



DNA Database Collection

I. BACKGROUND

Maryland Annotated Code, Public Safety Article, Title 2 Section 501, require that beginning January 1, 2009, all law enforcement agencies within the State of Maryland collect DNA samples from an individual who is charged with a crime of violence or an attempt to commit a crime of violence; or burglary or an attempt to commit burglary.

II. PURPOSE

The expansion of the Maryland Statewide DNA Database is expected to save investigation, prosecution, and incarceration resources, solve and prevent crimes, and exonerate the wrongly accused. The purpose of this General Order is to establish procedures to comply with established law concerning the collection of DNA samples from persons charged with a qualifying crime in the Town of Ridgely.

III. POLICY

It is the policy of the Ridgely Police Department to collect a DNA sample from all persons charged with any of the qualifying crimes outlined in this General Order and forward all samples to the Maryland State Police Forensic Sciences Division.

IV. DEFINITIONS

1. "DNA" - Deoxyribonucleic acid
2. "Charged" - an individual against whom a written accusation has been completed alleging that a defendant has committed a qualifying crime. This includes criminal summonses, arrest warrants, criminal information, criminal citation, indictments and statement of charges.
3. "Buccal Swab Kit" - a sealed and sterile kit containing a medical swab used for the collection of DNA samples from inside the mouth.
4. "Certified Member" - a member of the Ridgely Police Department that has been trained in the collection of DNA by Buccal Swab Kit.

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5. "Qualifying Crime" - offenses listed in the Maryland Code, § 14-101 that require collection of a DNA sample.

"Qualifying Crimes for DNA Collection"

Maryland Code, Criminal Law, § 14-101

1. abduction;
2. arson in the first degree;
3. kidnapping;
4. manslaughter, except involuntary manslaughter;
5. maiming as previously proscribed under former Article 27, §§ 385, 386 of the Code;
6. murder;
7. rape;
8. robbery under § 3-402 or § 3-403 of this article;
9. carjacking;
10. armed carjacking;
11. sexual offense in the first degree;
12. sexual offense in the second degree;
13. use of a handgun in the commission of a felony or other crime of violence;
14. child abuse in the first degree under § 3-601 of this article;
15. sexual abuse of a minor under § 3-602 of this article if:
 - (i) the victim is under the age of 13 years and the offender is an adult at the time of the offense;And
 - (ii) the offense involved:
 1. vaginal intercourse, as defined in § 3-301 of this article;
 2. a sexual act, as defined in § 3-301 of this article;
 3. an act in which part of the offender's body penetrates, however slightly, into the victim's genital opening or anus; or
 4. the intentional touching, not through the clothing, of the victim's or the offender's genital, anal, or other intimate area for sexual arousal, gratification, or abuse;
16. an attempt to commit any of the crimes listed in items 1 through 15 of this subsection;
17. continuing course of conduct with a child under § 3-315 of this article;
18. assault in the first degree;
19. assault with intent to murder;
20. assault with intent to rape;
21. assault with intent to rob;
22. assault with intent to commit a sexual offense in the first degree; and
23. assault with intent to commit a sexual offense in the second degree;
24. burglary in the first degree under § 6-202;
25. burglary in the second degree under § 6-203;
26. burglary in the third degree under § 6-204;
27. an attempt to commit any of the crimes listed in items 24 through 26.

NOTE: All ADULTS CHARGED WITH ANY OF THE ABOVE CRIMES WILL HAVE THEIR DNA COLLECTED. ONLY JUVENILES WHO ARE CHARGED AS ADULTS WILL HAVE THEIR DNA COLLECTED FOR THE ABOVE CRIMES.

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V. PROCEDURES

Officer Responsibilities:

1. When an Officer serves an arrest warrant, criminal information or indictment issued by the court charging a person with a qualifying crime, that person after arrest and processing will have their DNA collected.
2. If an Officer serves a criminal summons to a person charging them with a qualifying crime, the Officer will explain that the law requires a DNA sample be collected and collect the sample upon service of the summons. If the person refuses to submit to a sample collection the officer will serve the summons and advise the Chief of Police of the refusal.
3. **OFFICERS ARRESTING A PERSON AND CHARGING THEM WITH A QUALIFYING CRIME ON A STATEMENT OF CHARGES WILL NOT COLLECT A DNA SAMPLE UNTIL THE SIGNED COMPLETION OF THE STATEMENT OF CHARGES AND THE REVIEW AND AUTHORIZATION BY A SUPERVISOR.**
4. Officers collecting a DNA sample from a person will complete the DNA packet per enclosed instructions; seal the packet and place in the outgoing departmental mail.
5. The Officer collecting the DNA sample will write their Name & ID, Date and Time of the collection in the narrative of the arrest report and denote the approving supervisor.
6. Each Officer collecting a DNA sample will submit a copy of the DNA data collections sheet that is mailed to the Maryland State Police Forensic Sciences Division, with the Criminal Investigation Report.
7. DNA samples will only be collected by members of the department that are certified in the use of the Buccal Swab Kit.
8. Officers collecting DNA samples will fill out the DNA Swab Log (RPD Form 35).

VI. SUPERVISOR RESPONSIBILITIES

1. Will review all charging documents to ensure the language and/or probable cause exists charging the person with a qualifying crime prior to authorizing a DNA collection.
2. Will ensure that officers collecting DNA samples are certified.
3. Upon reviewing the report will ensure proper entry has been made on the arrest report and a copy of the DNA data sheet has been submitted along with the criminal investigation report.
4. Upon notification of a refusal to submit to a DNA collection by any person in custody charged with a qualifying crime the supervisor will notify the District Court Commissioner at the time of initial appearance, of the person's refusal to submit to the request.

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5. Upon notification of a refusal to submit to a DNA collection from a person served with a criminal summons the Chief of Police will ensure the Caroline County State's Attorney is notified during their normal operating hours to obtain an issued Court Order for submission of collection.

VII. CHIEF OF POLICE

1. Is responsible for overseeing the training and maintaining records of Officer certification in the use of the Buccal Swab Kit.
2. Will be the liaison with the Maryland State Police Forensics Lab Services for updates and possible hit confirmations on DNA collections.
3. Upon receiving a possible DNA hit confirmation will collect the corresponding information and take the proper investigative steps without delay.
4. Will be responsible for collecting and coordinating all DNA information for the Maryland State Governors Office of Crime Control and Prevention (GOCCP).
5. Will collect and maintain data in reference to Department DNA collections.
6. Will be responsible for the ordering, receiving and dissemination of the DNA Buccal Swab Kits.