

DNA Testing.....	1
I. Testing of Inmates	1
A. Criteria for DNA Testing.....	1
II. DNA Testing Procedures	2
A. Time Limits	2
B. Collection Process	2
III. References	3
IV. Action.....	4

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DNA Testing	ACA Standards: 2-CO-1F-07		
Joe M. Allbaugh, Director Oklahoma Department of Corrections		Signature on File	

DNA Testing

The Oklahoma Department of Corrections (ODOC) is responsible for collecting samples for DNA testing from inmates and submitting the samples to the Oklahoma State Bureau of Investigation (OSBI) in accordance with state law. (2-CO-1F-07)

For the purpose of this procedure, the term “inmate” applies to anyone in the custody or care of a prison or community-based facility operated by or contracted with the Oklahoma Department of Corrections.

I. Testing of Inmates

The following inmates are subject to DNA testing.

A. Criteria for DNA Testing

1. Any inmate who has been convicted of a felony offense, or has received a delayed sentence, and is incarcerated or in the custody of ODOC after July 1, 1996, will be required to provide a blood or saliva sample for DNA testing prior to their release.
2. Any inmate who receives a suspended sentence after January 1, 2006, and is not sentenced to a term of confinement, will provide a blood or saliva sample as a condition of such sentence (Oklahoma Statute Title 22 and Title 57).
3. Any inmate who has previously submitted a blood or saliva sample for DNA testing, and for whom a valid sample is on file with the OSBI at the time of their sentencing, will not be required to submit to another sample.
4. Any inmate who receives a deferred sentence for an offense that does not require registration as a sex offender, and is supervised by Probation and Parole or the Community Sentencing Program, and is ordered by the court to submit to DNA testing, will be required to submit to testing within 30 days of said order.

5. Any inmate who receives a deferred sentence for a sex offender registration offense and is required to register as a sex offender must submit to DNA testing in accordance with [OP-020307](#) entitled "Sex and Violent Crime Offender Registration."

II. DNA Testing Procedures

A. Time Limits

1. Any inmate who is convicted of an offense that requires DNA testing after July 1, 1996 and is sentenced to a term of incarceration will be tested within ten days of receipt at the assessment and reception center. DNA samples collected will be mailed to the OSBI within ten days of collection.
2. Any inmate who is convicted of an offense that requires DNA testing after July 1, 1996 and is sentenced to probation will be required to submit to testing within 30 days of sentencing to ODOC or to the county sheriff, as directed by the court. Inmates sentenced to a term of incarceration in a county jail will submit to testing at the jail, by the county's sheriff. DNA samples collected will be mailed to the OSBI within ten days of collection.
3. Inmates subject to DNA testing and who are not received at the assessment and reception center will be required to pay a fee of \$15 to ODOC, payable by cashiers check or money order.

B. Collection Process

1. Collection kits will be supplied by the OSBI. Sample collection for DNA testing will be conducted by an employee or contractor of ODOC, or by an employee/contractor of the county sheriff's department or any peace officer directed by the court.
2. Designated employees or contractors will receive training in the proper methods and procedures for collecting, handling, and preserving samples through an instructional videotape prepared by the OSBI.
3. All samples collected will be submitted to the OSBI DNA Laboratory at the following address:

Oklahoma State Bureau of Investigation
Criminalistic Service Division
800 East 2nd Street
Edmond, Oklahoma 73034
ATTENTION: DNA Laboratory

4. Prior to release from custody by discharge, parole, or transfer to any alternative to incarceration program, the inmate's current facility will

ensure that a sample has been obtained and submitted to the OSBI in accordance with this procedure.

5. When an inmate is received for community supervision, the OSBI database will be searched by the appropriate staff person to determine if a sample has been previously collected. If a sample is required and has not been submitted, a sample will be collected and submitted to the OSBI in accordance with this procedure.
6. The inmate's fingerprint will be obtained and imprinted on the sample collection card, prior to sample collection.
7. The following guidelines will be adhered to when a DNA blood or saliva sample is collected:
 - a. The person obtaining the sample is responsible for preserving it on the sample collection card or in the appropriate sample collection tube/container.
 - b. The person collecting the saliva sample will place it in the appropriate sample collection tube/container.
 - c. The person collecting the sample will label it immediately after it is collected. The label will include the information required by the OSBI.
8. Any use of force necessary to collect the DNA sample, will be in accordance with [OP-050108](#) entitled "Use of Force Standards and Reportable Incidents."

III. References

Policy Statement No. P-140100 entitled "Inmate Medical, Mental Health and Dental Care"

OP-020307 entitled "Sex and Violent Crime Offender Registration"

OP-050108 entitled "Use of Force Standards and Reportable Incidents"

22 O.S. § 991a

57 O.S. § 581 et seq

74 O.S. § 150.27

74 O.S. §150.27a

Shaffer v Saffle, 198 F3d 1180 (10 cir 1998)

IV. Action

The chief medical officer is responsible for compliance with this procedure.

The division manager of Health Services is responsible for the annual review and revisions.

Any exceptions to this procedure will require prior written approval from the director.

This procedure is effective as indicated.

Replaced: Operations Memorandum No. OP-140401 entitled "DNA Testing" dated September 9, 2014

Distribution: Policy and Operations Manual
Agency Website