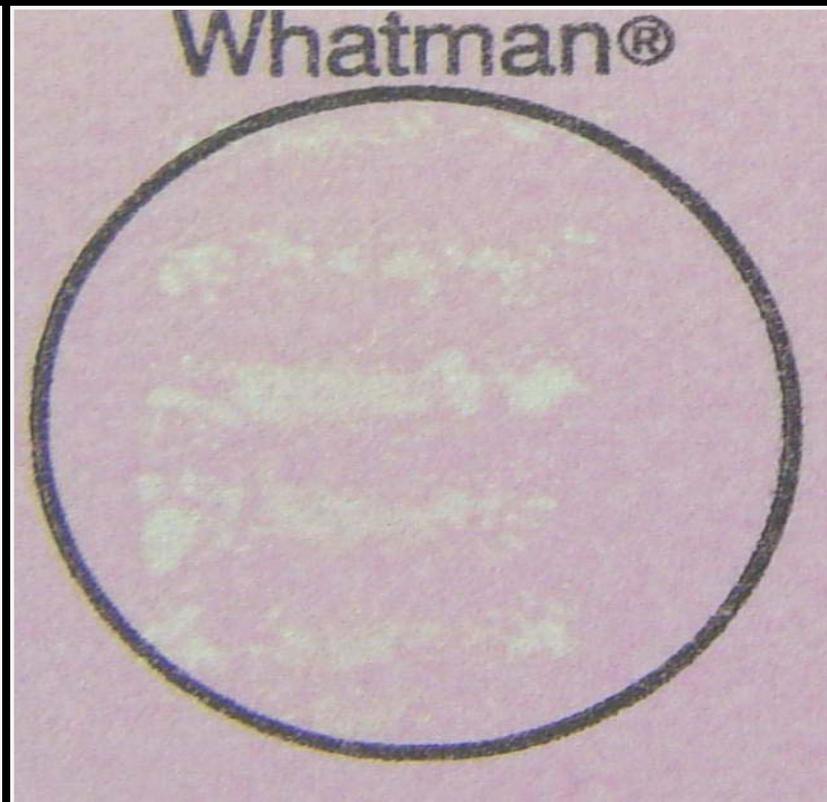
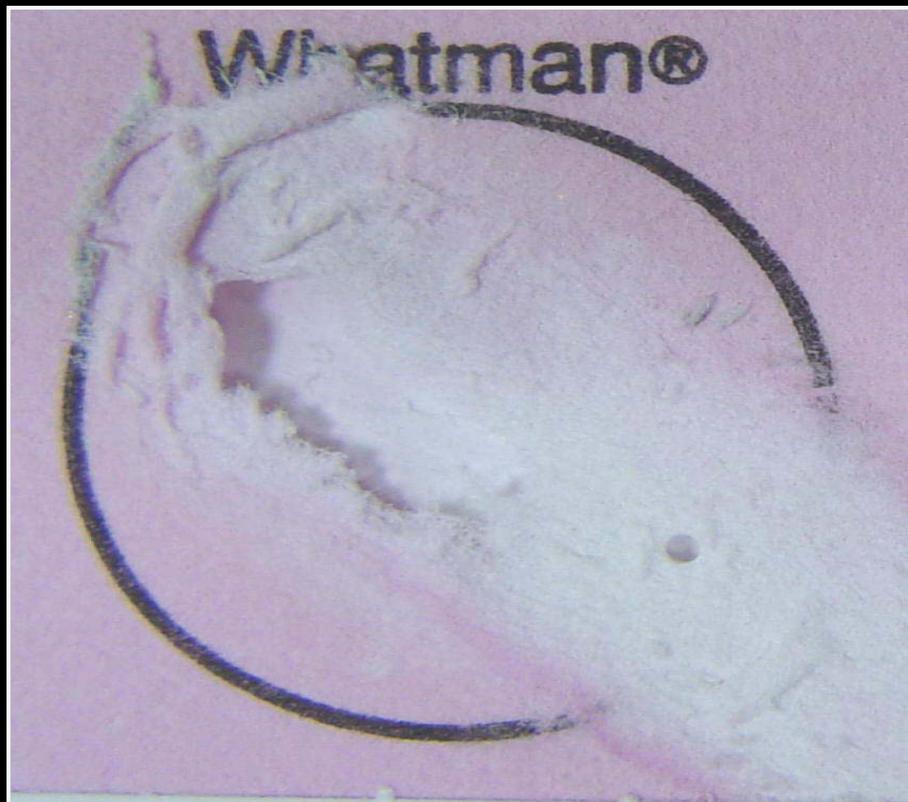


- Transfer the sample to the pink circle areas on the collection card by pressing the swab to the paper until it is saturated.

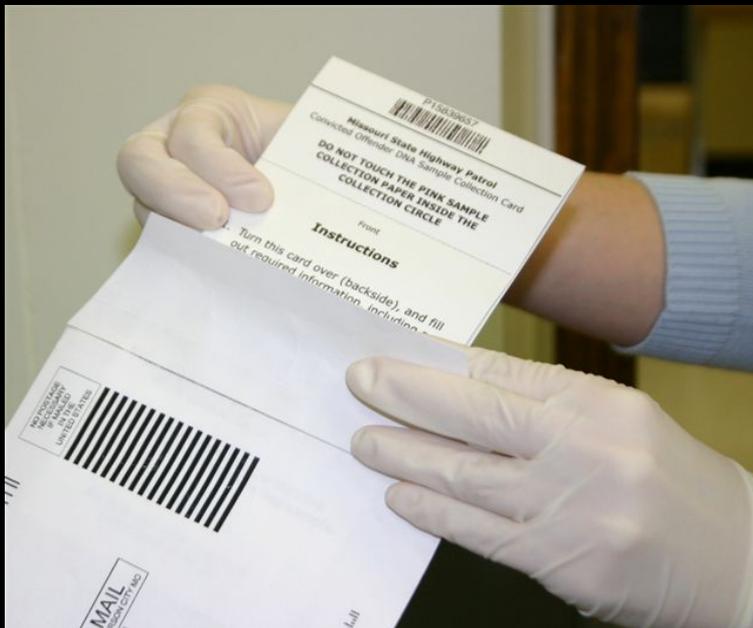
Good Samples



POOR Samples



When the collection is complete, place the sample collection card into the self-addressed envelope and return to the Missouri State Highway Patrol Crime Laboratory.



What happens next?

- The sample will be received by a lab technician and reviewed for accuracy and qualification. Once the offender's qualification is verified and there is no reason for rejection, it can begin the DNA typing process.
- Once DNA analysis is complete, the data is entered into the FBI's Combined DNA Index System (CODIS).
- This information is searched in Missouri and at the National level routinely against unsolved crimes and missing persons cases.
- Crimes that once may have gone unsolved can now possibly be linked to known offenders.
- In the event of a match to an offender, the identity and location of the offender is released to investigators.

Expungement Requirements

Warrant Refusal

Arrestee samples only

- If the warrant is refused, (the prosecutor decides not to file charges on the arrest) the DNA sample taken on arrest must be expunged. It is the responsibility of the arresting agency to notify the MSHP by completing and sending the Expungement Notification Form (SHP-420) within 90 days so that the sample may be removed from the database unless it is otherwise determined the individual is obligated to submit (another qualifying arrest or prior qualifying conviction).

MISSOURI STATE HIGHWAY PATROL
DNA EXPUNGEMENT NOTIFICATION

SHP-420 08/09

Use this form to notify the Missouri State Highway Patrol Crime Laboratory to expunge all DNA records submitted in accordance with Sections 850.050 to 850.100, RSMo, when the arrest warrant for the related offense was refused. This notification must take place within ninety days of the warrant refusal.

| | | |
|--|---|--|
| AGENCY ORI NUMBER | | |
| AGENCY NAME | | CONTACT TELEPHONE NUMBER |
| NAME OF INDIVIDUAL SUBMITTING NOTIFICATION | | |
| E-MAIL ADDRESS OF SUBMITTING PERSON | | TELEPHONE NUMBER OF SUBMITTING PERSON |
| OCN NUMBER | | REPORT / CASE / INCIDENT NUMBER |
| DATE OF ARREST | | DATE AGENCY NOTIFIED TO EXPUNGE |
| QUALIFYING OFFENSE | | |
| OFFENDER INFORMATION | | |
| NAME | | SID NUMBER |
| DATE OF BIRTH | | SOCIAL SECURITY NUMBER (last four digits only) |
| COMMENTS: | | |
| <h1>EXAMPLE</h1> | | |
| SUBMIT THIS DOCUMENT TO ONE OF THE FOLLOWING: | | |
| E-MAIL TO: DNAExpungement@mshp.dps.mo.gov | MAIL TO: Missouri State Highway Patrol Crime Laboratory Division DNA Profiling 1510 E. Elm St. P.O. Box 568 Jefferson City, MO 65102-9751 | FAX TO: 573-751-6507 |
| FOR LAB USE ONLY | | |
| DATE RECEIVED | | RECEIVER'S NAME |

DNA Expungement Notification

INSTRUCTIONS:

1. Thoroughly complete fields.
2. Provide comments if appropriate.
3. Email, mail, or fax the completed form.

Email:

DNAExpungement@mshp.dps.mo.gov

Mail:

MSHP – Crime Laboratory
DNA Profiling
1510 E. Elm St.
PO Box 568
Jefferson City, MO 65102

Fax: 573-751-6507

Expungement Requirements

Prosecutor & Court Responsibility

Expungement of arrestee samples may occur due to the following instances:

- If charges on the arrest are later withdrawn, the prosecutor shall notify MSHP of the withdrawal.
- If the case is dismissed, the court finds no probable cause, or if the defendant is found not guilty, the court shall notify MSHP of such findings.

Important things to remember...

- Wear gloves throughout the collection process and change them before you begin a new collection.
- Open only ONE kit at a time. Trying to perform multiple collections at one time may lead to mistakes and contamination of samples.
- If the left index finger is not available for a print, you may print another finger. Please indicate on the card which finger you printed if the left index is not used.
- Fill out the collection card thoroughly. Forgetting to complete certain areas of the card are cause for rejection and the offender may have to be re-collected, if possible.



- If you make a mistake while filling out the card, draw a line through it and correct it. DO NOT open another kit and start over.
- Be cautious not to transfer your DNA to the swab or sample. (sneezing, coughing, not wearing gloves) DNA typing is *very* sensitive. Do not touch the tip of the swab or let it come into contact with other surfaces. If this happens, discard the contaminated swab and get a new one from the extra swabs provided.
- If collecting an arrestee sample, it is imperative that you remember to put the OCN on the card. The SID number is also very important, if it is available at the time of collection.
- Ensure that your agency and phone number appear on the back of the collection card in case we need to contact you with questions.

- If collecting a sex offender or arrestee sample, be sure to notate an "A" or "SO" on the sample card.
- **DO NOT use the collection kits for casework or suspect standards!**
- When transferring the sample to the pink circles on the collection card, do not rub the swab on the paper. This will cause the paper to shred.
- Ensure that the pink area where the sample is transferred turns white. A full white circle ensures that we will have enough sample to work with. If you have not gotten enough sample, use one of the extra swabs provided and try again.
- If you have any questions, instructions for sample collection are on the card **OR** call: **DNA Profiling, 573-526-6134**



Reasons for REJECTION

- No Certification/
Signature
- No Fingerprint
- Questionable Source
- Unacceptable Profile
 - Insufficient sample
 - Mixture
- Unsealed Envelope
- Unqualified
- Duplicate
- Wrong kit used

P00034643



Missouri State Highway Patrol
Convicted Offender DNA Sample Collection Card

**DO NOT TOUCH THE PINK SAMPLE
COLLECTION PAPER INSIDE THE
ENVELOPE**

REJECTED

Instructions
SAMPLE

1. Turn this card over (backside), and fill out required information, including a left index fingerprint.
2. Return to front. Fold this flap along the dashed line, making certain the pink sample area remains covered. Fill out offender information on the form.
3. Proceed to sample collection.

Note: Sample collection directions are on the inside of this flap.

It is recommended that protective gloves are worn while collecting sample.

DO NOT USE THIS CARD FOR
CASEWORK SAMPLES

Sample integrity is up to YOU!

You are the first step in sample collection which is the most important step of the process. By performing the collection accurately, you will help ensure the integrity of the DNA Profiling system for our state. If the sample is not collected, a serial criminal could go undetected and more people could be victimized. If the sample is contaminated, degraded, or insufficient, the DNA analysis may not work properly. If the integrity of the sample is compromised either due to contamination or inaccurate documentation, any information leading to the identification of the perpetrator of an unsolved case may not be allowed in court.

Questions and Answers

- **Why do I have to swab the offender's mouth for one minute?**

Swabbing for one minute ensures that in most cases, enough DNA was obtained to develop a profile. Swabbing the mouth removes cells from the cheek, which contain DNA. The amount of cells collected depends on the individual. Each person releases cells at a different rate. The saliva to the swab helps transfer the cells containing DNA from the swab to the paper. The transfer method results in the loss of sample, but it is necessary for the type of analysis performed at the Patrol laboratory. Obtaining a sufficient amount of DNA for analysis is dependent on the diligence of the officer.

Questions and Answers

- **What if the paper doesn't turn white when I apply the swab to the circle?**

The liquid in the sample causes the color change in the paper. Any liquid, such as water, added to the paper will cause the same color change. If the pink color only changes slightly, there may not have been enough liquid to transfer the DNA to the paper. Turn the swab over and continue to press it to the same circle. If you still think there may not be enough sample, use one of the extra swabs provided and collect the sample again. Do not rub the swab on the paper because the paper will shred.

- **How do I dry the sample?**

The sample can be dried at room temperature inside the envelope. The paper envelope provided in the kit will allow enough airflow to dry the sample in the envelope.

Questions and Answers

- **If the offender asks me why they have to give their DNA, what should I tell them?**

Tell the offender that they are required by state law to provide a DNA sample due to their conviction, arrest, or requirement to register as a sex offender. There is no right to refuse the collection.

- **If the offender asks what will happen to the sample next, what should I tell them?**

Tell the offender that the sample will be sent to Missouri State Highway Patrol Crime Laboratory for analysis. It will then be entered into the Missouri and National database. DNA profiles in these databases are compared with profiles obtained from evidence of unsolved crimes.

Questions and Answers

- **What if the SID (state identification number) is not available when I collect an arrestee sample?**

Arrestee samples should be the only samples collected where it may be difficult for the collecting officer to have the SID number at the time of collection. If you have not received a SID number for the individual at the time of collection, it is still ok to send the sample without the SID number. Once the sample is received by MSHP, we will attempt to identify the SID number.

- **Can sex offender samples be collected retroactively or only for new registrants?**

Yes, persons renewing their registration who have not previously had a DNA sample taken, may be collected.

Questions and Answers

- **If the arresting agency forgets to collect a sample from an individual for a qualified arrest upon booking and the individual is sitting in jail awaiting trial for the charges, can a sample still be taken?**

Collection of qualified arrestees should take place upon booking. However if the collection is missed and the individual is still in jail custody, a sample may still be taken. However any individuals arrested for qualifying offenses prior to August 28, 2009 (effective date of arrestee legislation) may NOT be collected.



Thank you for your attention!

MSHP – Crime Laboratory

DNA Profiling Section

573-526-6134