

TITLE 216 - DEPARTMENT OF HEALTH

CHAPTER 60 - LABORATORIES AND MEDICAL EXAMINER

SUBCHAPTER 05 - STATE LABORATORY

PART 3 - Collection of Bodily Substances for Criminal Identification Purposes

3.1 Authority

These regulations are promulgated pursuant to the authority conferred under R.I. Gen. Laws § 12-5-2(5), and are established for the purpose of adopting prevailing standards for the collection and submission of blood, saliva, hair, bodily tissues, bodily fluids, or dental impressions from the body of a person that may yield evidence of the identity of the perpetrator of a crime when subjected to scientific or other forensic analysis.

3.2 Definitions

- A. Wherever used in these regulations, the following terms shall be construed as follows:
1. "Act" means R.I. Gen. Laws Chapter 12-5 entitled, "Search Warrants."
 2. "Bodily fluids" means fluids that have human origin and commonly include blood, saliva, and urine.
 3. "Bodily tissues" means a group or collection of similar cells and their intercellular substance that act together in the performance of a function in a human body.
 4. "Buccal swab" means a sample of tissue cells taken from the inner lining of the cheek or mouth.
 5. "Dentist" means an individual licensed to practice dentistry in this state under the provisions of R.I. Gen. Laws Chapter 5-31.1, or an individual licensed to practice dentistry under the laws of another state or territory of the United States, or another country.
 6. "Department" means the Rhode Island Department of Health.
 7. "Interocclusal relationship" means the correlation between the occlusal surfaces or cusps of opposing teeth of the maxillary and mandibular arches.

8. "Qualified medical personnel" means a licensed physician, a physician assistant, a registered or practical nurse, or a phlebotomist, trained to properly collect blood samples in accordance with the prevailing standard of practice.

3.3 General Requirements

3.3.1 Scope of Application

- A. These regulations apply to the seizure of any of the following: samples of blood, saliva, hair, bodily tissues, bodily fluids, or dental impressions from the body of a person that may yield evidence of the identity of the perpetrator of a crime when subjected to scientific or other forensic analysis. When any of the samples are seized, the seizure shall be conducted in accordance with this Part.
- B. By adopting this Part, the Department does not intend to determine under what circumstances a search warrant is required, or should be issued, pursuant to R.I. Gen. Laws § 12-5-2.

3.3.2 Integrity of Specimen

Specimens of bodily tissues and substances obtained for analysis shall be collected in a manner to ensure the integrity of the specimen(s).

3.3.3 Exposure to Infectious Material

All specimens shall be collected in an appropriate manner to minimize the occupational exposure to blood or other potentially infectious materials, and to reduce the likelihood of exposure to disease.

3.3.4 Packaging and Labeling of Specimen

- A. All specimens of bodily tissues and substances collected pursuant to the Act shall be collected, properly packaged, and properly preserved as required by this Part.
- B. To the extent possible, all specimens shall include appropriate identifying information, such as the name, date of birth, and gender of the person to whom the specimen belongs, the name or initials of the individual collecting the specimen, the case number, date(s)/ time(s) on which the specimens were collected or transferred, a brief description of the sample, and the name of the agency submitting the specimen.
- C. Evidence shall be sealed in a manner to prevent deleterious changes and/or contamination. Seals shall be of a kind that readily show signs of tampering.

3.4 Procedures Related to the Collection and Packaging of Bodily Tissues and Substances

3.4.1 Blood

- A. The blood specimen(s) taken for analysis shall be collected by qualified medical personnel.
- B. The blood specimen(s) shall be collected in a sterile laboratory tube or such other container to avoid contamination, preferably with ethylenediaminetetraacetic acid (EDTA) as a preservative.

3.4.2 Urine

Urine shall be collected in a previously-sealed sterile container.

3.4.3 Hair

- A. A representative hair sample of sufficient quantity for testing shall be collected from the head, pubic, or other body area(s).
- B. Approximately twenty (20) hairs plucked from the pubic region, and a representative sample of approximately fifty (50) hairs plucked from the head, must be collected, if possible.
- C. The hair samples from each body area must be packaged separately into paper envelopes.

3.4.4 Buccal (Oral) Swabs

- A. The buccal swab must be collected using one (1) of the following methods:
 - 1. Sterile cotton swabs:
 - a. Use swabs that are individually packaged in singles or pairs. (Opening a large package of swabs will render them unsterile).
 - b. Remove two (2) sterile swabs from protective packaging.
 - c. Holding the handles of the pair of swabs, place the swabs in the mouth and rub the swabs using a twisting motion for at least ten (10) seconds on the inside of the cheek. Repeat using the same swabs on the inside of the other cheek.
 - d. Place swabs back into their original packaging, placing handles in first, taking care not to touch the swab end and allow to air dry.

- e. Place dried swabs and packaging into an appropriate transport container, preferably an evidence collection envelope or other envelope with two sealed corners.
 - f. If swabs are going to be stored, freeze them.
- 2. A buccal swab may be collected using a commercially available collection device, in accordance with the manufacturer's standards, such as an FTA card, designed for the collection and room-temperature storage of biological samples for subsequent DNA analysis.

3.4.5 Fingernail scrapings

Collect fingernail scrapings in an appropriate, unused collection device.

3.4.6 Dental Impressions

A dentist shall take a dental impression and shall include an impression of each arch using accepted dental impression techniques, such as those outlined by the American Dental Association. The interocclusal relationship shall be established.

3.4.7 Collection of Foreign Debris

Foreign debris such as dried semen, blood, or saliva shall be collected from a body's skin surface area by lightly moistening sterile cotton swabs with distilled water and then thoroughly swabbing the area with the swabs. Allow the swabs to air dry and then return them to their original paper sleeve with the handles placed in the paper sleeve first.

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