

Biological Samples

903.1 PURPOSE AND SCOPE

This policy provides guidelines for the collection of biological samples from those individuals required to provide samples upon conviction for certain offenses. This policy does not apply to biological samples collected at a crime scene or taken from an individual in conjunction with a criminal investigation. Nor does it apply to biological samples collected from those required to register, for example, as sex offenders.

903.2 POLICY

The Vancouver Police Department will assist in the expeditious collection of required biological samples from offenders in accordance with the laws of this state.

903.3 OFFENDERS SUBJECT TO DNA COLLECTION

The following offenders must submit a biological sample (RCW 43.43.754)

- (a) An offender convicted of any felony offense.
- (b) An offender convicted of assault in the fourth degree where domestic violence as defined in RCW 9.94A.030 was pleaded and proven (RCW 9A.36.041).
- (c) An offender convicted of assault in the fourth degree with sexual motivation (RCW 9A.36.041; RCW 9.94A.835).
- (d) An offender convicted of communication with a minor for immoral purposes (RCW 9.68A.090).
- (e) An offender convicted of custodial sexual misconduct in the second degree (RCW 9A.44.170).
- (f) An offender convicted of failure to register as a sex or kidnap offender (RCW 9A.44.130; RCW 9A.44.132).
- (g) An offender convicted of harassment (RCW 9A.46.020).
- (h) An offender convicted of patronizing a prostitute (RCW 9A.88.110).
- (i) An offender convicted of sexual misconduct with a minor in the second degree (RCW 9A.44.096).
- (j) An offender convicted of stalking (RCW 9A.46.110).
- (k) An offender who violates a sexual assault protection order granted under RCW 7.90.005 et seq.

903.4 PROCEDURE

When an offender is required to provide a biological sample, a trained officer shall attempt to obtain the sample in accordance with this policy.

- (a) Advise the offender their mouth must be free of food, gum, or foreign objects for at least ten minutes prior to the sample collection. Verify the offender's identity with a government issued form of photo ID and make a photocopy. If an individual does not have a valid ID, one may be printed from the CCSO mugshot program. Verify the conviction is a qualifying conviction.

Vancouver Police Department

Vancouver PD Policy Manual

Biological Samples

- (b) Access NCIC/WACIC to see if the individual's DNA is already on file. This database is the only program WSP requires be checked for the current DNA status of the individual. There is no need to obtain a biological sample if one has previously been obtained (RCW 43.43.754).
- (c) Open the WSP Convicted Offender Oral Swab Kit and fill out the Felon Submission Card.
 - (a) **The officer will submit all swabs into evidence in a manner consistent with Department evidence collection protocol and a police report will be completed.**
- (d) Have the offender ink both thumbs using an ink pad. Instruct offender to apply their thumbprints to the appropriate space on the submission card. Instruct offender to press and lift their thumbs, not roll their thumbs. A moist towelette is provided in the kit to remove the ink.
- (e) Remove the foam swab and instruct the offender to swab between the lower right gum line and cheek for approximately 30 seconds. Rotate swab and repeat on the other side of the mouth.
- (f) Have the offender place the foam swab on a DNA card circle and press down in a rocking motion to transfer cells. The color on the card should change from pink to white within the circle. Turn the swab over and repeat the process on the second DNA circle. Discard the swab in the biohazard box.
- (g) Place the DNA card and submission card inside the return envelope. Seal the envelope with safety seal; date and initial the seal.
- (h) Once you have completed the DNA collection process, stamp the individual's court paperwork with the DNA stamp located at the front counter. The stamp says, "DNA taken by the Vancouver Police Department," and has a line for your initials, PSN and the date. Fill it out accordingly. Direct the individual to take their paperwork back to the court to prove they have complied with the order.
- (i) Place the completed kit in the mail bin so it can be mailed to the WSP lab immediately.
- (j) Place a copy of the ID with the date at the top in the basket for the monthly count. Once the count is completed and sent to the patrol Administrative Sergeant, the copies are to be shredded.
- (k) All steps in the DNA process are to be completed at the time the DNA is taken.

903.5 TRAINING

The Training Division will provide training as needed in regards to the collection and processing of Biological Samples.