

**OKLAHOMA STATE BUREAU OF INVESTIGATION**

**Administrative Rules Report | Executive Order 2020-03**

**Comprehensive Review of Administrative Rules as of July 30, 2020**

**Report Submitted by:** Richard Smothermon

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**Method Used to Conduct Review:** **The OSBI administrative rules were sorted and assigned to each division that is directly affected by the given rule. If the rule affected multiple division within the agency, the rule was reviewed by each of the divisions. Each division reviewed their respective rules to make the necessary determination based on current law and practices within that division. Recommendations were then reviewed by OSBI legal prior to inclusion in this report.**

**TOTAL NUMBER OF UNNECESSARY, COSTLY, INEFFECTIVE, DUPLICATIVE OR OUTDATE REGULATIONS: 104**

**Title 375 – Oklahoma State Bureau of Investigation**

Chapter 2-Administrative Services Division

Subchapter 1-Applications for Employment with the Oklahoma State Bureau of Investigation

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
2-1-1	Purpose	6/26/00						X	
2-1-2	Definitions	6/26/00						X	
2-1-3	Pre-employment Application	6/26/00						X	
2-1-4	Classified employee applicants	6/26/00						X	Needs to be updated with OPM changed to HCM
2-1-5	Pre-employment selection process	6/26/00						X	Needs to be updated with current procedures
2-1-6	Background investigation	6/26/00 9/21/00 7/30/01						X	Needs to be updated with current procedures
2-1-7	Pre-employment Polygraph Screening	6/26/00						X	Needs to be updated with current procedures
2-1-8	Post offer drug screening	6/26/00						X	Needs to be updated with current procedures
2-1-9	Psychological inventory	6/26/00						X	
2-1-10	Affidavit of compliance with federal domestic violence law	6/26/00						X	

Chapter 5-Oklahoma State Bureau of Investigation Commission Ethics and Conflicts of Interest

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
5-1-1	Purpose	6/25/1993						X	
5-1-2	Identifying activities in which Commission members shall not participate	6/25/1993						X	
5-1-3	Filing Complaints	6/25/1993					X		Needs to be updated from: (1)"Complaint procedures may be obtained from any member of the OSBI." to "Complaint procedures shall be posted on the OSBI website or from any OSBI Receptionist." (2) Complaints must be against a Commission Member of the OSBI, and allege a conflict of interest or appearance of impropriety between any Oklahoma State Bureau of Investigation Commission Member and the Oklahoma State Bureau of Investigation (OSBI). (5) Change to: "Complaint shall delivered to the OSBI Commission in care of the Director at the OSBI Headquarters in Oklahoma City."
5-1-4	Resolving Complaints	6/25/1993		X					Section needs to be revised to specify how complaints are resolved and should include a mechanism to undo any action taken if necessary.

Chapter 8-Records Retention and Destruction

Subchapter 1-General Provisions

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
8-1-1	Purpose	6/26/00						X	
8-1-2	Definitions	6/26/00						X	Definitions should be updated to be more inclusive and less technology specific. (Any written or electronic documentation of . . . regardless of form . . .)
8-1-3	Permanent Storage	6/26/00						X	Language should be updated to be more inclusive and less technology specific. (Any written or electronic documentation of . . .)
8-1-4	Convenience Copies	6/26/00						X	
8-1-5	In office Retention	6/26/00						X	

Chapter 8-Records Retention and Destruction  
 Subchapter 3-Administrative Records

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
8-3-1	Minutes-official	6/26/00					X		Change to: A copy of official minutes and agendas of OSBI Commission meetings shall be retained in perpetuity. Audio recordings or handwritten notes taken at Commission open meetings and transcribed to or compiled into Official Minutes shall be retained in office for five (5) years, then may be destroyed at the discretion of the Director.
8-3-2	Correspondence	6/26/00		X					Ineffective to accumulate a year's worth of correspondence and then review. Change to "any original correspondence to Director or Deputy Director will be retained in office for three years and then permanently stored."
8-3-3	Legislative Files	6/26/00					X		Pending legislation is maintained on multiple state websites and easily obtained.
8-3-4	Reports	6/26/00						X	
8-3-5	Telephone memo books	6/26/00					X		Telephone memo books no longer used.
8-3-6	Telephone logs	6/26/00						X	If they can be destroyed once "no longer needed for administrative purposes", then a rule is unnecessary.
8-3-7	Radio logs	6/26/00					X		OSBI does not "dispatch" agents. Radio logs unnecessary.
8-3-8	OSBI Staff meetings	6/26/00					X		There are no agendas or minutes for OSBI staff meetings.
8-3-9	Mailing lists	6/26/00					X	X	If they can be destroyed once "no longer needed for administrative purposes", then a rule is unnecessary.
8-3-10	Policies and procedures file	6/26/00						X	
8-3-11	Calendars of events	6/26/00					X		If they can be destroyed once "no longer needed for administrative purposes", then a rule is unnecessary.
8-3-12	Litigation files-Attorney General is attorney of record	6/26/00						X	
8-3-13	Litigation files-staff or private attorney is attorney of record	6/26/00						X	
8-3-14	Litigation files-OSBI not a part	6/26/00					X		If they can be destroyed once "no longer needed for administrative purposes", then a rule is unnecessary.
8-3-15	Real property file	6/26/00						X	
8-3-16	Risk Management Certificate of Self Insurance	6/26/00					X		Refers to Division of Central Services. Recommend deleting "issued by the Risk Management Division of Central Services"

8-3-17	Property inventory/surveys	6/26/00					X		Refers to "Risk Management." If outdated, recommend removing references to Risk Management.
8-3-18	Incident reports	6/26/00						X	
8-3-19	Workers' Compensation claims records	6/26/00						X	
8-3-20	Safety audits	6/26/00						X	Refers to "Risk Management", recommend removing references to Risk Management.
8-3-21	Safety correspondence	6/26/00					X		Refers to "Risk Management", recommend removing references to Risk Management.
8-3-22	Rulemaking and Oklahoma Administrative Code	6/26/00					X		Need to modernize the wording regarding technology. (i.e. Audio tapes)
8-3-23	Oklahoma Publications Clearinghouse Transmittal forms	6/26/00						X	If they can be destroyed once "no longer needed for administrative purposes", then a rule is unnecessary,
8-3-24	Semiannual publications list	6/26/00					X		If they can be destroyed once "no longer needed for administrative purposes", then a rule is unnecessary,
8-3-25	Public relations file	6/26/00					X		If they can be destroyed once "no longer needed for administrative purposes", then a rule is unnecessary,
8-3-26	Patent files	6/26/00						X	
8-3-27	Audit reports	6/26/00						X	
8-3-28	State and federal guidelines-unpublished	6/26/00						X	
8-3-29	State and federal guidelines-published	6/26/00						X	
8-3-30	Organizational charts	6/26/00						X	
8-3-31	Building facility inspection reports	6/26/00						X	
8-3-32	Loyalty oaths	6/26/00						X	
8-3-33	Attorney General opinions	6/26/00					X		If they can be destroyed once "no longer needed for administrative purposes", then a rule is unnecessary.
8-3-34	Landscape architect, engineer, and architect selection records	6/26/00					X		References Department of Central Services, should not require anything be saved in hard copy format.
8-3-35	Capital improvement projects records	6/26/00					X		Should not require anything be saved in hard copy format.
8-3-36	Court orders	6/26/00						X	
8-3-37	Open meetings filings	6/26/00		X					Probably needs a set time requirement. Recommend 3 years.

8-3-38	Commission correspondence	6/26/00		X						Ineffective as it requires reviewing correspondence on an annual basis instead of upon receipt. Should be retained for a set period of time. Recommend 5 years.
8-3-39	Commission membership records	6/26/00		X						Ineffective as it requires reviewing correspondence on an annual basis instead of upon receipt. Should be retained for a set period of time. Recommend 5 years.
8-3-40	Desk calendars and appointment books	6/26/00					X			Obsolete
8-3-41	Insurance documentation excluding Risk Management, employee insurance and State Insurance Fund documentation	6/26/00					X			Refers to "Risk Management", recommend removing references to Risk Management.
8-3-42	Other administrative records	6/26/00						X		

Chapter 8-Records Retention and Destruction

Subchapter 5-Financial Records

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
8-5-1	Accounting records	6/26/00			X	Consolidated General Records Disposition Schedule maintained by the States' Archives and Records Commission			
8-5-2	Budget records	6/26/00			X	Consolidated General Records Disposition Schedule maintained by the States' Archives and			

						Records Commission			
8-5-3	State finance reports	6/26/00			X	Consolidated General Records Disposition Schedule maintained by the States' Archives and Records Commission			
8-5-4	Payroll financial records	6/26/00						X	Needs to be updated / US savings bonds deleted
8-5-5	Procurement and other costs related records	6/26/00			X	Consolidated General Records Disposition Schedule maintained by the States' Archives and Records Commission			
8-5-6	Other financial records	6/26/00			X	Consolidated General Records Disposition Schedule maintained by the States' Archives and Records Commission			

Chapter 8-Records Retention and Destruction  
Subchapter 7-Personnel Records

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
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8-7-1	Personnel records of regular state employees (active)	6/26/00						X	
8-7-2	Personnel records of temporary state employees	6/26/00						X	Needs to be updated
8-7-3	Personnel records of regular state employees (inactive)	6/26/00						X	
8-7-4	Contractual employment records	6/26/00					X		Remove or move to Facilities. Personnel does not have contract employees
8-7-5	Employment applications and interviews records for applicants not hired	6/26/00						X	
8-7-6	Requests for certification records	6/26/00					X		HR does not request certification records
8-7-7	Office of personnel management correspondence	6/26/00					X		Obsolete
8-7-8	Reduction in force plans	6/26/00						X	
8-7-9	Affirmative action records	6/26/00						X	Needs to be updated with current procedures
8-7-10	Agency promotional plans	6/26/00						X	
8-7-11	Salary administration plan	6/26/00						X	
8-7-12	Current employee roster	6/26/00					X		Outdated
8-7-13	Unemployment compensation claims records	6/26/00						X	
8-7-14	Workers compensation quarterly report	6/26/00						X	Needs to be updated to yearly report
8-7-15	Workers compensation accident records	6/26/00						X	Needs to be updated with correct forms
8-7-16	Job descriptions-merit	6/26/00					X		On line form HCM
8-7-17	Job descriptions-non-merit	6/26/00					X		Outdated
8-7-18	Grievance procedures records	6/26/00					X		Remove – outdated
8-7-19	Merit protection commission cases	6/26/00						X	
8-7-20	Equal employment opportunity commission complaint records	6/26/00						X	

8-7-21	Access badges	6/26/00						X	
8-7-22	Benefit information	6/26/00					X		Remove
8-7-23	Position description questionnaire	6/26/00						X	Needs to be updated
8-7-24	Chemical information lists (CIL)	6/26/00					X		This list is kept by the Safety Manager not HR
8-7-25	Material safety data sheets	6/26/00 6/26/09						X	
8-7-26	Garnishment records	6/26/00						X	
8-7-27	Internal revenue service levies records	6/26/0					X		Obsolete
8-7-28	Department of justice immigration and naturalization service form I-9	6/26/00						X	
8-7-29	Work activity sheets	6/26/00						X	
8-7-30	Selection procedure and recruitment record	6/26/00						X	
8-7-31	Employee mediation records	6/26/00						X	Needs to be updated. Maintain with grievance file
8-7-32	OSHA log and summary of occupational injuries and illnesses	6/26/00						X	
8-7-33	OSHA supplementary record	6/26/00						X	
8-7-34	Oklahoma log and summary of occupational injuries and illnesses	6/26/00						X	
8-7-35	Personnel transaction freeze exception request	6/26/00						X	
8-7-36	Other personnel records	6/26/00						X	



Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
8-9-1	Data processing, planning, development, and evaluation records	6/26/09						X	This rule is necessary for all employees to have the ability to use these records if someone is not familiar with the system
8-9-2	Systems documentation records	6/26/00						X	We need to keep this information for 1 year after system is shut down, in case we need to look back on it.
8-9-3	Internal systems usage logs	6/26/00						X	We need to keep this information just in case something is incorrect and we know who made the mistake.
8-9-4	Federal Bureau of Investigation systems usage logs	6/26/00						X	We need to keep system usage logs for FBI systems for 1 year.
8-9-5	E-Mail	6/26/00						X	Emails to or from OSBI need to be stored for 30 days

Chapter 8-Records Retention and Destruction  
Subchapter 11-Investigative Records

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
8-11-1	Investigative Records	06/25/00	X						Digitize records and save money on storage space
8-11-2	Criminal Intelligence Unit records	06/26/00						X	

Chapter 8-Records Retention and Destruction  
Subchapter 13-Criminalistic Records

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
8-13-1	Criminalistic Records	6/26/00						X	

Chapter 8-Records Retention and Destruction  
Subchapter 15-Information Services Records

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
8-15-1	District Attorney reports to the OSBI	06/26/00					X		OSBI receives most DA reports electronically and images all paper documents into a record retention system to be saved in perpetuity.

8-15-2	Criminal history information request form	06/26/00						X	
8-15-3	Self-defense act application files	06/26/00						X	
8-15-4	Uniform crime reporting documents	06/26/00					X		Effective 01/01/2021, all reporting will come electronically in National Incident-Based Reporting format.
8-15-5	Open records act files	06/26/00						X	

Chapter 9-Oklahoma Open Records

Subchapter 1-Criminal History Information

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
9-1-1	Purpose	06/27/94					X	X	
9-1-1.1	Definitions	09/14/18						X	
9-1-2.1	Request for criminal history records	09/14/18						X	
9-1-2	Payment in arrears for criminal history checks	07/26/99						X	
9-1-3	Results of search for criminal history record	09/14/18						X	
9-1-3.1	Challenges to the correctness and/or completeness of criminal history records	06/26/00						X	
9-1-4	Open Records Act requests for criminal history records	06/27/94						X	
9-1-5	Obtaining criminal history	08/01/13					X		Rule fails to provide useful guidance to the public.
9-1-6	Form and content of criminal history data	06/27/02					X	X	Needed but will require updating
9-1-7	Adult and juvenile systems of records	11/01/99					X		Expired 7/14/2000

Chapter 9-Oklahoma Open Records

Subchapter 3-Oklahoma Law Enforcement Operations Bulletin

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
9-3-1	Purpose	10/19/93					X		Oklahoma Law Enforcement Operations Bulletin no longer published.

9-3-2	Definitions	10/19/93					X		Oklahoma Law Enforcement Operations Bulletin no longer published.
9-3-3	Requests for the OLEOB	10/19/93					X		Oklahoma Law Enforcement Operations Bulletin no longer published.

Chapter 9-Oklahoma Open Records

Subchapter 5-Legal Eagle

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
9-5-1	Purpose	6/27/94					X		Legal Eagle no longer published.
9-5-2	Definitions	6/27/94					X		Legal Eagle no longer published.
9-5-3	Requests for the Legal Eagle	6/27/94					X		Legal Eagle no longer published.

Chapter 9-Oklahoma Open Records

Subchapter 7-Uniform Crime Report

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
9-7-1	Purpose	05/11/95						X	
9-7-2	Definitions	05/11/95						X	
9-7-3	Requests for the UCR	05/11/95					X		References physical copies of UCR (Crime in Oklahoma). Crime in Oklahoma annual report is published electronically and available on OSBI website.

Chapter 10-OSBI Commission Procedure for Handling Complaints

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
10-1-1	Purpose	12/30/91						X	
10-1-2	Filing Complaints	12/30/91		X					Needs to be changed as follows: "Procedure for filing complaints. (1) Complaint procedures may be obtained from any member of the Legal Division of the OSBI. (2) Complaints must be against the agency or an employee of the agency. (3) Complainant must reduce their complaint to writing, stating specific allegations with sufficient detail to make clear what occurred.

									(4) Complaint shall be dated and signed by the complainant. (5) Complaint shall be delivered to the OSBI Commission in care of the Director at the OSBI Headquarters in Oklahoma City."
10-1-3	Resolving Complaints	12/30/91		X					Need to add a procedure to resolve complaints if the complaint is regarding the OSBI Director.

Chapter 15-Oklahoma Reward System

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
15-1-1	Purpose	12/30/91						X	
15-1-2	Nomination of Crimes	12/30/91						X	
15-1-3	Panel to designate cases and amount of reward	12/30/91					X		The panel members need to be changed to allow for changes within the agency and/or changes in job title. Current panel as listed includes positions that no longer exist within the agency.
15-1-4	Eligible recipients; payment of reward	12/30/91						X	
15-1-5	Ineligible recipients	12/30/91						X	

Chapter 20-Leasing Seized or Surrendered Weapons and Vehicles

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
20-1-1	Purpose	6/25/93						X	
20-1-2	Definitions	5/25/93					X		out of date
20-1-3	General leasing guidelines and procedures	6/25/93					X		out of date
20-1-4	Special instructions - weapons	6/25/93					X		out of date
20-1-5	Special instructions - vehicles	6/25/93					X		out of date

Chapter 25-Oklahoma Self-Defense Act

Subchapter 1-Application for Concealed Handgun License

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
25-1-1	Purpose	07/11/96						X	

25-1-2	Definitions	08/01/13						X	
25-1-3	Request for an application packet	08/01/13					X	X	
25-1-4	Submission of application form	08/01/13			X	21 O.S. 1290.12			In statute
25-1-4.1	Withdrawal of application	08/11/97						X	
25-1-5	Investigation of license applications and issuance or denial of license	08/01/13			X	21 O.S. 1290.5, 21 O.S. 1290.8 (C), 21 O.S. 1290.12			In statute
25-1-5.1	Failure to properly complete SDA application	05/27/97			X	21 O.S. 1290.9, 21 O.S. 1290.12			In statute
25-1-5.2	Physician statement	08/01/13						X	
25-1-6	Application for firearms instructors	11/16/95					X		Expired provision 7/14/96
25-1-7	Application for renewal of handgun license	08/01/13			X	21 O.S. 1290.5			In statute
25-1-8	Issuance of replacement or updated licenses	07/11/96			X	21 O.S. 1290.21			In statute
25-1-9	Suspension and revocation of license	08/01/13			X	21 O.S. 1290.17			In statute
25-1-10	Deposit of application fees	07/11/96			X	21 O.S. 1290.23, 74 O.S. 150.19a			In statute

Chapter 25-Oklahoma Self-Defense Act  
Subchapter 3-Hearings

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
25-3-1	Purpose	07/11/96						X	
25-3-2	Scope of rules	07/13/98						X	
25-3-3	General rules regarding hearings	07/11/96						X	
25-3-4	Time and place of hearing	07/11/96						X	

25-3-4.1	Location of hearings/security measures	07/14/00						X	
25-3-5	Withdrawal of hearing request or dismissal of hearings	07/11/96						X	
25-3-6	Effect of dismissal	07/11/96						X	
25-3-7	Initiation of hearings	07/11/96						X	
25-3-8	Hearing examiners	07/11/96						X	
25-3-9	Representation and participation	07/11/96					X		Need to add "or Assistant General Counsel" to the people who may represent the OSBI (First sentence)
25-3-10	Pleadings	07/13/98						X	
25-3-11	Conduct of hearings	07/26/99					X		Amend to read: (1) The OSBI's General Counsel or Assistant General Counsel...
25-3-12	Decision of hearing examiner	07/11/96						X	
25-3-13	Witnesses and penalty for false statements	07/11/96						X	
25-3-14	Evidence, official notice	07/26/99						X	
25-3-15	Transcripts	07/11/96						X	
25-3-16	Order issuing from a hearing on the merits	07/11/96						X	
25-3-17	Default judgment	07/11/96						X	
25-3-18	Computation of time	07/11/96						X	
25-3-19	Extension of time	07/26/99						X	
25-3-20	Service	07/11/96						X	
25-3-21	Burden, standard of proof, order of proof	07/26/99						X	
25-3-22	Action of the hearing officer when the licensee fails to appear	07/11/96						X	
25-3-23	Licensees who refuse to give testimony	07/11/96						X	
25-3-24	Reinstatement of license	07/13/98						X	Required by 21 O.S. 1290.17(E)(1)

Chapter 30-Oklahoma State Bureau of Investigation Laboratory  
Subchapter 1-General Provisions

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
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30-1-1	Purpose	7/11/96			X				This statement is duplicative- the following statement is repeated twice “CODIS’ means the Combined DNA Index System and refers to the entire network of databases that house DNA profiles (Offender, forensic, missing person, etc.). There are 3 levels of CODIS, including the Local DNA Index System (LDIS), the State DNA Index System (SDIS), and the National DNA Index System (NDIS). NDIS is the National DNA Index System which is maintained by the FBI and contains DNA profiles uploaded from participating state laboratories.”
30-1-2	Definitions	7/11/96			X				This statement is duplicative- the following statement is repeated twice “CODIS’ means the Combined DNA Index System and refers to the entire network of databases that house DNA profiles (Offender, forensic, missing person, etc.). There are 3 levels of CODIS, including the Local DNA Index System (LDIS), the State DNA Index System (SDIS), and the National DNA Index System (NDIS). NDIS is the National DNA Index System which is maintained by the FBI and contains DNA profiles uploaded from participating state laboratories.”

Chapter 30-Oklahoma State Bureau of Investigation Laboratory

Subchapter 3-Collection and Submission of DNA Samples from the Oklahoma Department of Corrections

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
30-3-1	Function; scope	7/11/96						X	
30-3-2	Training of personnel to collect DNA offender samples	7/11/96					X		<p>This section is outdated. To line up with current practice the following change should occur (remove highlighted selection). This will reflect that our current training scheme allows for a “train the trainer” workflow.</p> <p>Agencies authorized shall designate employees to collect and preserve DNA offender samples. All employees who are authorized to collect DNA offender samples shall receive training from the CODIS laboratory on the proper methods and procedures for the collection, handling, and preservation of DNA offender samples.</p>

30-3-3	Collection of and submission of DNA offender samples	7/11/96					X		Our evidence acceptance days/times vary for each location.
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Chapter 30-Oklahoma State Bureau of Investigation Laboratory

Subchapter 5-Collection and Submission of Forensic Evidence for DNA Profiling

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
30-5-1	Function; scope	7/11/96						X	
30-5-2	Submission of DNA samples to the OSBI	7/11/96						X	
30-5-3	Referral of cases to outside laboratories	7/11/96						X	
30-5-4	Notification of parties when a potential DNA database match occurs	7/11/96		X					(C) We believe this statement is ineffective- unless the DNA sample is also submitted to the original laboratory which analyzed the forensic specimen for comparison with the evidence, the mandate that they collect the sample is ineffective.

Chapter 30-Oklahoma State Bureau of Investigation Laboratory

Subchapter 7-Analysis of State DNA Offender Databank Samples

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
30-7-1	Function; scope	8/11/97						X	
30-7-2	Processing of samples at the OSBI	8/11/97					X		This statement is outdated: The CODIS laboratory shall cause DNA profiling analysis to be performed on all DNA offender samples received and shall place the DNA profiles into the OSBI DNA offender database. Since arrestee samples are limited to “when funding is available”, this should reflect that. Additionally, the letter of the AC would mean we analyze all samples regardless of whether we determine some to be duplicates.
30-7-3	Referral of analysis to other private or governmental laboratories	8/11/97					X		(b)Outdated terms. Should change this to the “CSD Director” since there is no assistant director of criminalistics anymore.

Chapter 30-Oklahoma State Bureau of Investigation Laboratory



Subchapter 9-Removal of DNA Records from State DNA Database

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
30-9-1	Function; scope	8/11/97						X	
30-9-2	Removal of DNA records from the OSBI DNA Offender Database	8/11/97					X		This whole section is outdated- does not reflect the automatic expungement of arrestee samples.

Chapter 30-Oklahoma State Bureau of Investigation Laboratory

Subchapter 11-General Rules for Submission of Evidence

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
30-11-1	Function; scope	6/26/00						X	
30-11-2	Definitions	6/26/00					X		“Evidence Control Number” is now “case number / container number (letter)”.
30-11-3	Evidence submissions to the Oklahoma State Bureau of Investigation	6/26/00					X		(a) Outdated. Need to update with current evidence acceptance guidelines. (e), (f) Outdated term for the position. Section 375:30-11-7 also uses CSD Division Director title.
30-11-4	Request for laboratory examination form	6/26/00					X		(a)(2) Outdated. Need to reference arrestee collection kits as well. (b)(2) Outdated. This section needs to indicate that OSBI requires a statement of facts to be submitted with all Biology cases.
30-11-5	Sealing of evidence	6/26/00					X		(1), (2) & (3) outdated – Needs less specificity to allow for changes that occur regularly to evidence submission guidelines.
30-11-6	Submission of evidence by mail/private courier	6/26/00						X	
30-11-7	Disposition of evidence	6/26/00						X	

Chapter 35-Investigative Services

Subchapter 1-General Provisions

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
35-1-1	Purpose	09/15/16					X		Covered by Agency Policy
35-1-2	Definitions	09/15/16					X		Covered by Agency Policy and Background Handbook

35-1-3	Judicial background investigations for the Judicial Nominating Commission	09/15/16						X		Covered by Agency Policy and Background Handbook
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Chapter 35-Investigative Services

Subchapter 3-Crimes Information Unit

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
35-3-1	Creation and duties of the CIU	8/11/97					X		Covered by Agency Policy 427
35-3-2	Submission of information to CIU	8/11/97					X		Covered by Agency Policy 427
35-3-3	Distribution of information from CIU	8/11/97					X		Covered by Agency Policy 427
35-3-4	Duties of receiver of CIU information	8/11/97					X		Covered by Agency Policy 427

Chapter 40-Oklahoma Identity Theft Passport Program

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
40-1-1	Purpose	06/11/05						X	
40-1-2	Definitions	06/11/05						X	
40-1-3	Request for application	08/01/13					X	X	
40-1-4	Eligibility	06/11/05			X	22 O.S. 19b			In statute
40-1-5	Submission of application and required documents	06/11/05						X	
40-1-6	Review of application	06/11/05						X	
40-1-7	Identity theft database	06/11/05			X	22 O.S. 19b			In statute
40-1-8	Issuance or denial of passport	06/11/05						X	
40-1-9	Notification	06/11/05			X	22 O.S. 19b	X		Paragraph A is in statute, Paragraph B is not needed. Information about the program is readily available on OSBI's website.
40-1-10	Passport restrictions	06/11/05			X	22 O.S. 19b			In statute
40-1-11	Improper usage	06/11/05					X		Uses of the passport are outlined in statute.

Chapter 45-Donation of Surplus Property

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location Of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
45-1-1	Purpose	12/20/04						X	
45-1-2	Definitions	12/20/04					X		Out of date for some language.
45-1-3	Determination of need	12/20/04					X		Out of date for some language.
45-1-4	Transfer of title	12/20/04					X		Out of date for some language.
45-1-5	No warranty on donated property/"As is"	12/20/04					X		Out of date for some language.
45-1-6	Receipt	12/20/04					X		Out of date for some language.
45-1-7	Inventory	12/20/04					X		Out of date for some language.

**END OF REPORT**