

DNA Collection and Submission

A Training Guide



**Wisconsin Department of Justice
State Crime Laboratory
October 2011**

ACKNOWLEDGEMENTS

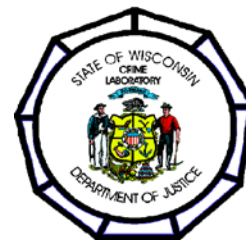
Many people contributed to the writing of this guide. The Training and Standards Bureau, Wisconsin Department of Justice gratefully acknowledges the hard work and dedication of the DNA Task Force Training Workgroup, which has worked together to develop the content. The members of the Workgroup are:

Designated Members

Mary Bertun, E-Learning Program Director, WisDOC, Madison Training Center
Ken Hammond, Director, WisDOJ, Training and Standards Bureau
Daniel Turk, Sgt., Dane County Sheriff's Office
Marie B. Varriale, Supervisor, WisDOJ, State Crime Laboratory
Linda Zimbelman, Agent Basic Training Director, WisDOC, Madison Training Center

Consultants

Charles E. Cole, Director, WisDOC, PREA
Marty L. Drapkin, Education Consultant, WisDOJ, Training and Standards Bureau
Tami R. Dzikowich, SPET Director, WisDOJ, Criminal Litigation Unit
Gary H. Hamblin, Administrator, WisDOJ, Division of Law Enforcement Services
Walter M. Neverman, Director, WisDOJ, Crime Information Bureau
Tami L. Trevino, Administrative Assistant, WisDOJ, Training and Standards Bureau
Marilyn Frederickson, Senior Program Specialist, WisDOC, Madison Training Center
Glenn Rehberg, Senior Training Officer, WisDOJ, Training and Standards Bureau



Photographs by Aaron Matson, Madison Crime Laboratory.

**Copyright © 2011 by the Wisconsin Department of Justice.
All rights reserved.**

TABLE OF CONTENTS

TRAINING OBJECTIVES	2
WISCONSIN DNA DATABANK OVERVIEW	3
HOW DNA HELPS SOLVE CRIMES.....	3
WISCONSIN'S DNA DATABANK.....	4
STATE AND FEDERAL DATABANKS.....	5
CODIS – Combined DNA Index System.....	5
DNA Indices.....	5
CODIS Architecture.....	6
YOUR ROLE IN THE DNA DATABANK.....	7
LEGAL OVERVIEW	9
OFFENDERS REQUIRED TO SUBMIT DNA SPECIMENS.....	9
Summary of Qualifying Offenses.....	9
Related Statutes.....	10
OUT-OF-STATE PAROLE, EXTENDED SUPERVISION OR PROBATION.....	10
OFFENDERS WHO FAIL TO PROVIDE SPECIMENS.....	11
Ongoing Efforts to Obtain Specimens.....	11
What This Means for Law Enforcement.....	12
COLLECTING AND SUBMITTING DNA SPECIMENS	15
WHEN AND WHERE SPECIMENS ARE COLLECTED.....	15
WHO CAN COLLECT.....	16
BEFORE COLLECTING A SAMPLE.....	16
Positively Identify the Offender.....	16
Examine Criminal History Record.....	16
CCH Response – DNA Sample Already Taken.....	16
CCH Response – DNA Sample Needed.....	17
CCH Response – No Record Found.....	17
THE BUCCAL SWAB COLLECTION KIT.....	18
Kit Contents.....	18
Step-By-Step Process.....	19
Documentation.....	19
Buccal Swab Collection.....	22
Packaging and Mailing.....	24
Common Rejection Errors.....	25
APPENDIX A: DNA SPECIMEN POSTER	27
APPENDIX B: QUALIFYING OFFENSES	29
Commonly-Referenced Statutes.....	32
APPENDIX C: THE TIME SYSTEM	33
APPENDIX D: FINGERPRINTS AND CRIMINAL HISTORY RECORDS	35
APPENDIX E: JAIL MODEL POLICY	41
GLOSSARY	45
ACRONYMS	51
INDEX	55

TRAINING OBJECTIVES

1. Explore the purpose and use of the Wisconsin DNA Databank
 - a. Describe the Databank and its role in promoting public safety
 - i. Discuss CODIS' role as a national database of DNA profiles
 - ii. Explain connecting DNA profiles to individuals via CODIS
 - b. Define priorities for collecting biological specimens
 - i. Describe why identifying persons from whom specimens are collected is important
 - c. Explain why persons arrested for crimes may not have a criminal history record
2. Identify basic concepts of Wisconsin DNA law
 - a. Review the legislation of 2009 Wisconsin Act 261
 - b. Recognize offenses that obligate persons to provide specimens
 - c. Discuss the history and process that address a backlog of past offenders missed
 - d. Summarize the DNA statute and what it means for law enforcement
3. Apply the steps for collecting/submitted buccal swab specimens from obligated offenders
 - a. Review Computerized Criminal History (CCH) procedures and the relationship to the TIME System
 - b. Describe equipment used when collecting biological specimens
 - c. Describe procedures used to identify submitters, collect, mark, package, and submit buccal swab specimens
 - i. Step-by-step walk-through of the entire process
 - d. Read an overview of DNA specimen collection and submission process issues

WISCONSIN DNA DATABANK OVERVIEW

DNA (deoxyribonucleic acid) is a complex chemical structure that is present in every nucleated cell of the human body. Shaped like a double helix, it is a long linear polymer found in the nucleus of cells and is associated with the transmission of genetic information. Each DNA profile is unique and can be used for matching biological evidence to a specific person.

DNA is a crime-fighting resource. This technology provides law enforcement with a powerful identification tool that can identify crucial leads in criminal investigations. It also plays a valuable role in exonerating some who were wrongfully convicted.

DNA analysis helps identify suspects and link crimes across jurisdictions based upon traces of biological material left at crime scenes. As with any automated information sharing system, the DNA Databank is only as effective as the data you put in it. Careful and meticulous collection and submission of biological specimens build a web that ensnares the guilty.

HOW DNA HELPS SOLVE CRIMES

Kathleen Leichtman

On July 15, 1976, authorities discovered 19-year-old Kathleen Leichtman's body on the side of the road in Fond du Lac County with her throat slit. In 2001 detectives sent biological evidence from the crime scene to the State Crime Lab, but received no matches. The profile, however, went into the national DNA databank...where there were no hits for seven years.

In July of 2008, 53-year-old Thomas Niesen of Ashwaubenon was sentenced to three years probation for felony child abuse. One condition of probation was the submission of a biological specimen, which he provided in August of 2008.

In October of 2008, the State Crime Lab matched the Leichtman case profile to Niesen. On February 4th, 2009, Niesen was arrested for Leichtman's murder. Niesen was convicted of First Degree Murder on September 3, 2009, and was sentenced to life imprisonment. Niesen is currently incarcerated at the Waupun Correctional Institution.

Walter Ellis

DNA analysts assigned to the Wisconsin Cold Case Unit established a link between DNA submitted in nine separate cases by the Milwaukee Police Department. The date range for these cases spanned from 1986 through 2007. Through persistent investigation by the Wisconsin Cold Case Unit and cooperating agencies, Walter Ellis was identified as a suspect. Ellis was charged with multiple counts of first degree murder and first degree intentional homicide.

Ten additional cases which fit Ellis' modus operandi await testing with the State Crime Lab.

Thomasina Dunivant

The body of Thomasina Dunivant, a young mother, was found in a rural highway ditch in 1980 near Hazel Green. A sex assault kit collected during the autopsy was resubmitted for analysis and revealed the presence of foreign DNA. A tip assisted in the identification of Gregory Otterback as the offender. Otterback, who is serving life in prison plus ten years for the 1981 strangulation death of Jodi Bausman, pled no contest to second degree murder in the death of Dunivant.

Timothy Hack and Kelly Drew

Teenage sweethearts Timothy Hack and Kelly Drew were reported missing in the summer of 1980, and their bodies were located three months later. Pants worn by Kelly Drew, on the night she went missing, were recovered and held as evidence by the Jefferson County Sheriff's Office. These pants were submitted for analysis and revealed seminal fluid stains. A DNA profile was obtained and entered into CODIS, but no matches were found. A tip was received regarding Edward W. Edwards, and follow-up investigation produced enough probable cause for a search warrant for Edwards' DNA. Analysis confirmed Edwards was the contributor of the seminal fluid. In June 2010, Edwards pled guilty to the murders and is serving life terms in Ohio.

WISCONSIN'S DNA DATABANK

The DNA Databank provides law enforcement the ability to identify a potential suspect when no suspect is known. The DNA Databank is an electronic database containing DNA profiles from convicted offenders, crime scenes, and evidence recovered in the course of criminal investigations. These DNA profiles are routinely compared one to another to look for possible links between crimes and offenders. As the DNA profiles of more and more offenders are included in the Databank, it becomes increasingly helpful in solving crimes and protecting communities we serve.

The Wisconsin Attorney General is the custodian of the State's DNA Databank. The State Crime Laboratories located in Madison and Milwaukee perform DNA analysis and pass the resulting DNA profiles to a central file maintained at the Madison lab. Profiles are subsequently searched against all forensic DNA casework in the State's database.

According to the FBI's National DNA Index System (NDIS), as of July 2010 Wisconsin had the following information:

- Total Offender Profiles 136,370
- Forensic Samples 7,506
- Investigations Aided 2,620

The State Crime Lab has access to the DNA Databank records maintained by other states and the federal government through an FBI-supported network called CODIS.

STATE AND FEDERAL DATABANKS

The development and expansion of DNA databases at the local, state and federal levels has greatly increased the ability to solve cases with DNA evidence. These various databases operate using the Combined DNA Index System or CODIS, a program that permits the cross-comparison of DNA profiles.

CODIS – Combined DNA Index System

CODIS is a computerized database system for DNA laboratories that enables federal, state, and local crime laboratories to exchange and compare DNA profiles electronically. It is administered and managed by the FBI.

CODIS contains DNA profiles obtained from criminal offenders across the country as well as profiles obtained from crime scenes, victims, unidentified human remains and missing persons. CODIS is not just a large collection of information from people convicted of crimes, it also embodies a tremendous tool for investigating crime.

DNA Indices

CODIS operates the database at three levels: local, state and national. Within each level there are multiple categories known as indices that include offender profiles and unsolved crime scene evidence (forensic) profiles.

Convicted Offender Index

This level accounts for most of the entries in Wisconsin's DNA Databank. Wis. Stat. 165.76 establishes the qualifying offenses for which convicted persons must submit a biological specimen for inclusion in the databank.

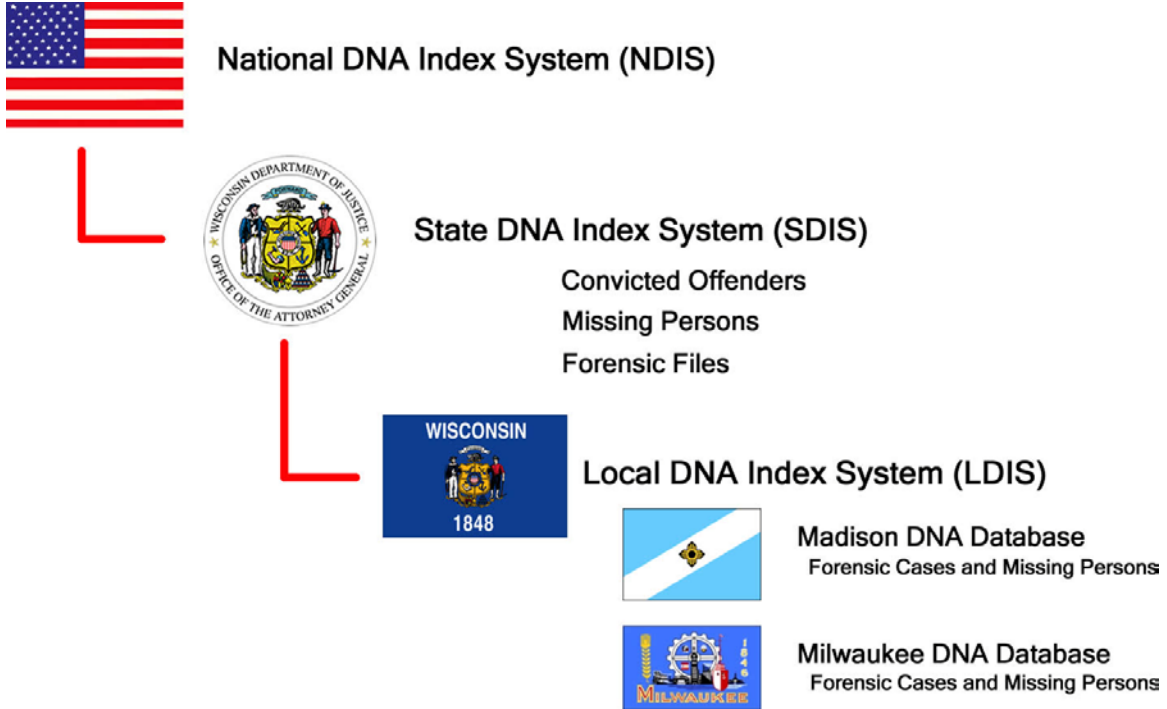
Forensic Index

The second most common entry in the DNA Databank consists of forensic profiles. These are DNA profiles developed from evidence in criminal investigations that have not yet been linked to any offender in the Databank. The profiles are entered into CODIS to search for a match and can generate an investigative lead. In many instances, a forensic profile is the critical link that has the potential to identify the perpetrator of a crime.

Other Indices

Based on various state laws, some states collect and maintain DNA specimens from individuals arrested for specific offenses. Other state and local agencies maintain suspect databases.

CODIS Architecture



National DNA Index System - NDIS is the highest level in the CODIS hierarchy. It enables the laboratories participating in the program to exchange and compare DNA profiles on the national level. The National Missing Person DNA Database program for the identification of missing and unidentified persons uses three indexes in NDIS that can be searched against each other:

- Unidentified human remains
- Missing persons
- Biological relatives of missing persons (kinship analysis)

State DNA Index System - SDIS allows laboratories within states to exchange DNA profiles. In Wisconsin, the Madison Crime Lab houses the DNA Databank.

Local DNA Index System – All DNA profiles originate at a LDIS and then flow to SDIS and NDIS.

YOUR ROLE IN THE DNA DATABANK

Wisconsin's DNA Databank is an information sharing system that helps identify suspects and link crimes. The *success* of the DNA databank relies upon your ability to collect DNA specimens appropriately.

There are two key points:

- 1) Collect it !
- 2) Do it right !

High Quality Specimens = High Quality DNA profiles = More Crimes Solved!

THIS PAGE INTENTIONALLY LEFT BLANK

LEGAL OVERVIEW

Under current law, certain offenders are required to provide a DNA specimen to the Department of Justice, and the DOJ's State Crime Laboratory is required to analyze submitted specimens and include results of the analysis in the DNA Databank. Over time, Wisconsin law has expanded the obligation to provide a DNA specimen to a broader group of convicted offenders. Currently, anyone convicted of a felony or one of four specified misdemeanors must submit a DNA specimen.

Since the *1993 Wisconsin Act 16*, persons sentenced or in prison for certain sexual assaults have been required to provide DNA specimens.

In 2000, the *1999 Wisconsin Act 9* took effect and required persons sentenced or in prison for any felony to submit a DNA sample.

The *2005 Wisconsin Act 275* established several specified misdemeanants as required to provide DNA specimens. In addition, persons committed as sexually violent persons; persons found not guilty by reason of mental disease or defect for certain sexual assaults; and juveniles adjudicated delinquent for certain sexual assaults; or, at the discretion of the court, certain other offenses are required to provide a DNA specimen. Any person who intentionally fails to comply with a requirement to provide a DNA specimen is guilty of a misdemeanor.

Additional statutory changes took place effective May 22, 2010 as the result of *2009 Wisconsin Act 261*.

OFFENDERS REQUIRED TO SUBMIT DNA SPECIMENS

Offenders who are or were in a custodial or supervisory status as of a certain date must provide DNA specimens.

Summary of Qualifying Offenses

- Convicted of any felony offense, including attempts, or misdemeanor violations of s. 165.765(1), 940.225(3m), 944.20, or 948.10
 - The attempted felony exception; if one attempts, but does not complete, commission of a Class I felony, the offense is a Class A misdemeanor¹.
- Found not guilty by reason of mental disease or defect for any felony offense, including attempts, or misdemeanor violations of s. 165.765(1), 940.225(3m), 944.20, or 948.10

¹ 939.32(1)(b)

- Involuntarily committed under s. 51.20 for conduct that would constitute a felony offense, including attempts, or misdemeanor violations of s. 165.765(1), 940.225(3m), 944.20, or 948.10
- Any offender found to be a sexually violent person under Ch. 980
- Juvenile offenders adjudicated as delinquent for certain specified offenses
- Court order to provide a specimen on the basis of any violation

Related Statutes

- 51.20 Involuntary Commitment for Treatment
- 165.765(1) Failure to Provide DNA Specimen
- 940.225(1) or (2) 1st or 2nd Degree Sexual Assault
- 940.225(3m) 4th Degree Sexual Assault
- 944.20 Lewd and Lascivious Behavior
- 948.02(1) or (2) 1st or 2nd Degree Sexual Assault of a Child
- 948.025 Repeated Sexual Assault of the Same Child
- 948.10 Exposing Genitals or Pubic Area
- 948.085 Sexual Assault of a Child Placed in Substitute Care
- 971.17 Commitment of Persons Found Not Guilty by Reason of Mental Disease or Defect

WisDOJ supplies a reference list of qualifying offenses that details the various conditions and resultant obligations for this new legislation. See WisDOJ's website for a current listing:

<http://www.doj.state.wi.us/dles/crimelabs/databank.asp>

As always, consult your local district attorney as he or she is the legal advisor for criminal matters in your jurisdiction.

OUT-OF-STATE PAROLE, EXTENDED SUPERVISION OR PROBATION²

Pursuant to law, certain persons from out-of-state that are or were on Parole, Extended Supervision or Probation in Wisconsin under the Interstate Compact may be required to provide a biological specimen to the Wisconsin DNA Databank.

The following out-of state offenders are required to provide a DNA specimen under the Interstate Compact:

- Certain Sex Offenders on or after July 9, 1996
- Offenses that would be felonies if committed in Wisconsin on or after January 1, 2000

² Interstate Compact (Wis. Stat. 304.16)

- Persons who are or were released on parole or extended supervision or placed on probation in another state before January 1, 2000, and are or were on parole, extended supervision or probation in Wisconsin under the Interstate Compact on or after July 9, 1996 for a violation of the law of the other state that the Department of Corrections determines is comparable to Wisconsin Statutes for:³
 - 940.225(1) or (2) First or Second Degree Sexual Assault
 - 948.02(1) or (2) First or Second Degree Sexual Assault of a Child
 - 948.025 Repeated Sexual Assault of the Same Child
 - 948.085 Sexual Assault of a Child placed in Substitute Care
- Persons who are or were released on parole or extended supervision or placed on probation in another state on or after January 1, 2000, and are or were on parole, extended supervision or probation in Wisconsin under the Interstate Compact for a violation of the law of the other state that the Department of Corrections determines would be a felony if committed by an adult in Wisconsin.⁴

Under certain circumstances a person convicted of a comparable offense in another state may be required to provide a DNA specimen to the Wisconsin DNA Databank under provisions of the Interstate Compact.

OFFENDERS WHO FAIL TO PROVIDE SPECIMENS

In an advisory opinion of February 2010, Wisconsin Attorney General J.B. Van Hollen concluded that, once a person becomes obligated to provide a DNA specimen, that obligation remains in effect until he or she provides a DNA specimen.

Ongoing Efforts to Obtain Specimens

The Department of Corrections is working in concert with the Office of Justice Assistance to expand an existing partnership related to persons who may have been released without DNA collection. They have developed a strategy to collect specimens from persons who were discharged from custody or supervision without providing a DNA sample.

The Sex Offender Apprehension and Felony Enforcement Initiative (SAFE) is a program administered by the Wisconsin Office of Justice Assistance designed to enforce Wisconsin law to protect kids and keep our communities safe from sex offenders.

³ Wis. Stat. 165.76(1)(e)

⁴ Wis. Stat. 165.76(1)(f)

SAFE has established a system for tracking and documenting compliance. Provided with data from the Department of Corrections on an on-going basis, the SAFE Task Force locates individual offenders who are still obligated to provide DNA. SAFE mails letters to these offenders to notify them of the requirement to provide a biological specimen. The notice includes instructions on how to voluntarily submit a biological specimen at the local Sheriff's Office. Many offenders comply with the request and submit biological specimens to Sheriff's Offices or the Department of Corrections.

When an offender ignores the notice, new legislation⁵ allows the district attorney to petition the circuit court for an order requiring the offender to appear in court and show cause as to why they did not produce a specimen. The order offers two options to the offender:

- 1) to report to the local sheriff and provide a specimen at least 10 days prior to the scheduled hearing; or
- 2) to appear in court at the scheduled hearing date.

At the court hearing, if the offender cannot demonstrate a reason for not providing a specimen the court may issue an order requiring the offender to provide a specimen. If the offender declines to provide the specimen, the court may issue a warrant or *capias* expressly authorizing a law enforcement officer to detain the offender for the purpose of procuring a specimen. The warrant may also authorize the reasonable use of force to obtain the specimen.⁶ As the TIME System will use the term "warrant" to describe either a warrant or *capias*, the term "warrant" will be used hereinafter.

This remains an important initiative for the foreseeable future, as SAFE works to secure biological specimens from individuals that are no longer under the direct custody or supervision of the Department of Corrections but are still required to provide DNA. The active and direct participation of law enforcement will be crucial to that process.

What This Means for Law Enforcement

2009 Wisconsin Act 261 (s. 165.76) provides law enforcement and prosecutors with additional legal authority to facilitate the collection of biological specimens. While this new legislation does burden law enforcement with additional procedures, it is a fair exchange for the benefit of increasing the bank of DNA samples—which enables law enforcement to more readily include or exclude individuals suspected of perpetrating serious crimes.

This section is intended to clarify the options available to law enforcement when confronting an offender who was required or obligated to produce a specimen and has not yet done so.

⁵ *2009 Wisconsin Act 261* (Wis. Stat. 165.76)

⁶ Wis. Stat. 165.76.

How will law enforcement know if an offender has complied with an obligation to provide a sample?

The Wisconsin criminal history query response has a field which indicates whether a biological specimen is on file for the subject or whether the subject is obligated to produce a specimen. If a subject has provided DNA, the Wisconsin criminal history response (CCH) will indicate “DNA sample available.” If the subject has been identified as required to provide DNA but has not, the Wisconsin criminal history response will indicate “DNA sample needed.” If there is a warrant authorizing the detention of the offender for not producing a specimen, that will be noted on the TIME System just as any other wanted person.

Common Situations

A number of situations may arise as law enforcement encounters an offender who has failed to provide a required specimen, these situations include:

What may law enforcement officers do with an offender they encounter on the street that has not produced a required specimen?

When the criminal history reflects that a warrant has been issued authorizing an offender’s detention for failure to provide a specimen, the officer may detain and transport him or her to jail.

If there is no warrant, but the criminal history reflects noncompliance with the obligation to provide a specimen, the officer should attempt to obtain a specimen through consent. If the officer lacks the training or equipment to personally obtain the specimen, the officer may request the offender follow him or her to the Sheriff’s Office or other facility to obtain the specimen.

Finally, if the subject refuses to consent, the officer should encourage the person to report to the Sheriff’s Office to provide a specimen. The officer should obtain the necessary information to identify and locate the subject for the purpose of obtaining a court order to produce a specimen. Officers should obtain a current photo, verify the home and any work/business address, and phone numbers along with other demographic information that will help locate this person in the future—presumably after the warrant has been issued.

If an offender intentionally refuses to provide a specimen, the officer should not arrest or further detain, rather refer the matter to the district attorney.⁷

What may jail officers do with an offender they encounter in jail?

⁷ See Wis. Stat. 165.765.

During the booking process, a jail officer may discover through a criminal history check that the offender has failed to provide a required biological specimen. If the check reveals a warrant requiring the production of a specimen, the officer should request that the offender provide the specimen.

If the offender refuses to comply with this request the officer may, pursuant to the warrant, detain the offender and use reasonable force to procure the specimen. Officers should consult their agency's policy on procedure for collection and use of force. However, if the criminal history check shows noncompliance with the obligation to provide a specimen, but no warrant has been issued, the officer should attempt to obtain a specimen through consent.

If the offender refuses to consent, the officer should refer the matter to the district attorney for issuance of a court order to compel production of a specimen pursuant to s. 165.76. In addition, an offender who refuses to provide a specimen may also be referred to the district attorney for criminal prosecution.⁸

Absent a warrant authorizing collection of a biological specimen, officers may not use force to procure the specimen.

Caution: Officers should exercise caution when dealing with an offender who has not produced a required specimen. A failure to produce a specimen suggests, among other things, that an offender may be wary of producing evidence that could link him or her to a serious, potentially violent and dangerous crime.

Naturally, this guide is only for the collection of specimens pursuant to the new legislation. The new legislation does not alter law enforcement's ability to obtain evidence through traditional investigatory means such as a search warrant. Law enforcement should confer with their district attorney as to the preferred course of action in these situations, as he or she is the legal advisor for criminal matters in your jurisdiction.

⁸ See Wis. Stat. 165.765.

COLLECTING AND SUBMITTING DNA SPECIMENS

As a specimen collector *you* are the vital link to the DNA databank. The success of the DNA databank relies upon your ability to collect the specimens appropriately. Your successful specimen collection will yield a DNA profile that will be automatically searched in all DNA forensic case work. Investigators will be notified in the event of a match.

WHEN AND WHERE SPECIMENS ARE COLLECTED

DNA specimens are collected from convicted offenders by Sheriff's Offices throughout the state and Department of Corrections staff at various correctional institutions. When an offender is placed on probation, the offender must provide a specimen "at the Office of a County Sheriff as soon after the placement as practicable, or as directed by his or her probation and parole agent." If the offender is sentenced to a county jail or house of correction, the offender must provide the specimen "as directed by the Office of a County Sheriff." If the offender is not in prison, on probation, or in jail, they shall provide the specimen "as directed by the Office of a County Sheriff or as directed by the agent or agency" supervising or having custody of the offender. There are similar requirements relating specifically to juveniles and offenders committed under Wis. Stat. 51.20 or 971.17 or found to be a sexually violent person under chapter 980.

Collecting biological specimens must include communication among all criminal justice agencies. It is especially important that agencies address how DNA collection will be accomplished under circumstances in which the offender is released from custody or supervision immediately upon conviction. The moments following the conviction and sentencing may represent the last chance to conveniently collect the offender's DNA. In most instances, the DNA collection should be made at the first opportunity by whichever agency has initial post-conviction control over the offender.

Agencies must prepare for their roles in the various conviction events that occur. For example, when the offender is subject to custody or other supervision, the DNA collection should be made by the controlling agency such as the jail or probation office. In split sentences, plans should address which agency will actually perform the DNA collection. Employees at many locations across the state must prepare to gather biological specimens.

Ideally, when submission of a specimen is required by law, the offender's obligation to provide it will have been specified in the sentencing order and the offender will be instructed to report to a court officer or other entity to fulfill this

requirement. However, even without the explicit instruction by the judge, the DNA specimen is required by law.

WHO CAN COLLECT

DNA specimen collection is a relatively quick and simple procedure that can be administered by anyone. No special medical training or 'sworn' status is required to take an oral swab.

BEFORE COLLECTING A SAMPLE

Positively Identify the Offender

The first step is to positively identify the offender. You should use at least one form of photo identification to establish the person's identity; two forms of identification are even better. When identification is not readily available, take photographs of the person. Traditional mug shot frontal and profile views work well for this purpose. A primary task of criminal justice is to identify perpetrators. It is critical that investigators can accurately connect a particular offender to the appropriate DNA profile.

Examine Criminal History Record

Check the Wisconsin Computerized Criminal History to reduce the number of duplicate samples.

You are asked to make a search of the Crime Information Bureau's Computerized Criminal History records (CCH) for all persons before taking a specimen. Any person whose DNA has already been submitted will have a flag at the top of their criminal record stating that a DNA specimen has been taken. If this message exists, a second DNA collection is not required. This simple procedure will significantly reduce the number of duplicate specimens. If you are in any doubt whether or not the Databank has a DNA specimen on file, collect it. It is better to have a duplicate specimen than none at all.

You will query the offender's criminal history using the TIME System. Access to the TIME System may be via *eTIME*, Portal 100, or by your agency's alternate method.

CCH Response – DNA Sample Already Taken

When the CCH reflects that DNA is available it is not necessary to collect another specimen. After querying the TIME System you can inspect the CCH record:

- eTIME response will state; "DNA Available"
- Portal 100 response will state; "DNA Sample Has Been Taken for Subject"

If CIB has no information regarding the DNA collection neither of these lines appear. If a record reflects a DNA sample is already on file, do not collect a duplicate.

CCH Response – DNA Sample Needed

Collect a DNA specimen following the instructions in the buccal swab collection kit.

If an offender is arrested and a review of the CCH shows the offender owes a DNA specimen from an earlier conviction, the arresting agency should request collection of the specimen during booking or communicate the requirement to the jail for collection.

CCH Response – No Record Found

When you cannot locate a criminal history record for the subject in CCH, collect a DNA specimen using the buccal swab collection kit **and** obtain a full ten print fingerprint record or card following the instructions on the back of the Submission Form. Fingerprints are traditionally the single best indicator of personal identity. It is the ten-print fingerprint “cards” received by CIB that drive the CCH record. Either inked or electronic (“live scan”) fingerprints may be delivered to CIB.

Impressions of prints must be clear, distinct and classifiable. Be sure of the person’s identity. Verification of all identifiers is paramount—double check your work before sending cards to CIB. Typographic errors, non-standard abbreviations, nicknames, and keying errors may all result in “alias” name listings. An “alias” resulting from simple, avoidable, mistakes causes confusion and unnecessary replication of records.

Why isn’t there a criminal history?

Have you ever asked, “I know this guy has been arrested in the past, yet when I run a criminal history query, there’s no record.” So, why is there no criminal history?

The green fingerprint cards filed upon arrest with CIB drive the issuance of a State Identification number (“SID”) that ultimately lead to the creation of a CCH record. If any offender is not fingerprinted or the cards are not submitted to CIB, no criminal history record is created.



There are many reasons that a criminal history record does not exist. For example:

- A suspect has never been “booked” (this is when the ten-print card is usually taken).
- Perhaps, even though taken, fingerprint cards were not submitted to CIB.
- Cards were of poor quality and the originating agency never fixed the problem.
- Misdemeanor citations and summonses are not “booked” even though required by law.
- Consolidated Court Automation Program (“CCAP”) reports are entered by courts with or without arrest cards having been done.

THE BUCCAL SWAB COLLECTION KIT

Buccal is defined as: *of, relating to, near, involving or supplying a cheek*. Buccal rhymes with buckle, knuckle, and chuckle. Simply stated, the process involves rubbing sterile swabs against the inside cheek of an individual’s mouth to collect cells for analysis.

The State Crime Lab supplies a pre-packed kit that is used for taking biological specimens from obligated offenders for inclusion in the Wisconsin DNA Databank. When completed, the kit provides the State Crime Lab with two cotton swabs that can be used to develop a DNA profile. Index fingerprints and information about the subject are recorded for the purpose of verifying identity.

The State Crime Lab’s kit is only intended for buccal swab collection from obligated offenders. Do not use the Buccal Swab Collection Kit to collect *evidentiary* specimens. For separate information regarding collection of evidence specimens refer to the *Physical Evidence Handbook, 8th Edition*⁹, or questions may be directed to the DNA Analysis Section of the State Crime Lab.

Kit Contents

The buccal swab collection contents are contained in a sealed manila envelope:

- Submission Form (specimen collection information; including identification of the person/offender). “No CCH record” instructions are on the reverse side of this form.
- Instruction folder (one yellow Swab Envelope glued inside)
- Separate, loose yellow swab envelope
- Single-use disposable gloves
- Two packages each containing one sterile cotton tipped applicator with a flexible plastic handle
- Seven self-adhesive barcode label stickers

⁹ <http://www.doj.state.wi.us/dles/crimelabs/physicalEvidenceHB>

- Two self adhesive, tamper resistant Integrity Seals (for use to seal each yellow Swab Envelope)
- Pre-addressed, postage-paid, white Mailing Envelope
- One self adhesive Shipping Seal (for sealing the back of the Mailing Envelope)

Step-By-Step Process

There are three stages of the process:

- 1) *Documentation*
- 2) *Buccal Swab Collection*
- 3) *Packaging and Mailing*

The process begins by; capturing subject data and fingerprints; oral swabs are collected; packaging, and the completed DNA specimen is mailed.

Documentation

Each collection kit arrives sealed with tamper-evident tape to ensure the contents are unmolested. Before opening the kit, be sure you have a clear and clean surface to work on. Read the entire Instruction Folder before proceeding. Work with only one subject at a time. Do not open another kit until previous collections have been completed and sealed—this avoids any possibility of confusing specimens and reduces the risk of cross contamination.

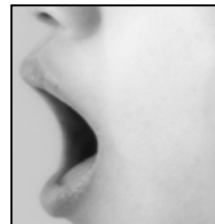


Step 1

Break the seal and open the kit in the presence of the offender. Remove all contents from the manila envelope. Do not use any kit if the exterior seal was broken before you opened the kit. Discard all pieces of any spoiled kit. Do not reuse them.

Step 2

Ensure the subject's mouth is empty of food, drink or anything that might obstruct swabbing. The swab must make unobstructed contact with the inner cheek to collect a good specimen. Dental appliances or piercings do not need to be removed. If you suspect the subject might have a contaminating DNA source in the mouth, have them rinse their mouth with water prior to collection. Drinking clear water alone, before swabbing, will not adversely affect the collection process.



Step 3

Confirm positively who you are dealing with. Use photo identification and consider taking the person’s picture.



Fill out the entire Submission Form by printing with black ink. Print clearly in each space on the form—sloppy handwriting and/or spelling errors can generate confusing aliases. Complete all data fields; there should not be any blank fields when you are finished.

The Submission Form contains several areas:

Subject Identifiers

SUBJECT IDENTIFIERS

LAST NAME: <u>DOE</u>		FIRST NAME: <u>JOHN</u>	FULL MIDDLE NAME: <u>ALAN</u>
SEX: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	RACE: <input checked="" type="checkbox"/> Caucasian <input type="checkbox"/> Hispanic/Latino <input type="checkbox"/> African American <input type="checkbox"/> Asian <input type="checkbox"/> Native American <input type="checkbox"/> Other: _____		
DATE OF BIRTH (mm/dd/yy): <u>09 / 22 / 42</u>			
STATE IDENTIFICATION NUMBER (SID): <u>WI - 1234567</u>		ORIGINATING AGENCY CASE NUMBER (OCA) AND/OR DOC CLIENT NUMBER: <u>654321</u>	

Be sure to include the State Identification number (“SID”). The SID is the unique number that will track the specimen throughout the entire process and serves to connect the offender to the specimen.

No Criminal History Record: Remember, if you are collecting a specimen from someone for whom you are unable to locate a criminal history record, follow the instructions on the reverse side of the Submission Form. A full ten print fingerprint record must be obtained in addition to the biological specimen as part of the overall collection process. When you do submit a ten print fingerprint card to CIB, note your action by printing “*fingerprint card sent to CIB*” in the SID field when there is no SID.

There is a field for the Originating Agency Case Number or “OCA” and/or Wisconsin Department of Corrections (“DOC”) Client Number. This field should reflect the collecting agency’s numeric case identifier such as the case or incident number and/or DOC’s Client Number.

Collection Information Block

The collector should print their name clearly! It is not necessary to sign the form.

COLLECTION

AGENCY NAME: (Identify the Sheriff's Office, Correctional Institution, Probation Office, or other agency that collected the sample. <u>Do not abbreviate.</u>)	DATE OF COLLECTION (mm/dd/yy): ____ / ____ / ____
COLLECTED BY (please print):	AGENCY CITY:
AGENCY CONTACT PERSON:	AGENCY CONTACT PHONE NUMBER: () -

Agency Information

The use of non-standard abbreviations is confusing. Unless you use your TIME System mnemonic complete with location code number, please print your entire agency name. (e.g. DASO1300 is the complete TIME System mnemonic for the Dane County Sheriff's Office.)



All form information is important for verifying the identity of the subject, and for tracking the specimen within the system. It is very important to know who is being processed and be able to connect the DNA profile to that specific person.

Step 4

Take the subject's fingerprints. Take straight down, not rolled, inked plain impressions of the left and right index fingerprints in all of the appropriate spaces. Use your agency's fingerprinting methods or the fingerprint ink supplied by the DNA Databank. The kit contains a single-use ink foil for fingerprinting at remote locations or whenever an ink supply is not readily available. Several inked fingerprint impressions are taken to tie all specimens together throughout the process.

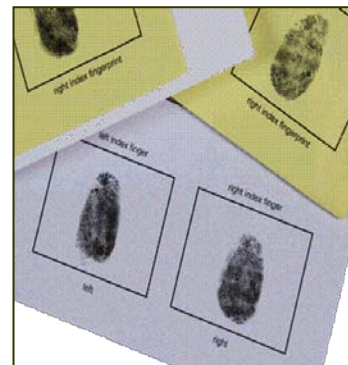
FINGERPRINTS

Place one fingerprint from each of the subject's index fingers in the boxes. Then use the right index finger in the box on each of the two yellow swab envelopes.

left index finger	right index finger
	
left	right

The subject's left index fingerprint is taken in one spot—take an impression of the subject's left index finger in the left box in the lower right corner of the Submission Form.

The subject's right index fingerprint is taken in three places—take an impression of the subject's right index finger in the right box in the lower right hand corner of the Submission Form next to the left index print. Take



an impression of the subject's right index finger on the box of each of the two yellow Swab Envelopes in the collection kit.

If the index finger is not available, badly worn, scarred or damaged; simply use another finger and be sure to note which finger was used on each of the four designated areas for prints.

Inspect the prints to be sure they are legible. The fingerprints must be clear and distinct.

Step 5

Affix the barcode labels within each of the designated and labeled spaces provided:

- Top of the DNA Databank Submission Form
- Instruction Folder. You will notice that the barcode sticker covers the fold.
- One on each of the two yellow swab envelopes
- One on the reverse side of the white Mailing Envelope.



Five of the seven barcodes have been placed in their designated location. The two remaining barcodes will be placed on the swab sticks after the specimen is collected.

Buccal Swab Collection

Step 6

Put the single-use disposable gloves on your hands before opening the swabs. If you are collecting specimens from more than one person, change gloves between individuals. The use of gloves during collection and handling help protect you and reduces the opportunity for contamination.



Step 7

Open one of the Sterile Cotton-Tipped Applicator Packages. Lay open the package so the sterile surface is available to air-dry the cotton tip after swabbing.

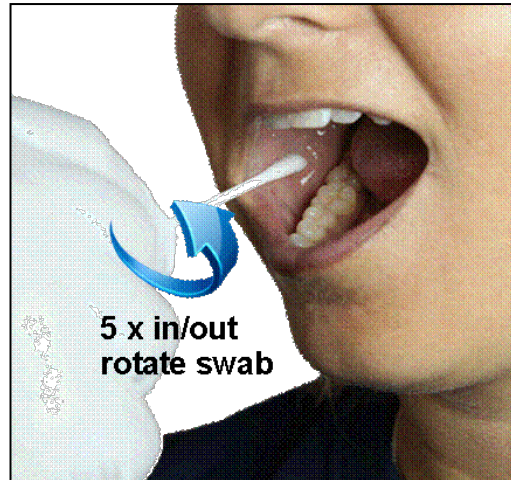
Be careful not to touch the cotton tip or allow it to become contaminated in any way.

Step 8

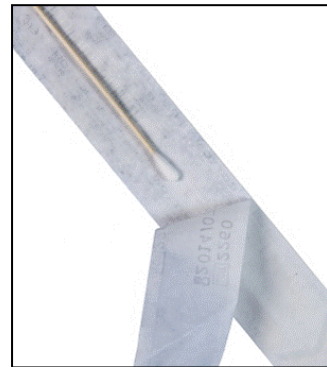
Remove the swab from the package. Do not moisten swabs before collection. Use dry swabs for rubbing on the inner cheek.

Have the subject open their mouth. Place the cotton tip against the person's inner cheek on one side of the mouth. Gently, but firmly move the cotton tip in and out at least 5 times, rotating the swab while rubbing it against the inner cheek.

It is very important that the swab be in solid contact with the inner cheek surface. Do not collect from the teeth or along the edges of the teeth. The goal is to collect cells from the inside wall of the cheek. These cells contain the DNA for analysis.

**Step 9**

Place the swab on the sterile side of the swab packaging to air dry. Do not let the cotton tip of the swab touch anything except the sterile side of the swab packaging. Allow air drying for several minutes if it is practical to do so. (Alternatively, place the moist swab directly into one of the swab envelopes after applying the barcode). Do not apply heat to assist in drying. Excessive exposure to heat may degrade the biological specimen.

**Step 10**

Repeat steps 7 through 9, swabbing on the *other side of the mouth*.

Step 11

Place barcode labels on the handle of each swab. The barcode has a center line to aid in aligning the sticker and the swab's handle. Fold the label around the end of the handle farthest from the cotton tip and stick it to itself. Be sure the label is firmly stuck to the handle. Keep the label flat so that it will be readily accessible for scanning of the bar code.



Barcodes help connect the specimens to the individual. Agencies should consider recording the number from the barcode label if they have interest in tracking the status during analysis or later wish to confirm collection.

Packaging and Mailing

Step 12

After collection, place one swab in each of the two yellow Swab Envelopes. Seal the swab envelopes using the Integrity Seals provided. Do not moisten the flap of the envelopes to seal them. Put the date and your initials on the two integrity seals. Once each envelope is sealed, it may not be opened. Damaged envelope seals will be rejected by the lab.



Always keep collection swabs in paper packaging. Never package wet or damp swabs in plastic bags or containers for long periods of time. This can promote bacterial growth and specimen contamination which can lead to DNA degradation. Direct sunlight or warmer conditions may cause DNA to degrade more rapidly. Avoid storing specimens in places that may get hot, such as the trunk of a car. To best preserve biological specimens, store them in a cool dry environment.

Step 13

Place the loose yellow Swab Envelope inside the fold of the Instruction Folder next to the other swab envelope that is glued inside the folder itself. This is important to ensure that the mailing envelope survives any automated processing by the United States Postal Service. The stiffer paper of the Instruction Folder provides a better surface for processing and helps reduce the possibility of damage en-route to the lab.



Place the folder in the white Mailing Envelope along with the completed Submission Form. Double check the white Mailing Envelope to ensure that one barcode label is on the back side of the Envelope before mailing. Do not moisten the Mailing Envelope sealing flap—seal the white Mailing Envelope by affixing the Shipping Seal in the designated area. Be sure to package specimens from different individuals in separate white Mailing Envelopes.

Step 14:

Mail the white Mailing Envelope immediately. It is important that all biological specimens are submitted as soon as possible. The collecting agency does not need to pay for the postage; the mailing envelope comes pre-printed with the

shipping address and postage pre-paid. If large numbers of specimens are being collected please contact the DNA Databank for bulk mailing information.



Common Rejection Errors

No one wants to repeat a swab collection due to errors or omissions. The Databank has identified the most frequent reasons why DNA submissions are rejected. In an effort to help reduce rejections the following guidelines are provided:

- Fingerprints must appear on the Submission Form and both swab envelopes.
- Fingerprints must be clear and verifiable.
- The State Identification number or “SID” must appear clearly and legibly on the Submission Form.
 - When no criminal history exists with an existing SID, a ten print fingerprint card must be delivered to CIB.
 - You will simply note “fingerprint card sent to CIB” in this space on the form when no SID is available.
- All barcode labels must be affixed in the proper designated areas.
- The white Mailing Envelope must have a barcode label attached to the back side to allow the Databank to track each collection as it arrives at the lab.
- All envelopes must be sealed.

Additional Considerations:

- Use only those supplies provided in the kit. Do not substitute supplies. If additional supplies are needed, open a new kit. Keep extra kits on hand.
- You may wish to have blank copies of the Submission Form available in the event of incorrect information or the need to re-fingerprint. However, minor mistakes may be corrected by placing a single line thru the incorrect information, initialing the mistake and entering the correct information.

Special note: In the unlikely circumstance that it is not possible to conduct an oral swab, a blood specimen may be collected by appropriate medical personnel and submitted to the State Crime Lab for analysis.

THIS PAGE INTENTIONALLY LEFT BLANK

APPENDIX A: DNA SPECIMEN POSTER

Wisconsin DNA Databank DNA Specimen Collection

Always Verify Identification



- 1 Open kit
- 2 Verify clear
- 3 Complete form
- 4 Fingerprint
- 5 Add barcode



- 6 Put on gloves
- 7 Open swab
- 8 Swab inner cheek
- 9 Dry swab
- 10 Swab 2nd time



- 11 Barcode swabs
- 12 Swabs in envelope
- 13 Prepare mailing
- 14 Mail ASAP



If no CCH, complete a ten print card



Agency Contact Person:

Agency Contact Phone Number:

DNA Collection Promotes Public Safety

THIS PAGE INTENTIONALLY LEFT BLANK

APPENDIX B: QUALIFYING OFFENSES¹⁰

- 1) Offenders who are or were in a custodial or supervisory status as of a certain date must provide DNA specimens:
 - a) Offenders who are or were found guilty on or after January 1, 2000 of any felony OR a misdemeanor offense under Wis. Stat. 165.765(1), 940.225(3m), 944.20, or 948.10.¹¹
 - b) Imprisoned offenders:
 - i) Any person who is or was in prison on or after January 1, 2000, for any felony conviction.¹²
 - ii) Any person who is or was in prison on or after August 12, 1993, and before January 1, 2000, for a conviction for any violation of Wis. Stat. 940.225(1) or (2), 948.02(1) or (2), or 948.025.¹³
 - c) Offenders on parole, probation, or Extended Supervision (ES) from other states if either:
 - i) The offender is released on parole, ES or placed on probation in another state before January 1, 2000, and is on parole, probation, ES in this state from the other state under Interstate Compact¹⁴ on or after July 9, 1996, for a violation of the law of the other state that the Wisconsin Department of Corrections determines under Wis. Stat. 304.137(1) is comparable to a violation of Wis. Stat. 940.225(1) or (2), 948.02(1) or (2), 948.025, or 948.085¹⁵; *or*
 - ii) The offender is released on parole, ES or placed on probation in another state on or after January 1, 2000, and is on parole, probation, or ES in this state from the other state under Interstate Compact¹⁶ for a violation of the law of the other state that the Wisconsin Department of Corrections determines under Wis. Stat. 304.137(2), would constitute a felony if committed by an adult in this state.¹⁷

¹⁰ This document incorporates changes resulting from 2009 Wisconsin Act 261 relating to the submission of biological specimens to the state crime lab for DNA analysis. See Wis. Stats. 165.76, 801.50(5v), 814.61(1)(c)7, 911.01(4)(c), 971.17(1m)(a), and 973.047(1f).

¹¹ 165.76(1)(av)

¹² 165.76(1)(ar)

¹³ 165.76(1)(ag)

¹⁴ 304.13(1m), 304.135, or 304.16

¹⁵ 165.76(1)(e)

¹⁶ 304.13(1m), 304.135, or 304.16

¹⁷ 165.76(1)(f)

- d) Offenders found not guilty by reason of mental disease or defect must provide a specimen if they meet the following criteria:
 - i) Were found not guilty or not responsible by reason of mental disease or defect on or after August 12, 1993 and were committed under Wis. Stat. 51.20 or 971.17 for a violation of Wis. Stat. 940.225(1) or (2), 948.02(1) or (2), 948.025, or 948.085¹⁸; *or*
 - ii) Were found not guilty or not responsible by reason of mental disease or defect on or after January 1, 2000, and were committed under Wis. Stat. 51.20 or 971.17 for any felony OR a violation of Wis. Stat. 165.756(1), 940.225(3m), 944.20, or 948.10.¹⁹
 - e) For an offender who is or was in institutional care:
 - i) On or after January 1, 2000 for any felony OR a misdemeanor offense under Wis. Stat. 165.765(1), 940.225(3m), 944.20, or 948.10.²⁰
 - ii) On or after August 12, 1993, for any violation of Wis. Stat. 940.225(1) or (2), 948.02(1) or (2), 948.025, or 948.085.²¹
 - f) Any offender found to be a sexually violent person under Wis. Stat. ch. 980 on or after June 2, 1994.²²
 - g) Juvenile offenders must provide a DNA specimen if each of the following are present:
 - i) Adjudicated for an offense under Wis. Stat. 940.225(1) or (2), 948.02(1) or (2), 948.025, or 948.085; *and*
 - ii) Under some form of juvenile supervision including placement in a juvenile correctional facility, secure residential care facility, or on probation, parole, supervision, or aftercare supervision; *and*
 - iii) The adjudication occurred on or after August 12, 1993.²³
- 2) Offenders pursuant to a court order:

- a) Felons and certain misdemeanor offenders

Wis. Stat. 973.047(1f) requires sentencing courts to order DNA testing as a condition of sentencing any time it sentences or places a person on probation for felonies

In addition, the obligation also extends to the following misdemeanor

¹⁸ 165.76(1)(b)

¹⁹ 165.76(1)(br)

²⁰ 165.76(1)(cr)

²¹ 165.76(1)(c)

²² 165.76(1)(d) and 980.063

²³ 165.76; Wis. Jus. 9.04

violations to provide a biological specimen: Wis. Stat. 940.225(3m), 944.20, 948.10, or 165.765(1).²⁴

The following offenders fall within this category:

- i) Sentenced or placed on probation and *any* of the following apply:
 - (1) If the sentencing occurred on or after January 1, 2000, and is for any felony or misdemeanor under 940.225(3m), 944.20, and 948.10²⁵; *or*
 - (2) If the sentencing occurred on or after August 12, 1993, and before January 1, 2000, for the following offenses: 940.225(1) or (2), 948.02(1) or (2), or 948.025; *or*
 - (3) If the sentencing occurred on or after May 22, 2010 for a violation of 165.765(1)

b) Offenders found not guilty by reason of mental disease or defect

Pursuant to Wis. Stat. 971.17(1m)(a), a court shall require offenders to provide a specimen who were found not guilty by reason of mental disease or defect:

- i) For a violation of 940.225(1) or (2), 948.02(1) or (2), 948.025, or 948.085; if the finding occurred on or after December 25, 1993.
- ii) For any felony or a violation of Wis. Stat. 940.225(3m), 944.20, and 948.10; if the finding occurred on or after May 22, 2010.

c) Involuntary commitment for treatment

Pursuant to Wis. Stat. 51.20(13)(cr), a court shall require juvenile offenders involuntarily committed to provide a specimen if they were committed for treatment under a court order under Wis. Stat. 938.30(5)(c)1, Juvenile Justice Code: Plea Hearing; *AND* is found to have committed a violation of Wis. Stat. 940.225(1) or (2), 948.02(1) or (2), 948.025, or 948.085. The finding must have occurred on or after December 25, 1993.

d) Juvenile Offenders:

- i) Pursuant to Wis. Stat. 938.34(15)(a)1 a court shall order a juvenile adjudicated delinquent to provide a specimen on the basis of a violation of s. 940.225, 948.02(1) or (2), 948.025, or 948.085. The finding must have occurred on or after August 12, 1993.
- ii) Pursuant to Wis. Stat. 938.34(15)(a)2 a court may order a juvenile adjudicated delinquent to provide a specimen on the basis of any

²⁴ 165.76(1)(av)

²⁵ Through 2005 Act 275, the Legislature expanded the requirements in 973.047 to these misdemeanors, effective June 1, 2006

violation under chs. 940, 944, or 948, or ss.943.01 to 943.15. The adjudication must have occurred on or after August 12, 1993.

Commonly-Referenced Statutes

51.20	Involuntary Commitment for Treatment
165.765(1)	Failure to Provide DNA Specimen
940.225(1) or (2)	1st or 2nd Degree Sexual Assault
940.225(3m)	4th Degree Sexual Assault
944.20	Lewd and Lascivious Behavior
948.02(1) or (2)	1st or 2nd Degree Sexual Assault of a Child
948.025	Repeated Sexual Assault of the Same Child
948.10	Exposing Genitals or Pubic Area
948.085	Sexual Assault of a Child Placed in Substitute Care
971.17	Commitment of Persons Found Not Guilty by Reason of Mental Disease or Defect

NOTE: WisDOJ supplies a reference listing of qualifying offenses that details the various conditions and resultant obligations. See WisDOJ's website for the current listing. <http://www.doj.state.wi.us/dles/crimelabs/databank.asp>

APPENDIX C: THE TIME SYSTEM

The mission of the Transaction Information for Management of Enforcement or “TIME” System is to implement the rapid and efficient exchange of factual information among law enforcement agencies. Implemented in 1972, the nucleus of the TIME System is a computer-based data communications control center managed by the Wisconsin Department of Justice Crime Information Bureau (CIB).

CIB maintains databases on warrants, wanted and missing persons, stolen vehicles, parts or license plates, criminal history information, and persons subject to a protection order or injunction. The Wisconsin Department of Transportation maintains information on vehicle registration and driver files; the Wisconsin Department of Natural Resources provides various hunting licenses along with recreational-type vehicle registrations; while the Wisconsin Department of Corrections provides probation and parole files along with the Sex Offender Registry. The National Crime Information Center (NCIC) maintains similar warrants, wanted and missing person files, vehicle files and protection orders along with stolen articles, securities, boats, stolen or recovered guns, criminal history and information on gang or terrorist groups or members.

TIME System Enabling Legislation

Wis. Stat. 165.827, Transaction information for the management of enforcement system; fees. The Department of Justice shall administer a transaction information for the management of enforcement system to provide access to information concerning law enforcement. The department of justice may impose fees on law enforcement agencies and tribal law enforcement agencies, as defined in s. 165.83(1)(e), for rentals, use of terminals and related costs and services associated with the system. All moneys collected under this section shall be credited to the appropriation account under s. 20.455(2)(h).

Wis. Stat. 165.828, Transaction information for management of enforcement system; access plan. The department of justice shall submit to the joint committee on finance a resource allocation plan that sets limits and priorities for access to the transaction information for management of enforcement system if the average daily message volume for any 3-month period exceeds 100,000.

Wis. Stat. 165.8285, Transaction information for management of enforcement system; department of corrections records.

- (1) The department of justice shall, through the transaction information for management of enforcement system, provide local law enforcement agencies with access to the registry of sex offenders maintained by the department of corrections under s. 301.45.

- (2) The department of justice shall provide the department of corrections with access to the transaction information for management of enforcement system administrative message process.
- (3) Beginning on July 9, 1996, the department of justice and the department of corrections shall cooperate in using the transaction information for management of enforcement system, and in developing or using any other computerized or direct electronic data transfer system, in anticipation of the transfer of the sex offender registry from the department of justice to the department of corrections under 1995 Wisconsin Act 440 and for the purpose of providing access to or disseminating information from the sex offender registry under s. 301.45.

APPENDIX D: FINGERPRINTS AND CRIMINAL HISTORY RECORDS

Arrest/Custody Fingerprint Submissions

Wis. Stat. 165.83(2), requires the Division of Law Enforcement Services, Crime Information Bureau of the Department of Justice to obtain and file fingerprints, descriptions, photographs, and other available identifying data on "persons" who have been arrested or taken into custody in this state for violation of offenses set forth in subsection (2)(a) and discussed in Attorney General Opinion 10-73.

Local law enforcement agencies are to cooperate and assist in the establishment of a state system of criminal identification by reason of ss. 165.83(2)(h) and 165.84. The latter section requires local law enforcement to secure the information referred to in s.165.83(2) from each person, including juveniles, arrested or taken into custody and to report the same to the Department of Justice.

Mug Shots from Law Enforcement Agencies

Electronic fingerprint submittals may include one or more Type-10 mug shot images. These images should be compressed using a JPEG file format and should conform to the National Institute of Standards and Technology (NIST) best practices for mug shot images.²⁶

Arrests

Wis. Stat. 165.83, requires the Department of Justice to obtain and file fingerprints, descriptions, photographs and other available data on persons who have been arrested or taken into custody in this state.

- For an offense which is a felony.
- For an offense which is a misdemeanor or a violation of an ordinance involving:
 - burglary tools
 - commercial gambling
 - dealing in gambling devices
 - contributing to the delinquency of a child
 - dealing in stolen property
 - controlled substances under chapter 961
 - firearms
 - dangerous weapons
 - explosives
 - pandering
 - prostitution
 - sex offenses where children are victims
 - worthless checks

²⁶ Wisconsin Department of Justice Identification Manual, Arrest/Custody Submissions, p. 24

- For an offense charged as disorderly conduct, but which relates to an act connected with one or more of the above listed offenses.
- As a fugitive from justice.
- For any other offense designated by the Attorney General; e.g., stalking and harassment.²⁷

Cooperation in Criminal Identification, Records and Statistics

Wis. Stat. 165.84 requires law enforcement agencies to obtain fingerprints and photographs for the offenses listed in s. 165.83, and the authority to submit fingerprints for other offenses at their discretion.

Complete the fingerprint card as an "arrest transaction" if the person whose fingerprints appear on the card is an individual who:

- has been arrested or taken into custody for a violation of a state law or local ordinance by the "contributing" agency, for having allegedly committed a violation in the jurisdiction of the "contributing" agency or
- has been arrested or taken into custody for a violation of a state law or local ordinance by an agency within the jurisdiction of the contributing agency; however, the "arresting" agency requests the "contributing" agency to submit the fingerprint card in behalf of the "arresting" agency. [This is not to be confused with the situation wherein the contributing/arresting agency has effected an arrest for another jurisdiction (warrant, CIB, NCIC hit, APBD, etc.) in this case the transaction becomes a "custody."]²⁷

Why don't offenses show up on the criminal history?

When the Final Disposition Reports are received at CIB they go through a number of steps before they are added to the related criminal history record. First, each final disposition is reviewed for complete, accurate, and required information.

Second, they are processed to locate the related criminal history record. At this point CIB verifies a fingerprint card is on file for the arrest in question. If no fingerprint card is on file, CIB returns a copy of the disposition to the arresting/contributing agency with the proper form indicating "No fingerprint card on file for this arrest". The agency indicated as the contributor, is requested to submit an arrest fingerprint card when they return the disposition to CIB. Both the arrest and disposition information will be added to the criminal history database.

When dispositions meeting all the requirements are received, CIB records are updated with new information and the final disposition is filed in the related jacket file.

²⁷ Wisconsin Department of Justice Identification Manual, Arrest/Custody Submissions, p. 20

Most of Wisconsin circuit courts now contribute final disposition reports electronically through CCAP. This disposition information is then passed to the state courts and forwarded to CIB, via a server interface.

Once CIB receives these electronic dispositions, a number of edit checks are performed to ensure the quality of the data before its posting to the criminal history database. CIB verifies arrest charges and that a set of fingerprints exists, and proceeds to post the disposition to the arrest event.

If no fingerprint card exists, the disposition report will queue to "error" and must be manually reconciled through a similar process used for paper dispositions without fingerprint cards.²⁸

Final Dispositions

Wis. Stat. 165.83(2)(f) requires the Division of Law Enforcement Services, Crime Information Bureau to "collect information concerning the number and nature of offenses known to have been committed in this state, the legal action taken in connection with such offenses from the inception of the complaint to the final discharge of the defendant."

Wis. Stat. 165.84(5) states that "All persons in charge of law enforcement agencies, all clerks of court, all municipal justices where they have no clerks, all persons in charge of state and county penal and correctional institutions, and all persons in charge of state and county probation and parole offices, shall supply the division with the information described in s. 165.83(2)(f) on the basis of the forms and instructions" which are furnished by the Division of Law Enforcement Services, Crime Information Bureau.

Use of Final Disposition

It is mandatory therefore, that "complete records" be maintained in the CIB files, and are not complete until a final disposition is reported to the CIB. FINAL DISPOSITION REPORTS ARE REQUIRED FOR ALL ARREST TRANSACTIONS.

A final disposition is "information disclosing that criminal proceedings have been concluded". This includes: disclosing that law enforcement has elected not to refer a matter to the prosecutor; that the prosecutor has elected not to commence criminal proceedings; or information disclosing that proceedings have been indefinitely postponed (if the reason for such postponement is indicated).

If the law enforcement agency is aware of the "final disposition" of an arrest transaction at the time a fingerprint card is completed and submitted, the final disposition must be listed in the appropriate block/field on the fingerprint card.

²⁸ Wisconsin Department of Justice Identification Manual, Final Dispositions pp. 51-52

When the law enforcement agency refers the matter to the prosecutor, the partially completed Final Disposition Report must accompany the case papers. If the prosecutor determines the disposition, (e.g. no prosecution) the report must be completed and submitted to the CIB. If the prosecutor enters the case into Prosecutor Technology for Case Tracking (PROTECT) with sufficient linking information, charging decisions will be reported to CIB electronically. In other cases the report must be completed and submitted to the CIB (no prosecution) or forwarded to the Clerk of Court (charges issued).

PROTECT interfaces with Wisconsin's Circuit Courts for electronic case filing and the sharing of court calendar information (the CCAP Interface); with the Wisconsin Department of Justice for the electronic update of No Prosecute decisions from the District Attorney back to the DOJ's Criminal History Repository (the CCH Interface); with Wisconsin's State Patrol for the electronic transfer and streamlined intake of criminal traffic citations to the DA's office (eCitation); and with several participating county law enforcement agencies for the electronic transfer and intake of police reports from the referring agency to the DA office (eReferral).

If proceedings commence, the prosecutor must furnish the court with information from the Final Disposition Report received from the law enforcement agency. If the required data has been entered into PROTECT prior to filing, and the case is filed electronically, this transfer is automatic. If the case is not filed electronically or the information is not in PROTECT, the final disposition form must be forwarded to the Clerk of Court. When the case is adjudicated, the Clerk of Court must complete the report and submit it to the CIB or report the disposition electronically through CCAP.

Upon receipt of a Final Disposition Report from either a Clerk of Court or a Prosecutor, the Crime Information Bureau will add the final disposition information to the relating fingerprint card in the Criminal History database. Dispositions will be returned to the submitting agency if information is inaccurate or incomplete.

Consolidated Court Automation Program (CCAP)

Wisconsin Circuit Court Access (WCCA) allows attorneys, abstractors, court staff, law enforcement, and the general public access to Circuit Court cases. The information displayed is an exact copy of the case information entered into the CCAP case management system by court staff in the counties where the case files are located. The court record summaries are all public records under Wisconsin Open Records law.

Some counties use the CCAP case management system only for selected case types. For example, Portage County currently has data for probate cases. CCAP is a voluntary program. Counties (or divisions within a county) that elect to use CCAP's case management system have data on WCCA.

WCCA is a mirror of the historical record in the Clerk of Court's office. As a historical record, it shows what has happened in every case filed. If a case is dismissed, or a person is found "not guilty" in a criminal case, that is part of the historical record and is disclosed in the records.

There are several reasons why a case may not be currently available on WCCA:

- Some older cases were not included when the circuit court in a county automated its records. How far back WCCA records go differs by county.
- Case types such as adoptions, mental commitments, and juvenile cases are confidential by law and are not shown on WCCA.
- A judge may order certain criminal cases to be expunged if the convicted offender is under 25 years old. This order will delete all court records of the case included on WCCA.

Juvenile Dispositions

Occasionally courts contribute juvenile disposition information to CIB. CIB is not authorized to receive juvenile disposition information from a court unless provided for by statute.

Circumstances under which courts are required to submit juvenile disposition information to CIB are:²⁹

- 1) s. 51.20(13)(cv)4 - When committed involuntarily by a court and ordered not to possess a firearm.
- 2) s. 938.396(8) - When adjudicated delinquent for an act that would be a felony if committed by an adult. This information may only be used as part of a firearms restriction search under s. 175.35(2g)(c).
- 3) s. 938.396(9) - When adjudicated delinquent for committing a serious crime as defined in s. 48.685(1)(c). This information may only be disclosed as part of a criminal history record search under s. 48.685(2)(am)1. or (b)1.a (daycare background check).

Information for these exceptions should be submitted using form DJ-LE-FH9 Juvenile Adjudication and Prohibited Possession Firearm Report. This form is to be completed by the court and mailed to:

Crime Information Bureau
 Attention: Handgun Hotline
 P.O. Box 2718
 Madison, WI 53701-2718

Juvenile disposition information not meeting this criterion will not be retained by CIB.

The foundation of the Wisconsin criminal record database is to have a fingerprint card on file for each arrest to ensure positive identification. For a comprehensive and detailed discussion of fingerprinting's impact on CCH please see the

²⁹ Wisconsin Department of Justice Identification Manual, Final Dispositions, p. 40

Appendix D

November 2010 Identification Newsletter of CIB at
http://www.doj.state.wi.us/dles/cib/forms/news/Ident_Nov2010.pdf.

APPENDIX E: JAIL MODEL POLICY

Model Policy



Subject

Collection and Submission of Deoxyribonucleic Acid (DNA):
Sheriff's Office Jail Staff

Effective Date

March 2010

References

Wisconsin State Statute – 165.76 and 165.765(1)

National Commission on Correctional Health Care (NCCHC)
Standard J-I-03

Wisconsin Department of Justice - Administrative Code Jus 9

Wisconsin State Crime Laboratory guidelines

Special Instructions

Distribution

Reevaluation Date/s

No. Pages

4

I. PURPOSE

To ensure the proper collection and submission of biological specimens from specified convicted offenders for DNA analysis within statutory requirements and/or court order, using procedures that protect system integrity.

II. POLICY

The Sheriff's Office will collect and submit biological specimens from specified convicted offenders for DNA analysis. Wis. Stat. 165.76, Wisconsin Department of Justice - Administrative Code Jus 9 and Wisconsin State Crime Laboratory guidelines state the Sheriff's Office will collect biological specimens for DNA analysis from offenders who are:

- 1) Sentenced to the county jail for a felony conviction.
- 2) Sentenced to the county jail as a condition of probation for a felony conviction.
- 3) Sentenced to the county jail for certain misdemeanors as enumerated in s. 973.047.
- 4) Ordered by the court to provide a biological specimen for DNA analysis.
- 5) Referred to the Sheriff's Office by the Wisconsin Department of Corrections (WisDOC) staff for collection of a biological specimen and fingerprints.
- 6) Special Circumstances: If an offender or arrestee is being booked into the jail and a review of that person's Computerized Criminal History (CCH) record reflects "DNA Sample Needed," refer to section D of this policy.

III. DEFINITIONS

A. *DNA*: Human DNA (deoxyribonucleic acid) is a complex chemical structure that is present in every cell of the body. The DNA structure or profile of each individual person is unique and can be used for matching biological evidence to a specific person.

IV. PROCEDURES

A. General

1. Before any biological specimen is collected, the identity of the offender must be verified, and a CCH report must be completed. From this report, the following information will be collected:
 - a. The State Identification (SID) Number: "WI-_____"
 - b. The Department of Corrections Client Number, if available.
 - c. If the report reflects, "DNA Sample on File," a specimen does not need to be collected. In this case, no further action is required.
2. If a specimen needs to be collected, jail staff or staff designated by the Sheriff will collect the specimen. Latex or similar single use gloves will be used during the collection of any biological specimen.

3. The “Wisconsin DNA Databank Buccal Swab Collection Kit” will be used for all biological specimens collected for DNA analysis. (Note: If the kit’s seal is broken or has been tampered with, discard and use a new kit.) Follow the collection kit’s instructions for collection of a biological specimen.
4. If a convicted offender is not incarcerated and, arrangements have been made with an outside agency to have the Sheriff’s Office collect the offender’s biological specimen for DNA analysis, the completed “Wisconsin DNA Databank Submission Form” (or the Sheriff’s Office designated form) will be copied with one copy for the Sheriff’s Office records and one copy sent to the appropriate requesting agency.
5. Any convicted offender that refuses or fails to provide the biological specimen as ordered will be referred to the district attorney for charges in accordance with s. 165.765(1).

B. Jail and Huber

1. The appropriate jail staff will be notified of any inmate/s that need to provide a biological specimen for DNA analysis via a Judgment of Conviction or Records personnel.
2. Jail staff will maintain a list of incarcerated and/or pre-booked inmates, obligated to provide a biological specimen.
3. All biological specimens will be collected as soon as possible, or in a timely manner, so that an inmate will not be released prior to a specimen being collected.
4. Biological specimens will be collected in a designated area as directed by the Jail Administration. Safety and security of the facility will have priority when determining the location of the collection.

C. Not in Custody and Not Under Supervision

1. If an offender is required to submit a biological specimen for DNA analysis, but is not sentenced to a jail or prison term, and is not placed on supervision, the court shall order the offender to report to the Sheriff’s Office to provide the specimen.
2. If any offender fails to appear as ordered, the Sheriff’s Office will notify the court for further action.

D. CCH Reflects DNA Sample Needed

1. Inform the subject that criminal history records state an obligation based on a prior conviction, to provide a biological specimen for DNA analysis.
2. Ask the subject if he/she will provide a biological specimen at this time.
3. If the subject agrees to provide a biological specimen, collect the specimen as outlined previously in this policy.
4. If the subject willfully refuses to provide a biological specimen, inform the subject that he/she is in violation of s. 165.765(1). Contact designated sheriff's office staff and request that a case be forwarded to the district attorney for consideration of criminal charges. The subject can not be kept in custody solely for refusing to provide a specimen unless a warrant or court order has been issued.

E. Agency Contact Designee

1. [Position Title] will serve as the Sheriff's designated point-of contact for all communications to and from other agencies regarding DNA collection. The Sheriff's Office will share contact information with the Wisconsin State Crime Laboratory, WisDOC, the Circuit Court, and other law enforcement agencies within the county.
2. The Sheriff's designee will work with local agencies to develop cooperative agreements to ensure DNA is collected from individuals legally obligated to submit biological specimens to the Wisconsin State Crime Laboratory.
3. The Sheriff's designee will communicate procedures developed under D.2., above, to all staff within the ... [Jail and/or the Office of Sheriff].

Note: Every effort has been made by the Wisconsin Department of Justice Staff and the Wisconsin DNA Task Force to ensure that this model policy incorporates the most current technical information and contemporary professional judgment. However, criminal justice administrators must be cautioned that no "model" policy can meet all the needs of any given agency. Each agency operates in a unique environment of federal court rulings, state laws, local ordinances, regulations, judicial and administrative decisions, prosecutor guidelines, and collective bargaining agreements that must be considered. In addition, the formulation of specific agency policies must take into account local political and community perspectives and customs, prerogatives and demands; often divergent criminal justice strategies and philosophies; and the impact of varied agency resource capabilities, among many other factors.

GLOSSARY

Agency-Owned Proprietary Application Software: A Transaction Information for the Management of Enforcement (TIME) System application. Agency owned proprietary applications generally involve dispatch or mobile access to TIME. It may provide Computer Aided Dispatch (CAD) access (in-house workstations using the proprietary software purchased by the agency from a vendor.) It may also include mobile access [mobile devices using the proprietary software purchased by the agency from a vendor or using eTIME on the laptop such as Mobile Data Terminals (MDT) or Mobile Data Computers (MDCs.)]

Buccal Swab: The word buccal refers to a person's cheek, and buccal swabbing simply means to rub the inside of the mouth in the cheek area to collect loose cells for analysis. The swab becomes the collection device and it generally looks like a large one-ended Q-Tip. Buccal swabbing is a common method for collecting DNA for analysis.

Capias: For purposes of obligated offenders, an arrest warrant that specifies seizure of a DNA biological specimen.

Corrections Officer: A person employed and trained by WisDOC to work in a prison or state correction program

Court-ordered Offender: Offenders are subject to a court order requiring the production of a biological specimen imposed as part of a case's disposition occurring on or after a statutorily specified date. [see s. 973.047(1f)]

Criminal History Records: There are three levels of criminal history records that may be created when a subject is arrested. The first level is the arrest and booking process at the local law enforcement agency. This process creates an arrest record and, if applicable, a court record. The second and third levels are created when the local law enforcement agency submits the arrestee's fingerprints to the Crime Information Bureau (CIB) (second level) and the Federal Bureau of Investigation (FBI) (third level). It is important to remember that all arrest/conviction records in the CIB and FBI files are supported by fingerprint cards. The failure to submit fingerprints will result in incomplete state and federal criminal history records.

Databank Unit: A WisDOJ State Crime Lab (SCL) work force of five staff members located in the Madison Lab responsible for hit confirmations. This group receipts and sorts specimens, enters information, processes and distributes, reviews and re-analyzes as may be appropriate.

DNA: DeoxyriboNucleic Acid is a complex chemical structure that is present in every nucleated cell of the human body. Shaped like a double helix, it is a long linear polymer found in the nucleus of cells and it is associated with the transmission of genetic information. Each DNA profile is unique and can be used for matching biological evidence to a specific person.

DNA Biological Specimen Collection Initiative: WisDOC initiative to collect DNA specimens from the group of qualifying offenders who are legally obligated to provide specimens.

DNA Clerk: A WisDOC employee who checks collection requirements for DNA sampling both at intake and release from custody. The DNA clerk updates and ensures accuracy of WisDOC records.

DNA Databank: The Wisconsin DNA Databank is located within the Madison Office of the State Crime Lab as part of the Wisconsin Department of Justice.

DNA Needed Flag (CCH): A notation created in the computerized criminal history record (CCH). This CCH record is accessible via the TIME System by authorized and trained users. The flag will alert personnel searching the record that an offender is obligated to provide a biological specimen. This condition is entered into the CCH record based upon information supplied to the Crime Information Bureau (CIB) by WisOJA's SAFE Initiative.

DNA Profile: DNA profiling (also DNA testing, DNA typing, or DNA fingerprinting) is a forensic science technique that identifies individuals on the basis of DNA profiles. DNA profiles are encrypted sets of numbers that reflect a person's DNA makeup, which is used as an identifier.

DNA Sample on File Flag (CCH): A notation created in the computerized criminal history record (CCH). This CCH record is accessible via the TIME System by authorized and trained users. The flag alerts personnel searching the record that an offender has previously provided a DNA specimen and a duplicate sample is not needed. If there is any question about this flag, collect a new specimen. This condition is entered into the CCH record by Wisconsin DNA Databank staff at the time a specimen is analyzed for a DNA profile.

Duplicate Offender: An annual search of the DNA databank seeks to verify a specimen came from the same individual or an identical twin. If this is not the reason for the duplicate entry, fingerprint records are checked to identify individuals involved. If the reason for a duplicate record cannot be confirmed, further investigation is initiated.

eTIME: electronic Transaction Information for the Management of Enforcement administered by WisDOJ CIB. Internet-based access to the TIME System, sometimes accessed via WILENET, facilitates query-based access to WisDOT, CIB, NCIC and CCH files.

Jail Officer: A person employed as a jail officer, trained and certified by the Law Enforcement Standards Board to work in a county jail.

Law Enforcement Officer: A person employed as a law enforcement officer, trained and certified by the Law Enforcement Standards Board to work for a political subdivision of the state.

Portal 100: TCP/IP-based system for remote access to TIME via Badgernet. It facilitates query-based access to WisDOT, CIB, NCIC and CCH files (Administered by WisDOJ CIB and the software is also supplied by CIB.)

There are two types of access:

- Direct connect workstations (these are workstations that have a static IP address and connect across Badgernet to the TIME System)
- Clients behind a Portal 100 DWS (gateway with workstations that connect to the DWS), (the DWS has the static IP that connects across Badgernet to TIME System)

Rapid ID: Rapid ID involves the integration and enhancement of Computerized Criminal History and Automated Fingerprint Identification Systems. A digital fingerprint image from an individual is transmitted to the Rapid ID system for matching. If a match is made, Rapid ID extracts that person's criminal records and returns it to where it can be viewed and read by an officer.

SAFE Initiative: Sex Offender Apprehension and Felony Enforcement Initiative. WisDOC and WisOJA, have entered into an agreement which authorizes the SAFE Task Force to engage in locating offenders from whom a DNA specimen is required, but are no longer under the direct custody or supervision of the WisDOC. The SAFE Task Force is provided with data from the WisDOC on an on-going basis, and locates individual offenders who are obligated to provide a DNA specimen. SAFE mails out letters to this group of offenders to notify them of the requirement to provide this specimen. The letter provides specific instructions and deadlines to the individual offender. SAFE has established a system for tracking and documenting compliance. This remains an important initiative for the foreseeable future, as we work to secure biological specimens from this group of individuals.

Standard Precautions: A term used in various activities to identify specific personal protective gear used in a particular industry or task and might range from wearing just latex gloves to full bio-hazard protection suits.

The term has different meanings for different groups. (see also universal precautions)

Status Offender: Offenders have an obligation to provide a biological specimen because they were in custody or on supervision for certain specific offenses on or after a specific date. [see s. 165-73(1)(ar) & (2)]

TIME System: Transaction Information for the Management of Enforcement (TIME) administered by WisDOJ CIB. There are three primary types of access to the TIME System: eTIME, Portal 100 and agency-owned proprietary application software using Badgernet

Universal Precautions: A term used primarily in the medical community and involves the wearing of specific personal protective equipment including eye protection, mask and gloves. (See standard precautions)

Wisconsin Criminal History Database: The Wisconsin criminal history database has a field which indicates whether a specimen is on file for a subject and whether the subject was obligated to produce a specimen. If a subject has provided a DNA sample, the Wisconsin criminal history response will indicate "DNA Sample Available." If the subject has been identified as required to provide a DNA Sample but has not, the Wisconsin criminal history response will indicate "DNA Sample Needed." If there is a warrant authorizing the detention of the offender for not producing a specimen - that will be noted on the TIME System, just as any other warrant.

Wisconsin DNA Databank: Pursuant to Wis. Stat. 165.77 a current data framework for documenting, reporting, tracking and monitoring overseen and maintained by the Madison State Crime Lab within the Department of Justice. The databank has two main functions; forensics profiles and offender profiles. The forensic side has information relevant to investigations and evidence. The database side includes offender samples and their resultant profiles. The overall databank is our principle access to CODIS which connects information from across the country.

Wisconsin DNA Task Force: A work group convened to examine and identify systematic problems in the collection, submission and tracking of DNA and make recommendations to improve the entire process and identify solutions to existing problems. The multi-jurisdictional task force represents a collaborative effort among the Attorney General, the Secretary of Corrections and The Badger State Sheriff's Association.

Wisconsin Identification System: The Wisconsin Identification System was established in 1971, and is designed to serve Wisconsin law enforcement and criminal justice agencies as a central repository for identification information and is compatible with the historic Identification Division activities of the FBI. The Wisconsin system is designed to allow for the

coordinated exchange of state and national information of interest throughout the United States and the identifying data in the CIB files has proven vital to Wisconsin law enforcement.

THIS PAGE INTENTIONALLY LEFT BLANK

ACRONYMS

Acronym	Meaning	Definition
ATR	Alternative to Revocation	WisDOC
BHS	Bureau of Health Services	WisDOC
CACU	Central Accounting Cashier's Unit	WisDOC
CAD	Computer Aided Dispatch	Agency-owned proprietary software applications.
CCAP	Consolidated Court Automation Program	Wisconsin Circuit Court Access (WCCA) allows attorneys, abstractors, court staff, law enforcement, and the general public access to Circuit Court cases. The information displayed is an exact copy of the case information entered into the Consolidated Court Automation Program (CCAP) case management system by court staff in the counties where case files are located. Court record summaries are all public records under Wisconsin open records law.
CCH	Computerized Criminal History Database	The Computerized Criminal History (CCH) database makes criminal history information rapidly available to individuals that have permission to access this data via the TIME System. CCH is a Wisconsin criminal history database response that has a data field which indicates whether a DNA specimen is on file for the subject and whether the subject was obligated to produce a specimen. DNA related data fields include: date collection taken; location of collection, date sent; date received; date tested; sample required, and DNA kit number.
CHRI	Criminal History Record Information	WisDOJ CIB
CIB	Crime Information Bureau	WisDOJ
CODIS	Combined DNA Index System	A database system containing DNA profiles obtained from criminal offenders across the country as well as profiles obtained from crime scenes, victims, unidentified human remains and missing persons. It includes; local, state, and national databases, and is administered and managed by the FBI.
DAI	Division of Adult Institutions	WisDOC
DCC	Division of Community Corrections	WisDOC
DCI	Dodge Correctional Institution	WisDOC Male Inmates
DJC	Division of Juvenile Corrections	WisDOC
DNA	Deoxyribonucleic Acid	a human biological sample
ES	Extended supervision	WisDOC, Probation and Parole condition.

Acronyms

Acronym	Meaning	Definition
e-TIME	electronic – Transaction Information for the Management of Enforcement	Internet-based access to the TIME System – sometimes accessed via WILENET. It facilitates query-based access to WisDOT, CIB, NCIC and CCH files (Administered by WisDOJ CIB.)
FDOATP	Felony Drug Offender Alternative to Prison	WisDOC
HOC	House of Corrections	Milwaukee County
ICOTS	Interstate Compact Offender Tracking System	A web-based system that facilitates the transfer of supervision for probationers and parolees from one state to another.
JCI	Juvenile Correctional Institution	WisDOC Juvenile Offenders
JJIS	Juvenile Justice Information System	WisDOC Division of Juvenile Corrections computer program.
MTC	Madison Training Center	WisDOC
MSDF	Milwaukee Secure Detention Facility	An alternate to DCI for adult offenders to serve incarceration.
NCIC	National Crime Information Center	FBI
NGI	Not Guilty by Reason of Mental Disease/Defect	
POU	Planning and Operations Unit	WisDOC
PREA	Prison Rape Elimination Act	WisOJA
QH	Query Criminal History	WisDOJ CIB TIME System
QR	Query Criminal History Record or Query Response	WisDOJ CIC TIME System
SAFE program/project/initiative	Sex Offender Apprehension and Felony Enforcement Initiative	SAFE is a program administered by the Wisconsin Office of Justice Assistance (WisOJA) designed to enforce Wisconsin law to protect kids and keep our communities safe from sex offenders. One goal is to locate offenders no longer under custody or supervision of WisDOC to secure biological specimens.
SID	Wisconsin State Identification Number	Assigned by WisDOJ to link DNA submissions to the criminal history record, used in conjunction with fingerprints to provide accurate information. An SID is assigned to an individual when the first ten print Criminal Answer Requested (CAR) is received at WisDOJ. This includes arrest prints, custody cards (jail and prison intake) and registration cards (DNA, Sex Offender, and Probation/Parole). Any subsequent submissions for that individual are then added to that SID.
TCI	Taycheedah Correctional Institution	WisDOC Female Inmates
TIME System	Transaction Information for the Management of Enforcement	WisDOJ CIB. Types of access to the TIME System: eTIME, Portal 100 and agency-owned proprietary application software using Badgernet.

Acronym	Meaning	Definition
TSB	Training and Standards Bureau	WisDOJ
WICS	Wisconsin Integrated Corrections System	WisDOC
WILENET	Wisconsin Law Enforcement Network	A secure web-site dedicated to the law enforcement role of public safety. (WisDOJ TSB)
WisDOC	Wisconsin Department of Corrections	
WisDOJ	Wisconsin Department of Justice	
WisDOT	Wisconsin Department of Transportation	
WisOJA	Wisconsin Office of Justice Assistance	

THIS PAGE INTENTIONALLY LEFT BLANK

INDEX

165.76.....	5, 11, 12, 14, 29, 30, 31	Drew, Kelly.....	4
165.765(1)	9, 10, 29, 30, 31, 32	Dunivant, Thomasina.....	4
165.83.....	33, 35, 36, 37	Edwards, Edward W.	4
165.83(2)	35, 37	Ellis, Walter	3
165.84.....	35, 36, 37	envelope	18, 19, 24, 56
175.35(2g)(c)	39	eTIME	16, 45, 48, 52
1993 Wisconsin Act 16	9	extended supervision.....	11
1999 Wisconsin Act 9	9	felony	3, 9, 10, 11, 29, 30, 31, 35, 39
2005 Wisconsin Act 275.....	9	fingerprint .	17, 18, 19, 20, 21, 22, 25, 35, 36, 37, 39, 45, 46, 47, 52
2009 Wisconsin Act 261	2, 9, 12	gloves.....	18, 22, 47, 48
51.20.....	10, 15, 30, 31, 32, 39	Hack, Timothy	4
938.34(15)(a)1	31	integrity seals	24
938.34(15)(a)2	31	Interstate Compact.....	10, 11, 29, 52
938.396(9)	39	Juvenile offenders.....	10, 30
940.225(1)	10, 11, 29, 30, 31, 32	LDIS	6
940.225(3m)	9, 10, 29, 30, 31, 32	Leichtman, Kathleen	3
944.20.....	9, 10, 29, 30, 31, 32	Local DNA Index System.....	<i>See</i> LDIS
948.02(1)	10, 11, 29, 30, 31, 32	misdemeanor	9, 10, 29, 30, 31, 35
948.025.....	10, 11, 29, 30, 31, 32	National Crime Information Center	33, 52
948.085.....	10, 11, 29, 30, 31, 32	National DNA Index System	<i>See</i> NDIS
948.10.....	9, 10, 29, 30, 31, 32	NDIS	4, 6
971.17.....	10, 15, 30, 31, 32	Niesen, Thomas.....	3
973.047(1f)	30, 45	OCA	20
980.....	10, 15, 30	Office of Justice Assistance.....	11, 52, 53
alias	17	Otterback, Gregory	4
barcode.....	18, 22, 23, 24, 25	parole	11, 15, 29, 30, 33, 37
Bausman, Jodi.....	4	Portal 100.....	16, 47, 48, 52
blood specimen.....	25	probation	3, 11, 15, 29, 30, 31, 33, 37
Buccal	18, 19, 22, 45	SAFE.....	11, 12, 46, 47, 52
buccal swab	2, 17, 18	SDIS.....	6
CCAP	18, 37, 38, 51	Sex Offender Apprehension and Felony Enforcement Initiative	<i>See</i> SAFE
CCH2, 13, 16, 17, 18, 38, 39, 42, 43, 46, 47, 51, 52		Sheriff.....	ii, 4, 15, 21, 41, 42, 43, 44, 48
CODIS	2, 4, 5, 6, 48, 51	SID	17, 20, 25, 52
Combined DNA Index System.....	<i>See</i> CODIS	State DNA Index System	<i>See</i> SDIS
Computerized Criminal History.2, 47, 51, <i>See</i> CCH		Submission Form..	17, 18, 20, 21, 22, 24, 25
Court orders.....	10	swab.....	16, 18, 19, 22, 23, 24, 25, 45
criminal history. 2, 13, 14, 16, 17, 18, 20, 25, 33, 36, 37, 39, 45, 46, 48, 51, 52		TIME System ...	2, 12, 13, 16, 21, 33, 45, 46, 47, 48, 51, 52
Department of Corrections11, 12, 15, 20, 29, 33, 53		WCCA.....	38, 39, 51
Department of Justice..i, ii, 9, 33, 35, 36, 37, 38, 39, 46, 48, 53		Wisconsin DNA Databank ...	2, 4, 10, 11, 18, 46, 48, 56

Buccal Swab Collection kits, including a postage-paid return envelope, are available at no charge to criminal justice agencies. Contact the State Crime Lab's Madison office:

**Wisconsin DNA Databank
4626 University Avenue
Madison, Wisconsin 53705
Phone: 608-266-2031**