



Illinois Department of Corrections

Administrative Directive

Number: 04.01.260	Title: Specimen Collection for Genetic Marker Indexing	Effective: 9/1/2020
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Authorized by:	<i>[Original Authorized Copy on File]</i> Rob Jeffreys Acting Director
Supersedes:	04.01.260 effective 11/1/2013

Authority: 730 ILCS 5/5-4-3	Related ACA Standards: 5-ACI-1F-08, 5-ACI-1D-19, 5-ACI-3A-16, 5-ACI-3C-01, 03, 07 and 08, 5-ACI-5A-01, 5-ACI-5F-05
Referenced Policies: 01.07.111 05.01.173 20 IAC 504	Referenced Forms: DOC 0071 – Parole Violation Report DOC 0107 – Release Checklist DOC 0317 – Offender Disciplinary Report

I. **POLICY**

The Department shall cooperate with the Illinois State Police in the collection of specimens from offenders for purposes of genetic marker indexing.

II. **PROCEDURE**

A. **Purpose**

The purpose of this directive is to provide written instructions to staff for the collection of specimens from offenders.

B. **Applicability**

This directive is applicable to all correctional facilities and parole offices within the Department.

C. **Facility Reviews**

A facility review of this directive shall be conducted at least annually.

D. **Designees**

Individuals specified in this directive may delegate stated responsibilities to another person or persons unless otherwise directed.

E. **Definition**

Buccal swab – a method of specimen collection in which the buccal cavity (interior cheek) is swabbed for a tissue sample.

Specimen – any blood, saliva or tissue sample required by law for genetic marker indexing that has been, or is to be, collected and submitted to the Illinois State Police.

F. **General Provisions**

1. In accordance with State laws and Illinois State Police (ISP) rules for genetic marker indexing, the Department shall collect specimens from:
 - a. The following offenders prior to discharge, parole or mandatory supervised release (MSR) and as a condition of parole or MSR:

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- (1) Persons convicted or found guilty of an offense classified as a felony under Illinois Law on or after August 22, 2002.
 - (2) Persons found guilty or given supervision for any offenses classified as a felony under the Juvenile Court Act of 1987 on or after August 22, 2002.
 - (3) Persons incarcerated in a Department facility on or after August 22, 2002.
 - (4) Persons required to register as a sex offender under the Sex Offender Registration Act, regardless of the date of conviction.
 - b. Persons seeking transfer to, or residency in, Illinois under the Interstate Compact for Adult Offender Supervision or Interstate Agreement on Sexually Dangerous Persons Act.
2. The Department shall use either buccal swab genetic marker indexing kits or blood draw for collection of specimens.
 3. The Parole Supervisor at each parole office shall designate a DNA Liaison who shall be responsible for:
 - a. Ordering buccal swab kits through the vendor specified by ISP; and
 - b. Maintaining an adequate supply of buccal swab kits. The cost of the kits and shipping and postage fees shall be paid by ISP.
 4. The Chief Administrative Officer (CAO) of each facility shall designate a facility DNA Liaison who shall be responsible for ordering kits through the vendor specified by ISP.
 - a. Buccal swab kits shall be maintained in a secure area in the Bureau of Identification (B of I).
 - b. The cost of the kits and shipping and postage fees shall be paid by ISP.
 5. Offenders shall be informed of the law for genetic marker indexing specimen collection via methods such as Warden's Bulletins, posted notices, parole notices and offender handbooks; and shall be advised:
 - a. Buccal swabs shall be used to obtain specimens unless the buccal specimen is not adequate, the offender is physically unable to perform the swab or the offender refuses to provide the specimen. In those instances, the specimen shall be collected through a blood draw.

NOTE: Offenders who are physically unable to provide a specimen shall not be subject to disciplinary action for failure to provide a specimen.
 - b. Refusal to provide a specimen:
 - (1) Shall result in disciplinary action in accordance with Department Rule 504.
 - (2) Shall result in forcible blood draw specimen collection.
 - (3) May result in referral to the State's Attorney for prosecution.
 6. Each facility Tactical Commander shall determine the number of tactical team members that shall be properly trained and ensure training in appropriate procedures for enforcement of the forced specimen collection procedure. Each tactical team member so designated shall be cross-trained

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in the enforcement procedures to ensure every member may serve in any position during enforcement. The written training curricula shall include escort, security, use of force, forced cell extraction and forced specimen collection procedures as provided by the Commander of the Special Operations Response Team. The approved training curricula shall be maintained on file by the Manager of Staff Development and Training.

7. The Department, through the Information Services Unit (ISU), shall exchange information regarding specimen collection with ISP in a cooperative effort to collect specimens where required and to reduce duplication of collection.

G. Specimen Collection and Processing Procedures

1. Buccal Swabs

a. B of I staff or Parole Agents or supervisors shall:

- (1) Advise the offender that he or she is required to provide a specimen and collect the specimen in accordance with the instructions contained in the genetic marker indexing kit.
- (2) Read a statement (see Attachment A) regarding specimen collection to the offender.
- (3) Provide the offender with the buccal swab kit and monitor the collection to ensure compliance with the kit's instructions.
- (4) Answer questions regarding testing procedures.
- (5) Provide, upon the offender's request, a copy of the statute 730 ILCS 5/5-4-3.

b. Following collection of the buccal specimen, B of I staff or the Parole Agent or supervisor shall:

- (1) Complete the DNA Indexing Database Sample Receipt including affixing the offender's right thumbprint.
- (2) Securely attach the sample receipt to the swab envelope.
- (3) Place the swab envelope and attached sample receipt inside the shipping envelope and seal with the kit shipping seal and initial.
- (4) Mail the kit to ISP within 12 hours of collection.
- (5) Submit written notification that the specimen was collected to the Record Office.

c. Record Office staff shall:

- (1) File any confirmation of receipt of the kit from ISP in the offender's master record file.
- (2) Enter the collection into Offender 360 (O360).

NOTE: For Interstate Compact offenders, the appropriate Parole Supervisor shall ensure the confirmation is filed in the offender's parole file and O360 is updated accordingly.

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2. Blood Draw

- a. The Duty Administrative Officer (DAO) shall notify the ISP Indexing Laboratory of the need to submit a blood draw specimen before the specimen is collected.
- b. Medical staff shall:
 - (1) Read a statement (see Attachment A) regarding specimen collection to the offender.
 - (2) Collect the blood specimen using a standard purple top blood collection tube.
 - (3) Answer questions regarding testing procedures.
 - (4) Provide, upon the offender's request, a copy of the statute 730 ILCS 5/5-4-3.
- c. Following collection, medical staff shall:
 - (1) Complete a DNA Indexing Database Sample Receipt or an equivalent Department printed receipt. "BLOOD SAMPLE" shall be printed in large letters on the receipt.
 - (2) Label the collection tube with the offender's name and ID number.
 - (3) Within 12 hours of the collection, deliver the specimen, including the receipt, to ISP either by mail using USPS approved packaging or by hand delivery.
 - (4) Document the collection in the offender's medical file.
 - (5) Submit to the Record Office written notification that the specimen was collected.
- d. Record Office staff shall:
 - (1) Enter the collection into O360.
 - (2) File any confirmation of the receipt of the specimen from ISP in the offender's master record file.

H. Requirements for Correctional Facilities

- 1. B of I shall:
 - a. Review documents from the committing county to determine if the Department or another jurisdiction has collected a specimen from an offender.
 - b. Review O360 to determine if specimen collection is required.
 - c. If a specimen has been collected, enter the prior collection in O360.
- 2. In accordance with Administrative Directive 01.07.111, the Record Office shall review O360 and determine if specimen collection is required when completing a Release Checklist, DOC 0107.
- 3. Specimens shall be collected:
 - a. For new offenders entering the Department, within 10 working days of arrival to the parent facility.

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- b. For current offenders not already tested:
 - (1) When Identification Cards are issued;
 - (2) Prior to leaving the facility on court writs, detainers or court evaluations;
 - (3) Prior to transfer to a Transitional Security facility; or
 - (4) Prior to release on parole or MSR or discharge.
- 4. In the event that an offender's buccal swab specimen is, for any reason, not adequate or the offender was physically unable to provide the buccal specimen after two attempts, the Department shall collect a blood draw specimen in accordance with Paragraph II.G.2.

I. Requirements for Parole and Interstate Compact

- 1. Upon receipt of notification that a specimen collection is necessary, the Parole Agent shall:
 - a. Contact the offender and schedule the specimen collection.
 - b. Collect and process the buccal swab in accordance with Paragraph II.G.1.
- 2. If the buccal specimen is not adequate the Parole Agent shall schedule a second testing.
- 3. If the offender is physically unable to perform the swab, the Parole Agent shall contact the Parole Supervisor who shall make appropriate arrangements for blood draw specimen collection.

J. Refusals

- 1. Refusals in Correctional Facilities
 - a. If an offender refuses to submit to the specimen collection, the offender shall be issued an Offender Disciplinary Report, DOC 0317, for Disobeying a Direct Order.
 - (1) The offender shall immediately be placed in temporary confinement pending a disciplinary hearing; or
 - (2) If the offender is currently in temporary confinement, ensure the offender is single celled in the current status.
 - b. If after the 24 hour compliance period, the offender has not complied with the initial order, the offender shall be issued a second verbal order by a Lieutenant or above to submit to the specimen collection.
 - (1) If the offender does not comply, a second DOC 0317 shall be written for Disobeying a Direct Order and the offender shall be verbally advised that failure to submit shall result in forcible specimen collection.
 - (2) The offender shall remain in temporary confinement pending disciplinary action.
 - c. The Lieutenant, through chain of command, shall notify the DAO of the offender's continued refusal.
 - d. The DAO, after consultation with the CAO, shall notify ISP of a blood draw. The Tactical Commander and medical staff shall be instructed to collect the specimen.

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NOTE: If there are mental health concerns, the CAO shall contact Mental Health and Legal Services prior to forced collection.

- e. The Tactical Commander shall ensure a properly trained Tactical Team is utilized to enforce and to video tape the collection of the specimen. Video taping shall commence when the Tactical Team arrives at the offender's cell and shall continue through forcible implementation in accordance with tactical training for enforcement. The Tactical Team shall:
 - (1) Remove the offender from his or her cell and escort the offender to the designated secure area in accordance with Administrative Directive 05.01.173.
 - (2) Secure the offender face up on the bed in the designated area, using appropriate restraints to secure the offender's extremities.
- f. Medical staff shall collect the specimen in accordance with Paragraph II.G.2.
- g. The Tactical Team shall, upon enforcement of the specimen collection:
 - (1) Assess injuries to staff or the offender and ensure medical assistance is provided.
 - (2) Document enforcement and forward copies to the DAO.

2. Refusals for Parole and Interstate Compact

- a. If the offender refuses to provide the specimen, the Parole Agent shall initiate a Parole Violation Report, DOC 0071, for failure to comply with State Law and:
 - (1) For Interstate Compact offenders, forward a copy of the DOC 0071 to the Interstate Compact Unit who shall notify the sending state; or
 - (2) For all other offenders, issue a warrant for their arrest.
 - b. A blood draw specimen shall be taken in accordance with Paragraph II.J.1 when the offender is returned to a Department facility.
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ATTACHMENT A

Statement To Offender Regarding Genetic Marker Indexing Program

Illinois law (730 ILCS 5/5-4-3) requires that individuals convicted, found guilty or incarcerated in a Department facility for a felony offense on or after August 22, 2002 submit a DNA specimen while incarcerated prior to their release as a condition of their release and that individuals seeking to transfer to or residency in Illinois under the Interstate Compact for Adult Offender Supervision or Interstate Agreement on Sexually Dangerous Persons Act submit a DNA specimen. The specimen shall be sent to the Illinois State Police for genetic marker grouping analysis.

As you are subject to this law, your specimen collection has been scheduled. The law provides that persons subject to specimen collection shall cooperate with collection. Your failure to cooperate with the specimen collection shall result in disciplinary action in accordance with Department Rule 504 and may result in criminal prosecution. Your refusal to voluntarily submit to specimen collection shall result in the forcible collection of a specimen.