

Terry E. Branstad
Governor
Kim Reynolds
Lt. Governor



Department of Public Safety

Roxann M. Ryan
Commissioner

January 14, 2016

To: All Affected Agencies Collecting DNA Database Samples

Subject: DNA Database Collection (Determining Eligibility)

Dear Stakeholders:

In response to the DNA collection law change, the Iowa Department of Public Safety has implemented new programming on the Iowa Criminal History System. The new programming went live on December 16th, 2015. The intention of this programming is to assist officers in determining DNA collection eligibility of convicted offenders. Initial response from several stakeholders indicated that there may be confusion regarding the "MANUAL DNA CHECK NEEDED" message. The message has now been revised to "FAILURE TO DETERMINE DNA COLLECTION ELIGIBILITY, MANUAL RECORDS CHECK ADVISED". This message indicates the program could not determine DNA collection eligibility due to one of several reasons. As a result it will be necessary to perform a review of the offender's conviction record to determine if a DNA sample should be or should not be collected as required by the law.

Attached to this memo is a document containing further clarification of the changes made to the Iowa Criminal History System and what collecting officers should expect to see on an individual's rap sheets. Please read/review the enclosed document:

"DNA Subject Inquiry System Return Message and Their Causations"

Draw your attention to the information regarding the "FAILURE TO DETERMINE DNA COLLECTION ELIGIBILITY, MANUAL RECORDS CHECK ADVISED" message information (Item 4 on page 2).

If you have further questions on this matter, please contact the Iowa DCI Crime Laboratory DNA Database unit at 515-725-1500 or Paul Bush 515-559-7079 or Kristin Baum 515-559-7078. More detailed information on individual records information can be obtained from the Records Section of the Iowa DCI (Pam Dyer 515-725-6072 and Tom Murphy 515-725-6281).

Sincerely,

JAMES J. SAUNDERS, Director of Investigative Operations
Iowa Department of Public Safety

PAUL J. BUSH, DNA Criminalist Supervisor
Iowa Division of Criminal Investigation Criminalistics Laboratory

Attachments

Cc: Bruce P. Reeve, Laboratory Administrator

DNA Subject Inquiry System Return Messages and Their Causations

(Users Guide- Revised 04-13-2016)

Following are the DNA messages that will be on the top of **each and every** 1) CCH Oracle forms terminal rap sheet, 2) Message Switch IOWA System Criminal History QR inquiry by DCI# response, and 3) message switch IOWA System RAPW inquiry/response.

1. **DNA ON FILE KIT# 523478**

- a. For the entered DCI# there is at least one processed DNA kit on the Lab's samples received file.

For the following checks and responses every court charge on a subject's record is reviewed up to the point where a definite DNA message determination can be made or end of the court charges for that subject is reached.

2. **DNA SAMPLE REQUIRED**

- a. Felonies, FELA, FELB, FELC, FELD, OFOF, FDPS. Any subject's charge matched and identified as a felony on the charge code table or subject record
- b. Qualifying sex offenses. Any subject charge matched to one of 20 sex crime codes identified by the SOR required box checked in the charge code table
- c. Deferred judgments. DNA will be required regardless of deferred judgments for felonies and qualified sex offenses.
- d. Aggravated Misdemeanors, AGMS
 1. Subject charge codes that are AGMS and have an in process deferred judgment or have a satisfied deferred judgment are bypassed and not considered for DNA message determination. Deferred judgments that are revoked are considered.
 2. The date of offense, DOO, for the charge must be July 7, 2014, or greater, and DOO minus DOB must be equal or greater than 18 for one combination in the case of multiple DOB's.
 3. The subject's record matches the charge code table and the AGMS flag is set to Y.
 4. Aggravated Misdemeanor charge 321J.2(2)(b) OWI 2nd, DOT check required. On a DOT last name, first name and DOB exact match search result, in order for the subject to have the DNA SAMPLE REQUIRED message returned, the subjects DOO of the 321J.2(2)(b) offense minus the revocation dates of at least two revocations on the DOT record have to be within 12 years less than the subject's DOO. The DOT revocation codes must be: 44, OWI Test Refusal; 62, Operating While Intoxicated; 70, Deferred Judgment-OWI; or 84, OWI Test Failure.

3. **DNA SAMPLE NOT REQUIRED**

- a. All charge codes are searched and **all** charge codes find a hit (not requiring DNA) on the charge codes table and there is no "FELONY CONVICTION" message appearing at the top of the rap sheet due to the felony flag. This includes any successful DOT search result that is returned with a successful negative response.

4. ***FAILURE TO DETERMINE DNA COLLECTION ELIGIBILITY. MANUAL RECORDS CHECK ADVISED***

Numbers 1, 2, and 3 always have been checked first and there is no definite resolution. The causes could be numerous but below are the main circumstances, and proposed resolutions.

Circumstances:

- a. First, part of the DNA requirement determination involves matching exactly the subject's convicted charge code and the convicted charge code year to the same on the judicial branch charge code table. If there is no exact match to the tables then the computer, presently, cannot determine if the charge requires a DNA sample or not. For example, OWI code **321J.2(C)** year 1992 is a felony D requiring DNA. If the subject has on his or her record the convicted OWI charge code of **321J-2(C)** year 1992 then there would be no exact match due to a format problem where the period (.) does not match the dash (-), resulting in the above message. The same type of logic can be found where there is no charge code year match or no charge code year on the subject's record. Also, charge codes can be missing from a subject's record resulting in above message.

Resolution:

To resolve circumstance above, a complete *manual/visual* review of the subject's criminal history record is required. The programming is unable to make a decision based on the incorrect charge code or date format. ***If further clarification of the subject's charge code information is required please contact the county attorney's office.***

- b. Second, an arrest record must be available in combination with a court disposition. If there is arrest record data present but there is no court disposition data the computer cannot determine if the charge requires a DNA sample or not. The State's Criminal History System (CCH) allows four years between arrest and conviction data. Some court records never make it to CCH. Therefore, there are a large number of subjects, within four years of the current date that would have the above message due to no court data on file.

Resolution:

To resolve circumstance above, a complete *manual/visual* review of the subject's criminal history record is required. In conjunction with a manual review, courts on-line could be used as a reference. It should be noted; however, that the court information online can be used as a supplement back to 1995. ***If further clarification of the subject's court disposition information is required please contact the county attorney's office.***

- c. As a general referent be aware that DOA (date of arrest) cycles, after 02/2015 use the new charge code table for disposition processing and should be close to 100% accurate with court data. Prior to 02/2015 DOA cycles were inconsistent. For example, DOA cycles from about 2002 to 02/2015 used a charge code table that was provided by the Judicial Branch, ICIS, along with a DPS felony flag system which identified felony convictions. DOA cycles from 1996 to 2002 used only the felony flag system. Prior to 1996, entry of conviction charge codes and code classes did not follow a continuous set of format rules and charge class requirements. The inconsistency in DOA cycles has resulted in a large number of non matches to the current judicial branch charge code table.

Resolution:

To resolve circumstance above, a *manual/visual* review of all the arrest DOA's is required. For the DOA's *after* 1996, look at the convicted charge codes for the **CHARGE CLASS**. If there is no word FELONY there or any of the charge descriptions for arrest or court sound like felonies, then DNA may not be required. For DOA's *before* 1996, it will require further research. Please refer to <https://www.legis.iowa.gov/archives/code> for older versions of the Iowa Code at the time of the offense. ***If further clarification of the subject's charge code information is required please contact the county attorney's office.***