

UPPER MERION TOWNSHIP POLICE DEPARTMENT
POLICY AND PROCEDURES

No. 605

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DNA COLLECTIONS

- I. PURPOSE:** The purpose of this Policy is to set forth a procedure outlining the collection, processing, and preservation of DNA evidence and reference samples. It establishes training protocols for the handling of DNA evidence and reference samples and applies to all members of the Department who collect, process and/or possess evidence or reference samples in the performance of their duties. Properly trained personnel under established protocol certify the authenticity of the collected data.
- II. POLICY:** It is the policy of the Upper Merion Township Police Department to establish a procedure for the collection, processing and preservation of DNA evidence, while maintaining the professional integrity of the Department and the constitutional rights of the citizens whom we serve.
- III. CROSS-REF:** POLICY #600: EVIDENCE AND PROPERTY CONTROL
- IV. DEFINITIONS:**
- BUCCAL SWAB: A sample of cells gathered from the inside surface of an individual's cheeks.
- DNA: Deoxyribonucleic acid is a molecule which carries genetic information which when properly analyzed may identify the individual from whom it came.
- DNA EVIDENCE: A swab sampling or object from a crime scene which an officer reasonably believes contains DNA material that may connect a suspect to a criminal incident.

LOCAL OFFENDER DNA INDEX SYSTEM: Database compiled and managed by a Department approved DNA testing provider containing samples obtained by the Department.

KNOWN REFERENCE SAMPLE (Green Labeled Envelope): A sample given by a known individual with a confirmed identity for comparison to evidence samples taken at a crime scene. Known reference samples may be taken from victims, witnesses, suspects, etc.

PRESUMED KNOWN REFERENCE SAMPLE (Yellow Labeled Envelope): Samples collected from an item that was observed to have been in the possession of an individual and discarded in the sight of the officer collecting the item or a sample taken from an individual who has no confirmable identity for comparison.

DNA EVIDENCE OF UNKNOWN ORIGIN (Red Labeled Envelope): Samples collected from a crime scene where the individual/subject is unknown.

V. PROCEDURE:

A. ADMINISTRATION:

1. **Administrators:** DNA Administrators shall be assigned by the Lieutenant of Investigations and will be responsible for the administrative handling of reference and evidentiary samples. The administrator will assess the samples submitted to determine their likelihood of producing a DNA profile. The administrator will catalog and/or send samples to the laboratory for analysis taking current crime trends and budgetary issues into consideration. When a “hit” or match is returned through the DNA Database Client Interface, the Administrator will provide relevant information to the assigned investigating officer or detective.
2. **Training:** Initial Training will be provided to personnel who will be collecting or processing swabs for submission. The training will encompass this Policy, nomenclature of equipment, collection techniques/storage requirements ensuring the best documentation, processing, preservation and storage. New officers will receive training as part of their Field Training.
3. **Refresher Training:** Refresher training will be administered as necessary in accordance with any changes in the law, equipment, techniques and/or procedures.

B. GENERAL DNA COLLECTION GUIDELINES:

1. Care should be taken when collecting, packaging and transporting DNA samples and evidence.
 - a) Minimize Contamination: Contamination is defined as the accidental transfer of DNA (commonly referred to as cross-contamination). This transfer could be DNA from one item of evidence to another or DNA from the involved officer to the evidence. Officers collecting DNA will always wear disposable gloves when collecting evidence, and change them often. Gloves should be changed between each item collected, after using a cell phone or radio, and after touching the face, eyes, nose or hair for any reason, such as after sneezing, coughing, yawning, etc. Items of evidentiary value should be handled as little as possible to prevent contamination and to prevent the potential loss of touch DNA evidence. Officers collecting should avoid talking, coughing, or sneezing in the vicinity of evidence to be processed.
 - b) Packaging: Plastic should never be used to package DNA samples and/or evidence; DNA evidence must be allowed to breathe. Clean and dry manila envelopes, brown paper bags or cardboard boxes should be used to package samples/evidence. When dealing with larger immovable objects of evidentiary value, officers should use swabs for the collection method. Each evidentiary item must be packaged separately. Each item should be placed in a separate envelope or container to avoid transfer of biological fluid from one item to the next.
 - c) Transporting: Biological evidence is sensitive to such environmental factors as sunlight, heat, moisture from humidity, burning or mixture with soils. The collectors/evidence handlers must minimize exposure to these elements. The better the conditions in which the evidence/samples are maintained, the more likely a DNA profile will be obtained. Evidence must be properly sealed and maintained; Failure to do so may result in evidence not being accepted by the lab. Officers will not leave samples and/or evidence in the trunk of a hot patrol vehicle for extended periods of time. Officers should make every attempt to transport the sample back to headquarters as soon as possible.

C. REFERENCE SAMPLES:

1. Collection of Reference Samples: Authorized collection of reference samples may occur, but is not limited to, the following:
 - a) Consent: An individual consents to providing a swab or other material directly from his/her body. All persons must be advised that the swab is being used to obtain a DNA profile that will be placed and maintained in a local DNA database. If the individual is a suspect of criminal activity, he/she must consent to giving the buccal swab specifically for DNA purposes. Consensual swabs may be collected from victims, witnesses, etc. for elimination purposes. The victim or witness providing consent will sign the

back of the evidence collection envelope formally expressing their consent. Consent in all situations must be knowing and voluntary.

b) Abandonment: Abandonment consists of material(s) that may be of evidentiary value that an officer can directly attribute to that particular person from first hand observation, e.g. blood on a cloth, saliva left on a disposed drink container, or discarded cigarette butt. The officer collecting the DNA must have a reasonable suspicion that the person has committed a particular crime in order to seize the abandoned materials. Random collections of abandoned materials will not be made. Officers may not provide materials to suspects of crimes solely to surreptitiously collect DNA samples that the suspect has refused to provide.

2. A person compelled by a court order/search warrant to provide a sample as per the order or warrant: Duress or force will NOT be used to obtain a DNA reference sample unless allowed by court order. Police must have probable cause that the suspect has committed a crime in order to obtain a search warrant or court order for the purposes of collecting a DNA profile. The District Attorney's Office MUST approve all search warrants and/or court orders.

3. When requesting a sample for elimination purposes from a juvenile victim or witness, an interested adult must be present. Officers must speak with the parent(s) or interested adult and explain the reason for the sample being taken. If the juvenile is a suspect, parental consent is required prior to swabbing the juvenile for a sample. In all cases where a juvenile is involved, the signature of both the juvenile and the interested adult must be obtained on the appropriate form.

D. PROCEDURES FOR COLLECTING DNA REFERENCE SWABS

(From other than arrestees):

1. The preferred method of collection for a reference sample is to use the buccal swab method from the person or by swabbing the surface of an object upon which the DNA has been deposited with sterile supplies provided by the Department. In rare circumstances, officers may package and send an object that they can verify was in the subject's possession and has the potential to have the subject's DNA on it. Shipping items to be processed should be reserved for extremely rare circumstances. The officer who actually obtained consent, observed the person in possession of the collected abandoned evidence or secured the surreptitious sample MUST place their name on the DNA reference submission item.

2. Samples MUST be packaged according to the following procedures:

a) The officer's name must be placed upon the package to document that he is the officer who collected the sample. This must be followed, regardless of who the investigating officer is.

- b) Reference swabs must be placed back into the original sterile packaging.
- c) Complete in full detail the label on the appropriate (6" x 9") green or yellow packaging envelopes. Complete and accurate source details **MUST** be provided in the appropriate areas, as entry into the database is strictly regulated. Include details such as why the sample is being collected, from whom the sample was collected, etc. Description comments such as "suspect" are too vague and may not be accepted.
- d) Officers **MUST** record the manner in which the individual was positively identified on the submission package.
- e) Where consent was obtained to procure the sample, check "CONSENT" and have the consenting subject sign the back of the envelope where appropriate.
- f) Place the swab in the envelope and close using the adhesive strip provided. **DO NOT USE EVIDENCE TAPE. USE THE CLEAR TAPE PROVIDED.** Initial and date the tape at the edge, allowing for the initials and date to contact both the clear tape and envelope surfaces. A Property Receipt is not required for green/yellow packaging sources.
- g) Place the packaged sample in the appropriately marked metal storage bin.
- h) Reference samples taken in the form of objects will be dried and packaged as per established evidence handling procedures. A yellow presumed known packaging envelope will be completed for these samples. If the object cannot fit into the yellow envelope, the completed envelope **MUST** be stapled or affixed to the packaging. If the object does not fit in the marked storage bin, place the sample in an evidence storage locker.

E. SAMPLES FROM ARRESTEES:

1. Collection of DNA Samples from Adult and Juvenile Arrestees – Signed consent must be obtained for the collection of a DNA sample from arrestees, including juveniles, being charged with felony, misdemeanor and summary offense(s). Juvenile samples will require parental consent prior to swabbing. Consent must be knowing and voluntary. If an arrestee and/or parent refuse to sign their name to the envelope acknowledging their consent, the sample will not be collected.
2. Procedures for collecting swabs from arrestee: Collecting swabs from arrestees will enhance the value of our database and increase the probability of obtaining a match to DNA evidence previously obtained.
 - a) It is the responsibility of the arresting officer to collect the DNA reference swab from his/her prisoners/arrestees. The arresting officer or assisting officer must wear latex gloves, and take care not to contaminate the outside of the latex gloves during this process.

- b) The collecting officer will obtain consent from the arrestee (parent if juvenile), having the arrestee/parent read and sign the consent label on the back of the envelope. Once consent has been obtained, the collecting officer is responsible for the collection of the arrestee's DNA swab and filling out the label completely, recording the incident number on the label. When practical, the collecting officer will have the arrestee obtain their own oral swab ensuring no cross contamination takes place. The officer will then properly package the DNA reference swab and place it in the DNA reference swab envelope for submission as outlined by this Policy.
- c) Individuals responding to Headquarters for processing per court order (summons arrest, after preliminary hearing, etc.) will have samples collected according to the above procedure. The arresting officer will be primarily responsible for collecting the sample, either at the hearing or at Headquarters after the hearing. If the arresting officer is not available, an officer/detective on station may be used to collect the sample.

F. DNA CRIME SCENE EVIDENCE PROCESSING AND PACKAGING:

1. Guidelines for the Collection of DNA Evidence for Processing – Officers will use the following guidelines for locating the best evidence:
 - a) Assess the scene, balance latent print option vs. swabbing evidence surfaces for DNA. Look for surfaces that will likely result in yielding DNA profiles by abrading skin cells or from bodily fluids.
 - b) For DNA, focus on body fluids (blood, semen) that may have been left by the suspect at the crime scene that tend to produce DNA profiles.
 - c) DNA profiles may also be obtained through swabbing certain surfaces for the presence of Contact DNA. Do not submit these items; rather use swabs to collect contact DNA evidence from larger surface items. (Cigarettes, gum, food products should be submitted, not swabbed).
 - d) Use swabs to collect DNA evidence at crime scenes where crimes against persons and property such as burglaries, thefts, criminal mischief have been committed. The DNA Administrator will determine which samples will to be sent for analysis after analyzing which swabs will most likely yield a DNA profile.
 - e) In constructive possession cases, including drugs, paraphernalia, and weapons cases, collect one swab per item in an effort to establish the identity of the subject(s) who had previously possessed the swabbed contraband items.
 - f) Evidence envelopes must be sealed with clear packaging tape. The evidence label will be filled out completely, particularly describing the evidence so that lab can assess these submissions.

2. Procedures for collection of DNA Evidence:

- a) DNA evidence, including swabbing, is to be collected and packaged following the same procedures as for other types of evidence. An incident number will be placed on all packaging.
- b) Collection will be completed using gloved hands to avoid contamination or cross-contamination.
- c) The preferred method of collecting evidence samples for DNA processing by the lab is to use the swab method. In both circumstances, the swab must be allowed to dry completely.
 - i. Wet samples: use a dry sterile swab to collect the wet material.
 - ii. Dry samples: use a wet sterile swab using the sterile water provided by the Department to wet the dry material before swabbing.
- d) Swab tube boxes may be used for the collection of bodily fluids (blood, semen) by swab. If necessary, place the swab used for the collection in the box, closing the end flaps. Place only one swab per box. The incident number, collecting officer's name and badge number, date and time **MUST** be placed on the side of the box. If more than one sample is being submitted in the collection, the item number must be placed on the box.
- e) Complete the label on the red (6" x 9") "UNKNOWN DNA SCENE EVIDENCE" packaging envelope. Mark the DNA Score as High (for blood, semen, saliva, hair shaft with root), Medium (for skin cells, contact DNA) or Low (for Urine, feces, hair shaft (w/out a root)). These degrees indicate the probability of getting a DNA profile from the submitted swab/item. Provide a complete and detailed description when completing the Offense and Evidence Categories and when describing the evidence for DNA lab personnel. **PACKAGE ONLY ONE SAMPLE PER ENVELOPE.**
- f) Seal the envelope using clear packaging tape. Initial and date the tape at the edge, allowing for the initials and date to contact both the tape and envelope surfaces. Complete a property receipt and attach. **DO NOT LICK THE ENVELOPE SEAL.**
- g) For all bodily fluid samples/evidence (blood, semen, urine, feces, etc.) place a Biohazard sticker on the envelope prior to submission.
- h) Deposit the envelope and receipt into the temporary evidence lockers.
- i) Objects other than swabs collected for DNA testing are to be completely dried prior to packaging, and properly packed as any other evidence, including the use of evidence tape. Moisture affects the collection and analysis of evidence for DNA processing. **ONLY PAPER PACKAGING SHOULD BE USED** (such as

sturdy envelopes, brown paper evidence bags, or cardboard boxes). DO NOT USE PLASTIC TO PACKAGE EVIDENCE to be submitted for DNA testing. Clearly mark the packaging with the words "DNA EVIDENCE," complete a property receipt and an in-house lab form specifying which items are being submitted for DNA analysis and place into the temporary evidence lockers.

APPROVED: *Thomas M. Nolan*
Chief Thomas M. Nolan

DATE: 12/3/2018

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DATE: 12/3/2018

TO BE REVIEWED: ANNUALLY
DISTRIBUTION: All police officers
All civilian employees
Township Manager
File