



TENNESSEE BUREAU OF INVESTIGATION
TENNESSEE FUSION CENTER
SEX OFFENDER REGISTRY
STANDARD OPERATING PROCEDURES



DNA Collection of Offenders on the Sex Offender Registry

PURPOSE:

The purpose of this procedure is to define the necessary steps to ensure Tennessee Sex Offender Registering Agencies have obtained DNA samples from offenders reporting to them, if the offender's DNA has not already been collected under any other law and received by the TBI. This activity is mandated by Tennessee state law effective July 1, 2008.

PROCEDURAL PROCESS:

The supervisor of the TBI Sex Offender Registry Unit (SORU) shall both coordinate with the TBI Information Systems Division and work in conjunction with the administrator of the TBI Combined DNA Index System Unit (CODIS Unit) to develop a system for determining if a DNA sample has been submitted for offenders listed on the Tennessee SOR. For those offenders who do not already have a DNA sample submitted, a system shall be developed for Sex Offender Registering Agencies to collect the DNA sample from the offender and submit that sample to the CODIS Unit.

The administrator of the CODIS Unit shall develop a system to notify the SORU of all incoming new DNA samples from sex offenders that have been entered into CODIS. The supervisor of the SORU shall ensure the status of the offender's DNA collection is updated in the SOR database to show that DNA is available at TBI.

It is important to remember that Registering Agencies must only obtain DNA samples from offenders who do not already have DNA samples on file.

Step 1

DNA status verification shall take place individually by Registering Agencies with the TBI CODIS Unit on **ALL** newly registered offenders who register/report with the Registering Agency. Verification of DNA on file must take place through the CODIS Unit, individually, for all new offenders. This procedure is the only acceptable method for a Registering Agency to determine if an offender's DNA sample is needed. **No other databases may be used for this purpose**, including the Tennessee Sex Offender Registry Database and TOMIS. This check shall be performed *prior to* the collection of DNA from any new offender on the Sex Offender Registry.

The Registering Agency shall fax on Agency letterhead (615)744-4690 or e-mail (TBI.CODIS@tn.gov) the individual names and identifying information (DOB, SSN, TOMIS/SO#) on all new offenders directly to the CODIS Unit, who in turn shall issue a response back to the Registering Agency as to whether or not the collection of DNA is



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necessary for those individual new offenders. All communication must include the sender's name, agency name, address, phone #, and fax #. The subject line on the e-mail or fax must state: "SOR DNA Verification".

Step 2

On a quarterly basis, the supervisor of the SORU shall run a report of all offenders on the SOR Database that do not have DNA on file. The report shall be in Excel format and will list the offender's name, date of birth, social security number, TOMIS/SO #, and the Registering Agency responsible for the offender.

Any offenders listed with TBI as the responsible agency shall be checked to ensure the offenders' status are "Inactive-Moved" and are no longer in Tennessee. All necessary corrections shall be updated in the SOR Database to ensure the proper responsible agency is listed for each offender. After all necessary corrections have been made, a second, updated report shall be run.

The updated report shall be filtered to show only new names appearing on the second report that were not listed on the original report. Any new names shall be forwarded to the CODIS Unit for verification that the listed offenders do not have DNA on file. Any new offenders listed on the report whose DNA is on file shall be noted and sent back to the SORU supervisor, who shall immediately ensure the information is updated in the SOR Database. Once all updates have been completed, the SORU supervisor shall run a final quarterly report of current offenders with no DNA on file.

Step 3

Upon completion of the final quarterly report, the SORU supervisor shall remove all offenders with the status of "Inactive-Moved," "Inactive-Deported," or similar status where TBI is listed as the responsible agency for an offender reported as being no longer in Tennessee. The report shall then be forwarded by e-mail to the following entities:

Tennessee Department of Corrections:

Commissioner Derrick Schofield (Derrick.Schofield@tn.gov)

Deputy Commissioner Jason Woodall (Jason.Woodall@tn.gov)

Asst Commissioner of Community Supervision
Bobby Straughter (Bobby.Straughter@tn.gov)

Asst Commissioner of Prisons
Tony C Parker (Tony.C.Parker@tn.gov)



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Tennessee Sheriff's Association: (tennesseesheriff@bellsouth.net)

Tennessee Association of Chiefs of Police: (maggi@tacp.org)

SOR E-mail Distribution List and the TBI CODIS Unit.

The forwarded report shall include a copy of this standard operating procedure and a cover memo stating:

“Please see the attached quarterly report for offenders on the Tennessee Sex Offender Registry who do not have DNA on file with TBI. *Tennessee Code Annotated 40-39-203* mandates that Registering Agencies obtain a DNA sample for all offenders on the Tennessee Sex Offender Registry who do not have DNA on file with TBI. Depending on the offender's length of time on the registry, these samples may be over five (5) years past due.

For your convenience, a copy of the Standard Operating Procedure: *DNA Collection of Offenders on the Sex Offender Registry* is attached. Please review this procedure and coordinate with the TBI CODIS Unit to receive the kits necessary to collect the outstanding DNA samples as soon as possible. The Reporting Agency shall call the offender back into the office as soon as possible to collect this sample. Do not wait until the offender's next report date.”

Step 4

Registering Agencies shall coordinate with TBI CODIS Unit (Jacquelyn Poarch (615)744-4256, Erica Miller (615)744-4309, Jamison Hurt (615)744-4498 or TBI.CODIS@tn.gov) to obtain the necessary DNA collection kits for the listed offenders.

This procedure is the only acceptable method for a Registering Agency to determine if an offender's DNA sample is needed. **No other databases may be used for this purpose**, including the Tennessee Sex Offender Registry Database and TOMIS. This check shall be performed *prior to* the collection of DNA from any offender on the Sex Offender Registry.

Step 5

The CODIS Unit will ship the appropriate number of DNA collection kits needed (as determined by the lists) to the Registering Agency. Registering Agencies shall only use the Buccal swab “offender kit” obtained from the CODIS Unit (not the “arrestee kit”) in collecting a DNA sample from a sex offender.



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Step 6

When collecting DNA from an offender, Registering Agencies shall follow the directions contained in the DNA collection kit exactly as described. Registering Agencies shall complete all fields contained on the “Database DNA Sample Submittal Form.”

Below is a list to clarify what is needed in order to process the sample:

- Name, Race, Sex, DOB and SSN: Fill in *all* the blanks. Forms shall not be processed where personal information is incomplete.
- TOMIS / SID / SO / FBI #: Fill out any and all that are available.
- Requesting Agency: This is the Registering Agency. The TBI is *not* the requesting agency.
- Type of Offense: “SOR” is not an offense. The conviction offense shall be listed.
- Full Address, Phone, and Fax Number of the Requesting Agency: For clarification or correction of paperwork and to avoid any delay in processing.
- County of Conviction: If only the state is available, that is acceptable.
- Date of Conviction: Month, day, and year. If date of conviction is not available, then the date of *offense* may be listed. Be sure to write in “offense date” or other wording so the CODIS Unit knows which date was listed.
- TBI Crime Lab Use Only: This refers to the box that requests the “Date Received, Received By”, etc., and should only be completed by TBI.
- Left and right thumbprints of the offender shall be obtained by the Registering Agency as specified on the form.

Step 7

When submitting DNA samples, Registering Agencies shall understand the CODIS Unit in the Nashville Crime Laboratory is a separate division from the Sex Offender Registry Unit. DNA information is the only information submitted to the CODIS Unit. SOR fingerprint cards, registration information, billing information, etc., shall not be submitted to the CODIS unit. DNA kits should not be mailed with Registration paperwork sent to the Sex Offender Registry Unit.

All questions regarding DNA collection and/or DNA procedure should be directed to the CODIS Unit directly: (Jacquelyn Poarch (615)744-4256, Erica Miller (615)744-4309, or Jamison Hurt (615)744-4498), or TBI.CODIS@tn.gov .

All other questions related to the Sex Offender Registry shall be directed to the Sex Offender Registry Hotline at 1-888-837-4170.



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Step 8

The CODIS Administrator (or designee) shall provide the supervisor of the SORU (or designee) with the names of offenders on the Sex Offender Registry whose DNA samples have been obtained and entered into CODIS.

Step 9

The supervisor of the SORU shall ensure all information received from the CODIS Unit as to the status of an offender's DNA collection is entered into the SOR database.

Related Code:

Tennessee Code Annotated (T.C.A.) 40-39-203. Offender registration -- Registration forms -- Contents. (j) (2) (n) If the offender's DNA sample has not already been collected pursuant to § 40-35-321 or any other law and received by TBI, the offender's DNA sample shall be taken by the registering agency at the time the offender registers or at the offender's next scheduled registration or reporting and sent to TBI.

T.C.A. 40-39-206. Centralized record system

(f) The TBI has the authority to promulgate any necessary rules to implement and administer the provisions of this section. These rules shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

T.C.A. 38-6-113. DNA analysis - Procedures for collection and preservation

(a) As used in this section, unless the context otherwise requires, "DNA analysis" means the process through which deoxyribonucleic acid (DNA) in a human biological specimen is analyzed and compared with DNA from another biological specimen for identification purposes.

(b) The Tennessee bureau of investigation shall develop uniform procedures for the collection and preservation of human biological specimens for DNA analysis in cases of alleged or suspected violations of § 39-13-502, § 39-13-503, § 39-13-504, § 39-13-505, § 39-13-522, or § 39-15-302. Law enforcement agencies and medical personnel who conduct evidentiary examinations shall use the uniform procedures in their investigation of the above offenses.

(c) The bureau shall adopt uniform procedures to maintain, preserve and analyze human biological specimens for DNA. The bureau shall establish a centralized system to cross-reference data obtained from DNA analysis. The centralized system shall contain convicted felon profiles, forensic unknown profiles, criminal suspect profiles, and missing person profiles. The detention, arrest or conviction of a person based upon a databank match or database information is not invalidated, if it is later determined that the specimens or samples were obtained or placed in the database by mistake.



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(d) The bureau shall perform DNA analysis and make data obtained available to law enforcement officials in connection with appropriate criminal investigations in which human biological specimens have been recovered. The bureau shall also make the data available to the district attorney general, and the subject of the data in any subsequent criminal prosecution of the subject.

This procedure is also mandated under the federal Sex Offender Registration and Notification Act (“SORNA”) as included in the National Guidelines for Sex Offender Registration and Notification pages 26-33:

DNA (§ 114(b)(6)): The registry information must include “[a] DNA sample of the sex offender.” This means that a DNA sample must be taken, or must have been taken, from the sex offender, for purposes of analysis and entry of the resulting DNA profile into the Combined DNA Index System (CODIS). The requirement is satisfied by including information in the central registry database that confirms collection of such a sample from the sex offender for purposes of analysis and entry of the DNA profile into CODIS or inclusion of the sex offender’s DNA profile in CODIS.