Convicted Offender DNA Collection

A 25 slide presentation on the collection and submission of convicted offender DNA samples for the Montana DNA database program

NEW COLLECTION KITS!!

Megan Ashton

MT State CODIS Administrator

406-728-4970

A Brief History (slide 1 of 4)

- The original MT DNA statute only included Sexual and Violent offenders.
- Amendments in 2001, 2005, 2011, and 2013 changed which offenders qualify for DNA collection.
- This presentation was developed by the MT Forensic Science Division to assist you with determination of who qualifies for DNA collection in Montana and how to collect the DNA samples.

A Brief History (slide 2 of 4)

- MCA 44-6-1, enacted in 1995, authorizes the establishment and maintenance of a DNA database for Montana.
- The MT database is a member of the Combined DNA Index System (CODIS), which links state and national DNA databases for searching.
- As of April 7, 2005, anyone convicted of a felony in MT is required to submit a DNA sample for the MT DNA database.
- As of Oct. 1, 2011, Interstate Compact Offenders transferred to MT that were convicted of an offense equivalent to a MT felony are required to submit a DNA sample for the MT DNA database.

A Brief History (Slide 3 of 4)

- As of October 1, 2013, Sexual and Violent offender REGISTRANTS will need to provide a DNA sample for the database.
- This includes out of state registrants as well as those convicted in Montana, if they have not already provided a sample.
- This is a significant change from previous years.

A Brief History (slide 4 of 4)

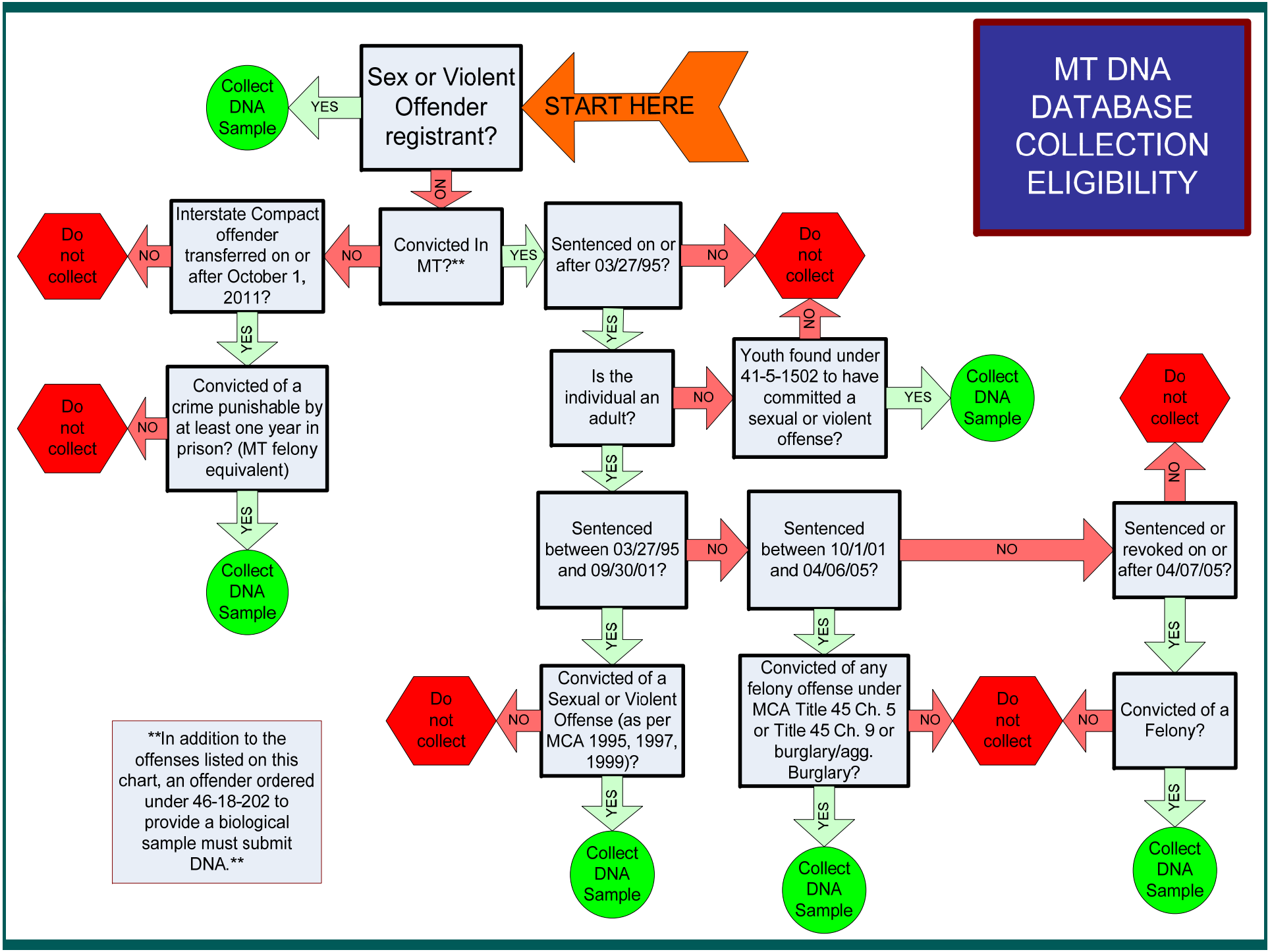
- Samples are taken of buccal (pron. “buckle”) cells by swabbing the inside of the cheek with a foam swab and transferring the cells to a pink FTA card.
- A DNA profile is developed from these cells and entered into the DNA database for the purpose of identifying perpetrators of unsolved crimes.

In this presentation you will be introduced to:

- How to determine if the offender was convicted of a qualifying offense
- The MT DNA Collection Kit
  - How to collect the sample
  - How to fill out the information card correctly
  - How to package the sample
  - How to submit the sample to the lab

How to determine whether the offender was convicted of a qualifying offense

- The following slide is a decision flow chart to assist with this determination.
- Within the flow chart are references to the appropriate MT Codes Annotated (MCAs) to assist with this determination.
- *The offense and the date of sentencing must be known to effectively use the chart.*
- If the individual was convicted of a *non-qualifying* offense, but was court ordered to provide a sample, please include a copy of the court order.


MT DNA DATABASE COLLECTION ELIGIBILITY
START HERE
Sex or Violent Offender registrant?
YES
Collect DNA Sample
NO
Convicted In MT?**
YES
Sentenced on or after 03/27/95?
NO
Do not collect
NO
Interstate Compact offender transferred on or after October 1, 2011?
NO
Do not collect
YES
Convicted of a crime punishable by at least one year in prison? (MT felony equivalent)
NO
Do not collect
YES
Collect DNA Sample
YES
Is the individual an adult?
NO
Youth found under 41-5-1502 to have committed a sexual or violent offense?
YES
Collect DNA Sample
NO
YES
Sentenced between 03/27/95 and 09/30/01?
NO
Sentenced between 10/1/01 and 04/06/05?
NO
Sentenced or revoked on or after 04/07/05?
NO
Do not collect
YES
Convicted of a Sexual or Violent Offense (as per MCA 1995, 1997, 1999)?
NO
Do not collect
YES
Collect DNA Sample
YES
Convicted of any felony offense under MCA Title 45 Ch. 5 or Title 45 Ch. 9 or burglary/agg. Burglary?
NO
Do not collect
YES
Collect DNA Sample
YES
Convicted of a Felony?
NO
Do not collect
YES
Collect DNA Sample
In addition to the offenses listed on this chart, an offender ordered under 46-18-202 to provide a biological sample must submit DNA.

The NEW!!! MT Convicted Offender DNA Collection Kit

- The MT FSD has recently changed the offender DNA collection kit to a custom kit designed by us.
- The samples are still collected via buccal cells, however, the collector will now need to transfer those cells to an FTA filter paper prior to sending it to the laboratory.

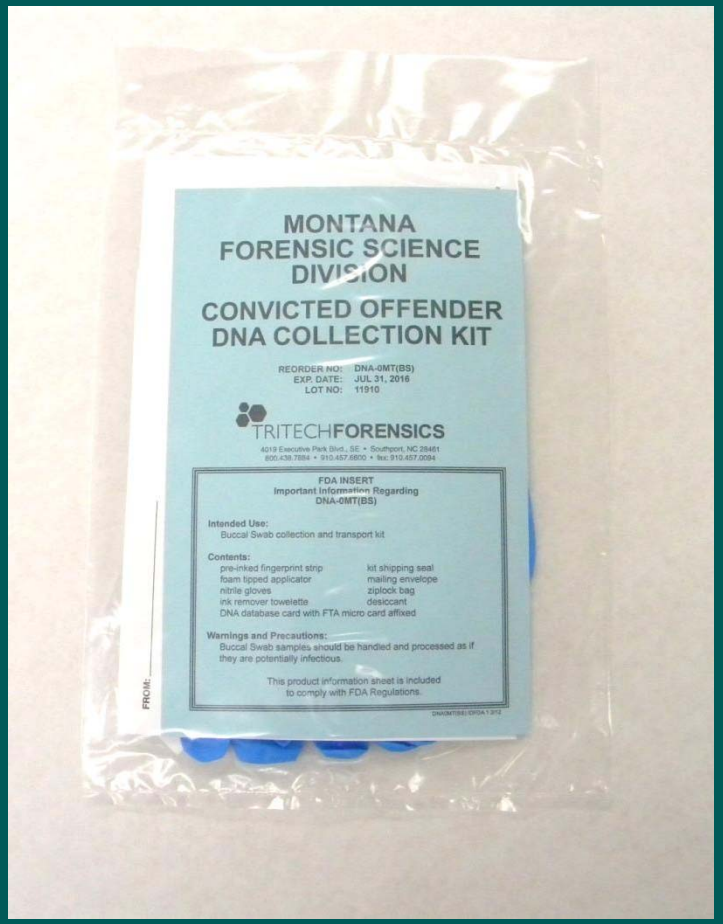
The NEW!!! MT Offender DNA Collection Kit

- This change in kits will allow the MTFSD to process offender samples much more quickly and efficiently so we can link offenders to unsolved crimes faster!!!
- We realize that this is a significant change for you, so please don’t hesitate to call us with any collection questions.

The NEW!!! MT Offender DNA Collection Kit

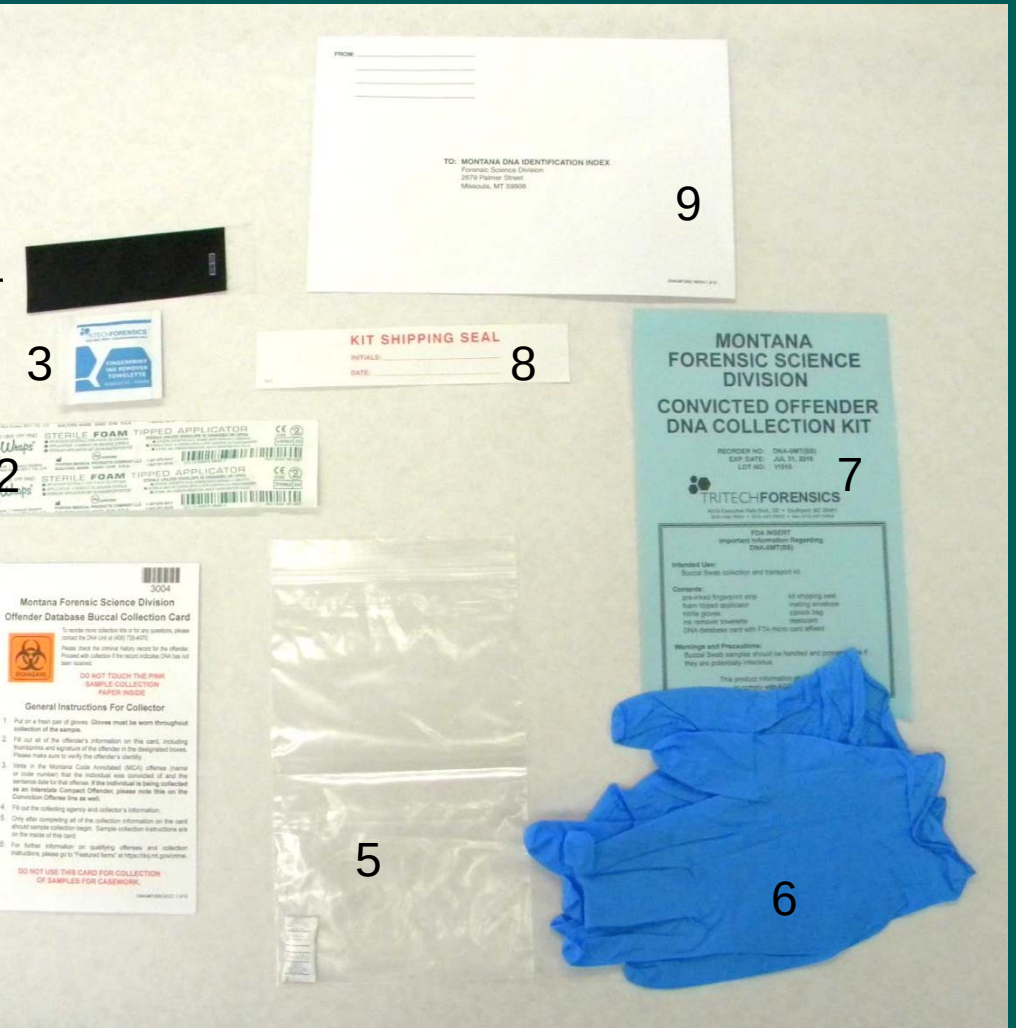
- MT FSD will continue to supply kits to correctional and law enforcement agencies free of charge.
- To obtain DNA Collection Kits please contact the MT FSD Laboratory Serology/DNA Section at 728-4970.
- These are free of charge to you but paid for by the MT FSD Laboratory so please use these ONLY for convicted offender sample submission.

The NEW MT Convicted Offender DNA Collection Kit



The kit consists of a sealed plastic bag containing sample collection materials.

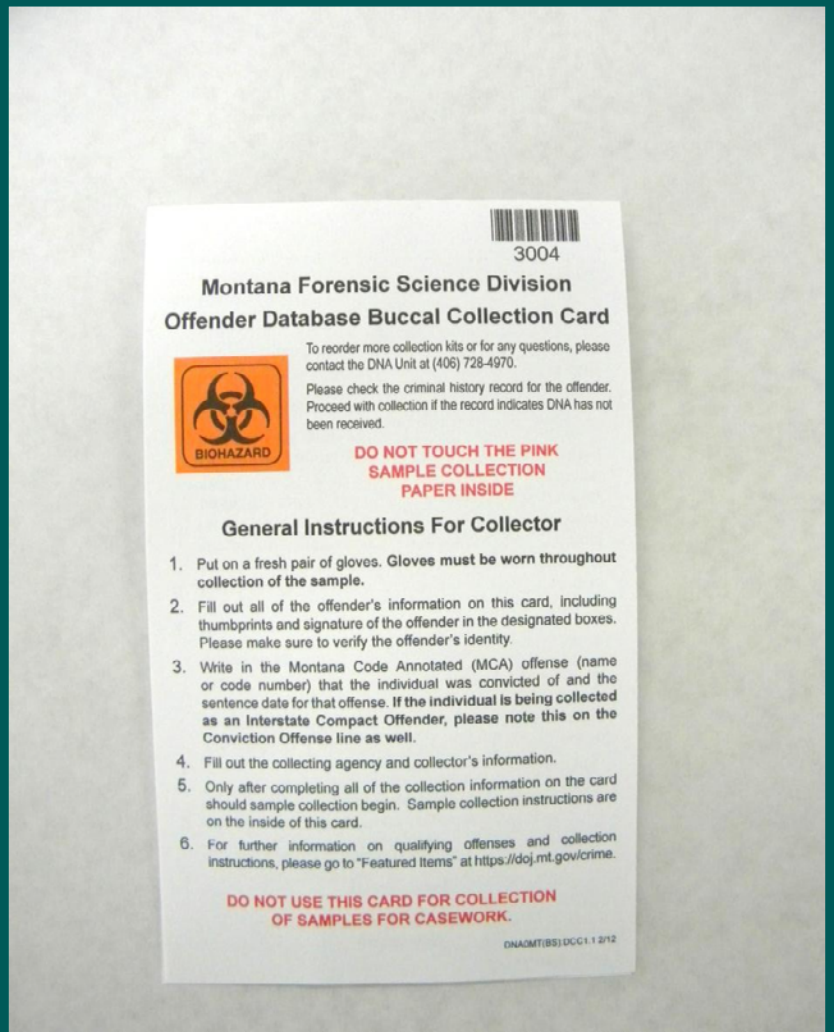
The MT Convicted Offender DNA Collection Kit Contents



Inside the plastic bag is:

1) Folded collection card with instructions and an attached FTA card
2) Sealed envelope containing one foam swab
3) Fingerprint ink remover towelette
4) Fingerprint ink strip
5) Zip-top plastic bag with a pouch of desiccant
6) Pair of nitrile gloves
7) Kit information sheet
8) Kit shipping seal
9) Labeled return mailing envelope

Front of Collection Card



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Montana Forensic Science Division

Offender Database Buccal Collection Card

BIOHAZARD

To reorder more collection kits or for any questions, please contact the DNA Unit at (406) 728-4970.

Please check the criminal history record for the offender. Proceed with collection if the record indicates DNA has not been received.

DO NOT TOUCH THE PINK SAMPLE COLLECTION PAPER INSIDE

General Instructions For Collector

1. Put on a fresh pair of gloves. **Gloves must be worn throughout collection of the sample.**
2. Fill out all of the offender's information on this card, including thumbprints and signature of the offender in the designated boxes. Please make sure to verify the offender's identity.
3. Write in the Montana Code Annotated (MCA) offense (name or code number) that the individual was convicted of and the sentence date for that offense. **If the individual is being collected as an Interstate Compact Offender, please note this on the Conviction Offense line as well.**
4. Fill out the collecting agency and collector's information.
5. Only after completing all of the collection information on the card should sample collection begin. Sample collection instructions are on the inside of this card.
6. For further information on qualifying offenses and collection instructions, please go to "Featured Items" at https://doj.mt.gov/crime.

DO NOT USE THIS CARD FOR COLLECTION OF SAMPLES FOR CASEWORK.

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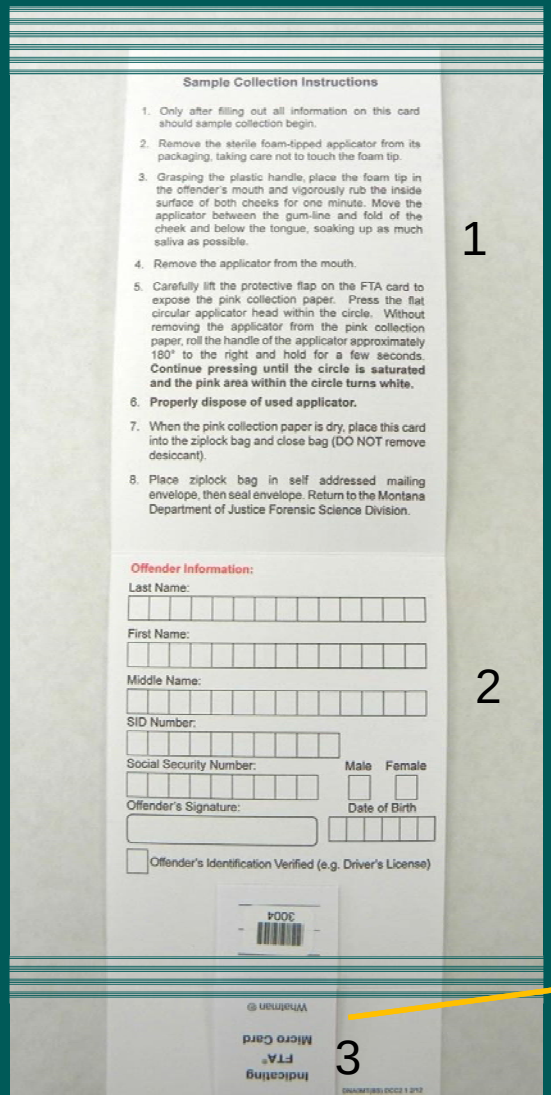
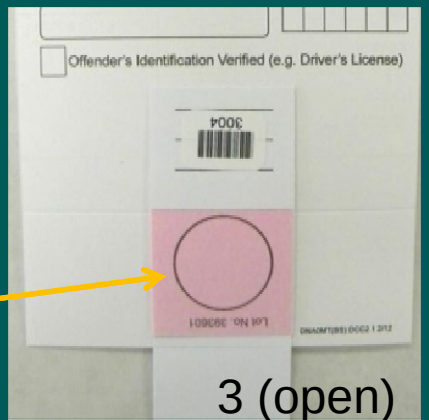
The front of the card contains general instructions for the collector and laboratory contact information

Inside of Collection Card



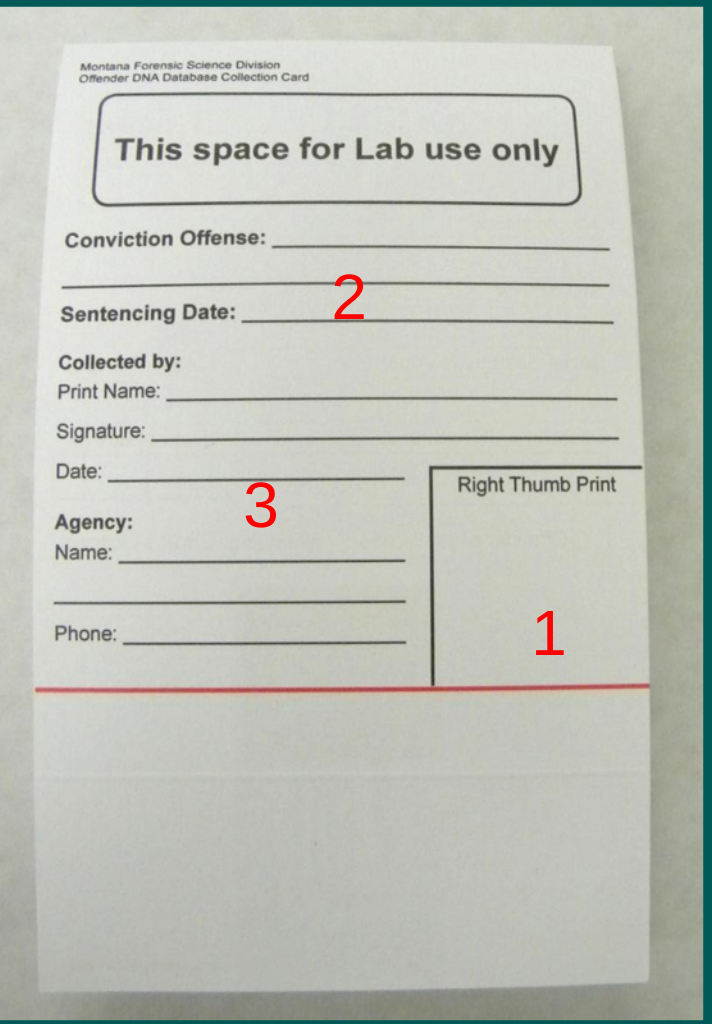
The inside of the collection card contains 3 parts:

1) Sample collection instructions
2) Offender's information
3) Indicating FTA Micro Card



3 (open)

Back of Collection Card



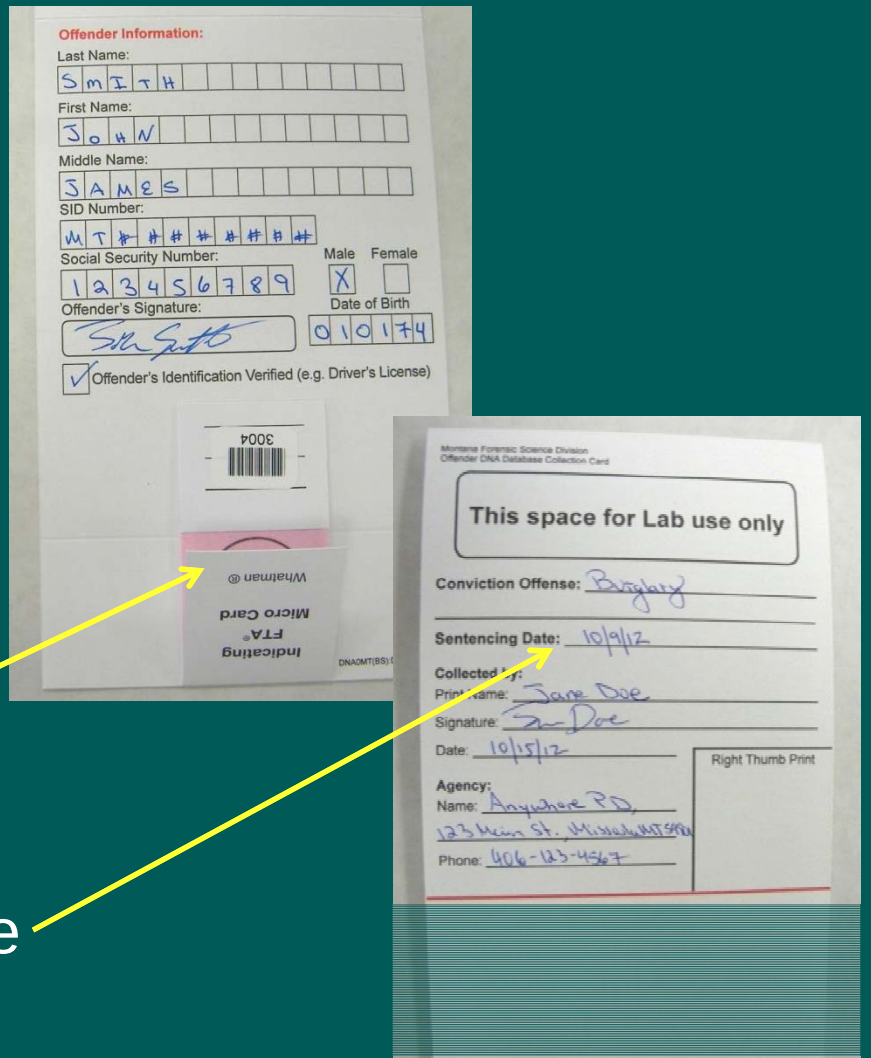
The back of the collection card is used for the following:

1) collection of the right thumb print (for ease of collection, you may place thumbprint sideways on card)
2) documentation of the conviction offense and date of sentencing
3) the name and agency information of the collector and the date collected

DNA Collection

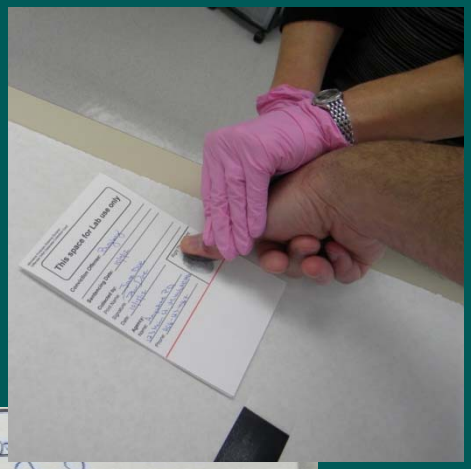
Step 1: Fill out the collection card

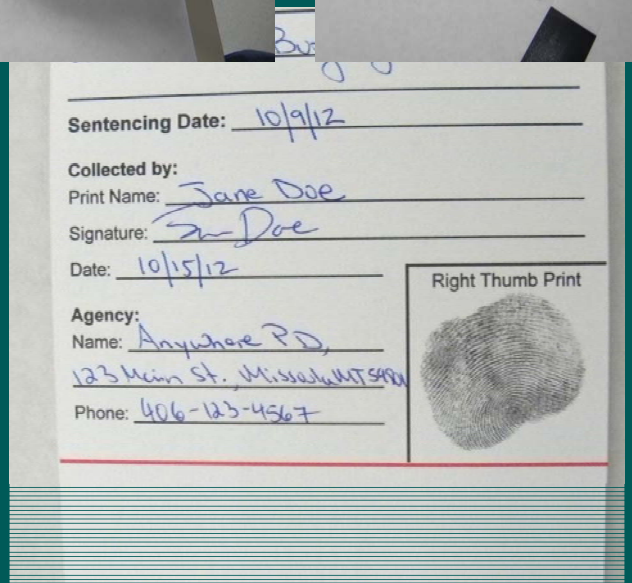
- Put gloves on (gloves must be worn throughout collection)
- Fill out all the requested information on the inside and back of the collection card (do not have the offender do this)
- TAKE CARE NOT TO TOUCH THE PINK FTA PAPER
- Please include the sentence date with the offense



DNA Collection
Step 2: Take Right Thumbprint

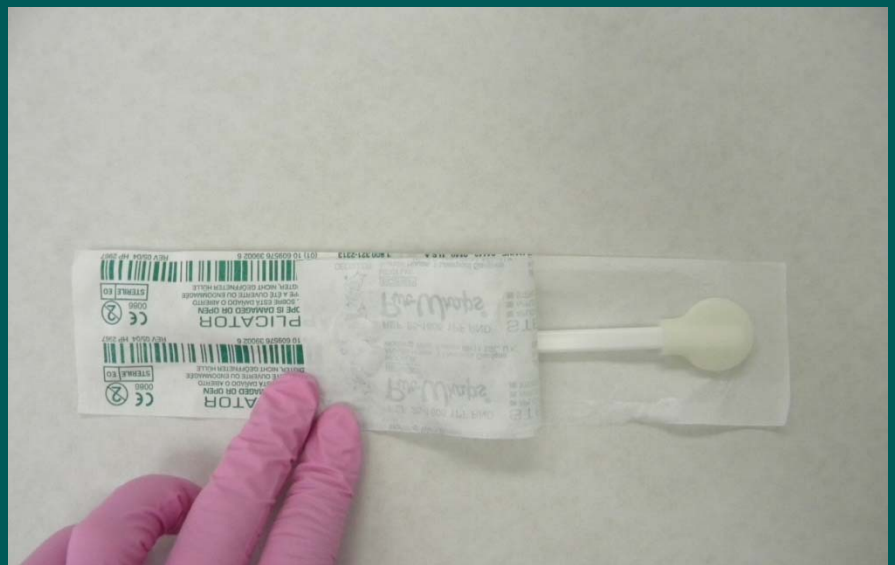
- Use enclosed ink strip to take the right thumbprint.
- Place thumbprint on the back of the collection card (you may place thumbprint sideways on card for ease of collection).
- If the offender does not have a right thumb, use the left and note that it is the left thumb on the card.
- Use the enclosed ink remover towelette to clean the ink from the offender's thumb.





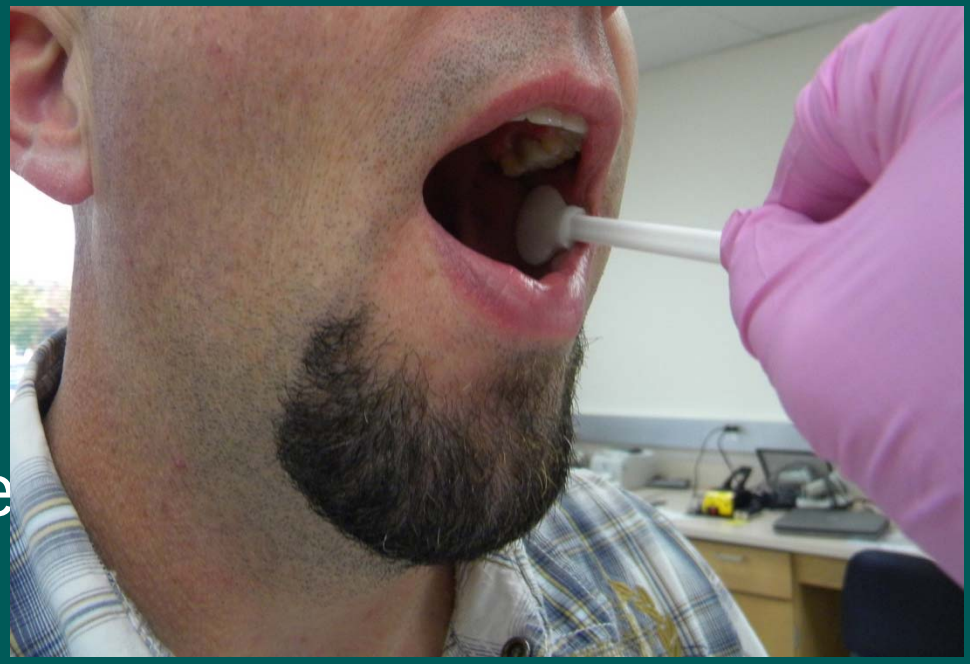
DNA Collection
Step 3: Collecting the DNA Sample

- Remove the foam swab from the package (Do not touch the swab to any surfaces except the offender's mouth and the FTA card after swabbing)



DNA Collection Step 3: Collecting the DNA Sample

Using the foam swab, rub the inside of the offender's cheeks for 30 seconds to one minute.



Move the swab between the gum-line and fold of the cheek soaking up saliva.

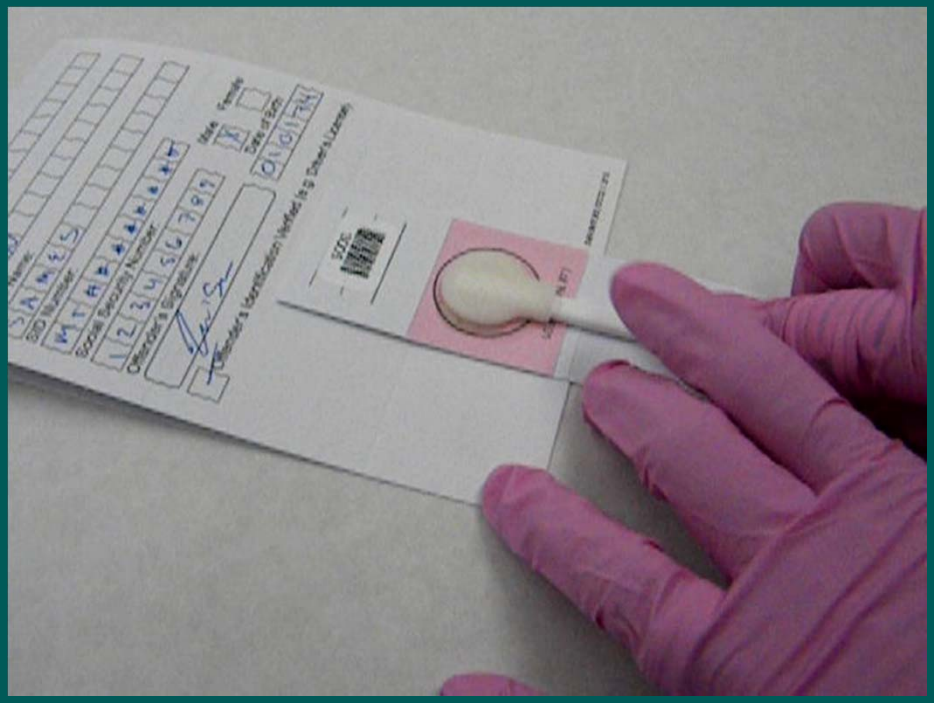
Remove the swab from the mouth.

DNA Collection Step 3: Collecting the DNA Sample

Lift the flap on the FTA card to expose the pink paper.

Press the foam swab within the circle.

Roll the handle of the swab approximately 180 degrees and hold for a few seconds.



(above is a video – mouse over to see play button)

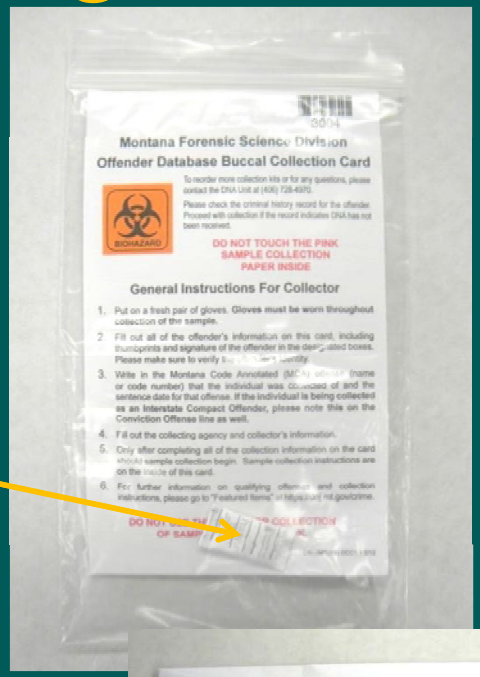
Continue folding and pressing until the area in the circle turns whitish

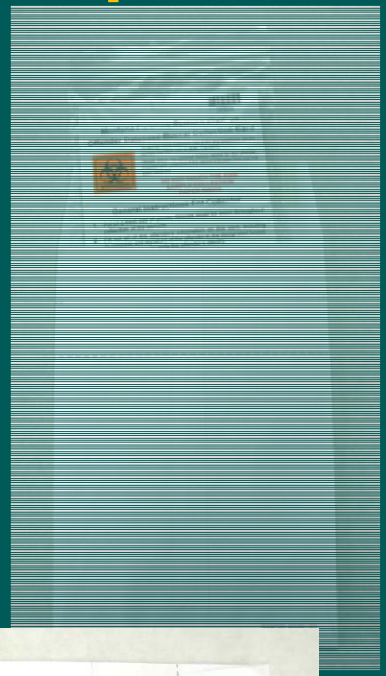
DNA Collection Step 3: Collecting the DNA Sample

- Dispose of the foam swab after application to the FTA card. Do not send the foam swab to the laboratory.
- Allow the FTA card to dry (this may take a while).

DNA Collection
Step 4: Packaging the Sample

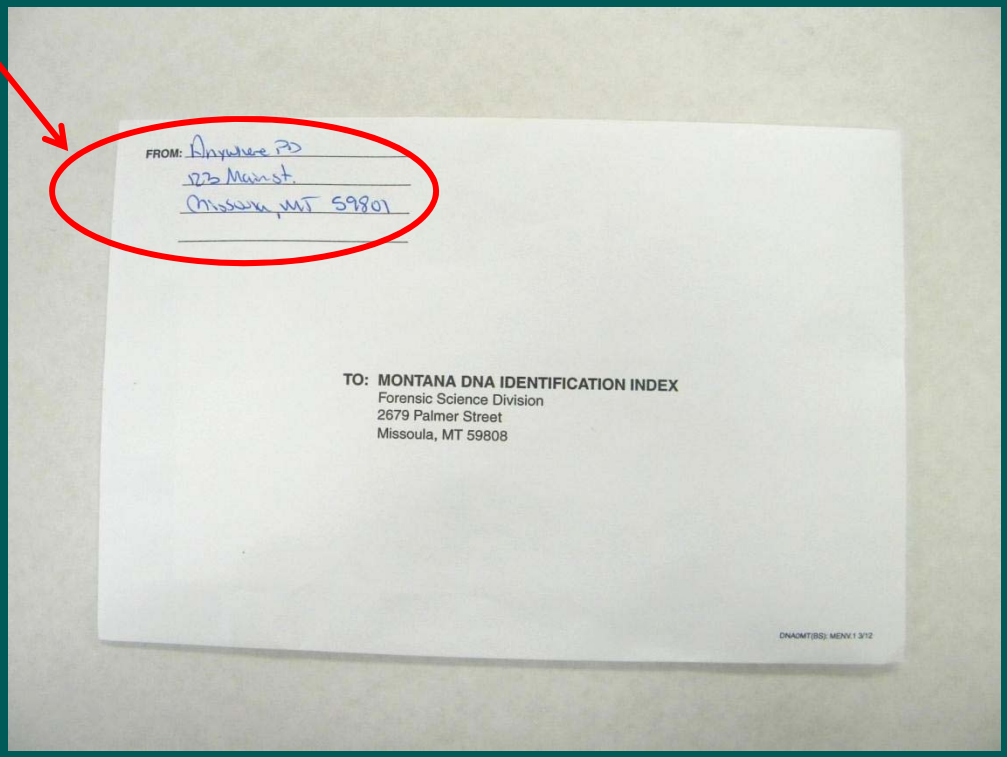
- When the FTA card is dry, place the collection card in the ziplock bag and close the bag. (DO NOT remove desiccant pouch).
- Place the ziplock in the mailing envelope and seal with kit shipping seal (DO NOT lick the envelope). Date and initial the seal.





DNA Collection
Step 4: Submitting the Sample

- Complete the return address information
- Affix postage
- Put in the mail
- You can send by Certified Mail if you choose
- A lab evidence submission form is NOT required for



Miscellaneous

- The Documentation of DNA Test Collection form is to be returned to Probation and Parole.
- We don’t need this information.

- Thank you for your time and commitment to this critical part of Montana’s criminal justice system.