6-03/080.00 Booking Fingerprints, DNA Samples and Photographs

FINGERPRINTS

All individuals over the age of 14 arrested and booked for any crime, with or without a warrant shall be fingerprinted in accordance with MPP 5-03/050.05, "Prints Required." This shall be accomplished as soon as practical after the arrestee is booked. This includes all offenses except:

- Field releases not booked at a detention/holding facility;
- Weekenders;
- Federal prisoners being booked into the jail system while in transit (only prints on the reverse side of the white copy of the booking slip are required).

To have an inmate's arrest recorded in CCHRS and the FBI, it is necessary that the prints be legible and completely rolled; otherwise, they will be rejected and the arrest will not appear in these records.

Whenever practical, fingerprints should be captured on a Live Scan workstation and electronically transmitted to Records and Identification Bureau (RIB) for identification. Persons arrested and booked for any offense should not be released until a positive identification message has been received from RIB. In the event a release is imperative, and a positive fingerprint identification message has not been received, the jailer shall contact RIB to determine the status of the identification.

In those instances when a positive identification cannot be established, and the release is imperative, the watch commander approval must be obtained before the suspect can be released. Additionally, the watch commander shall note his/her name, employee number, and reason on the B&PR.

DNA SAMPLES

DNA collection by LASD personnel shall conform to the provisions of Proposition 69 (DNA Fingerprint, Unsolved Crime and Innocence Protection Act). DNA samples shall be obtained from suspects arrested on a felony charge. Any samples gathered based on consent or court order are valid. DNA samples shall be collected when one of the following conditions or documents exist:

- An adult is arrested for a felony offense
- An adult is arrested and is currently on felony probation or parole
- An adult is arrested and is currently on any type of probation (i.e. informal, summary or misdemeanor) with a previous felony conviction
- Any person who is required to register under 290 PC (sex offender) or 457.1 PC (arsonist) or any other provisions of 296(a)(3)PC
- Court order for a DNA collection
- Search warrant requiring DNA collection
- Judicially signed PCD for a felony arrest
- Felony arrest warrant

JAILER RESPONSIBILITIES

The collection of DNA samples is part of the booking process. DNA samples may be collected using the Live Scan or manual method. If the Live Scan is inoperable for any reason, DNA should be collected using the manual method. If the Live Scan network is unable to transmit cards electronically, a service call shall be made to the Live Scan Help Desk and the procedures in MPP section 5-03/050.10, "Procedures When Live Scan System Is Down" shall be initiated.

New Bookings

On every "CRIM/DNA" booking, the Live Scan will query the DOJ's DNA Databank to check the inmate's collection status.

Once the jailer reaches the DNA page during the booking process, they shall read the response and opt to collect DNA at that time or defer it.

If the jailer decides to collect DNA after receiving the DNA collection status, they shall use a Live Scan specific buccal swab kit (small envelope) and enter the appropriate data into the Live Scan. The directions inside the kit shall be followed when collecting the sample. If DNA collection is deferred, the jailer may transform the original transaction into a DNA Submission. Once DNA has been collected and the appropriate information is entered into the Live Scan and submitted, all appropriate downstream systems are updated including DNA Offender Tracking System (DOTS).

Inmates in Custody

For inmates who require DNA sample collection (for add charge purposes), the Live Scan shall be utilized to perform an "ID4" transaction.

This will query the DOJ and the jailer can then decide if they wish to continue collecting DNA or not. If the jailer chooses to collect, they shall follow the listed procedures for a standard CRIM/DNA booking.

Manual Collections

In the event the Live Scan is inoperable for any reason, the DNA shall be collected using the manual method. Station jailers shall:

- Ensure that all arrestees are properly booked and identified via Live Scan
- Determine if the arrestee is required to provide a DNA sample based on the inmate's probation/parole status and a review of his/her criminal history.

If a DNA sample was not previously collected or if it cannot be determined that a DNA sample was previously collected, the jailer shall collect a DNA sample utilizing the following procedures:

- Explain the collection process to the arrestee. (The watch sergeant shall be notified of a refusal)
- Complete the "DOJ Specimen Information Card," including placing the arrestees "Right Thumb" print on the front and back of the card. Have the arrestee sign the back of the card
- Complete the label on the buccal swab "DNA Collector." Move the Slider Cover back to fully expose the Collection Paper
- Provide the buccal swab "DNA Collector" to the arrestee, who will administer the swab to himself/herself

under the direct supervision of the jailer
    - NOTE: The use of a new set of latex gloves by the jailer for EACH arrestee swab is imperative to prevent cross-contamination of the DNA samples.

- Instruct the arrestee to hold the buccal DNA Collector with their thumb on the area marked "thumb" located on the back of the Collector. Instruct the arrestee to open his/her mouth and place the collection paper portion of the "DNA Collector" flat against the inside of their cheek and drag it firmly toward the lips and out of the mouth. Have the inmate repeat this action SEVEN more times, verifying that the arrestees cheek bulges outward during the collection process. Retrieve the "DNA Collector" from the arrestee and close the Slider Cover towards the tip of the Collector, covering the collection paper. Do not touch the Collection Paper with your hand
- Place the buccal swab "DNA Collector" in the unsealed "Transport Pouch" and deposit it into the unsealed collection kit envelope
- Enter the appropriate identifying information of the arrestee into the DNA Tracking Database (DOTS), which may be accessed by any computer which is connected to the internet
- Place the completed DOJ Specimen Information Card into the unsealed collection kit envelope
- Submit the unsealed collection kit envelope with the completed booking packet to the watch sergeant for approval
    - NOTE: Live Scan collections using bar-coded buccal swabs do not require a DOJ Specimen Information Card. The collection information will be sent via Live Scan to DOJ and linked to the sample through the scanned bar code on the buccal swab.

Administrative jailers shall send approved, sealed DNA collection kits to IRC, "DNA Unit" via County Mail or other internal delivery process at least once a week. An accompanying memo indicating the number of kits being sent shall be in the package. DNA collection from arrestees booked into Sheriff's station jails by outside agencies shall be the responsibility of the station jailers.

WATCH SERGEANT RESPONSIBILITIES

The watch sergeant shall:

- Verify that all components of a DNA collection kit are complete and accurately labeled
    - Ensure that both sides of the DOJ Specimen Information Card are filled out
    - Verify that there is a legible thumbprint on the front and back of the DOJ Specimen Information Card
    - Compare DNA Collector label with DOJ Specimen Information Card prior to sealing the DNA Collector into the Transport Pouch
- Ensure that all components of the DNA collection kit are present within the collection kit envelope prior to sealing the envelope, utilizing the permanent adhesive of the envelope
- The watch sergeant shall print his/her name and employee number on the outer flap of the collection kit envelope and return it to the jailer

In case of a refusal to provide a required DNA sample or fingerprints, the watch sergeant shall:

- Obtain the assistance of the jailer or other personnel to make a video recording of the refusal
- On camera, state:

  - The date, time, and location of the incident
  - The arrestee's full name, date of birth, and booking number
  - The interviewing sergeant's name and employee number
  - The name and employee number of any other personnel present
  - If an interpreter is utilized, the name of the interpreter

- Attempt to obtain compliance by fully explaining the requirements of 296.1(a)PC to the arrestee by reading the following admonishment:
  "It is a violation of Penal Code Section 298.1(a) if you refuse to provide a DNA sample, fingerprints, and palm prints per Penal Code Section 296.1(a). You may be arrested and booked for this new crime. Refusal to provide these samples may result in increased time in custody. In addition, pursuant to Penal Code Section 298.1(a), reasonable force may be employed to collect DNA samples and print impressions from individuals who refuse to voluntarily provide those samples or impressions."

- Ask the arrestee if he/she will provide the required DNA sample. Try to elicit a verbal response from the arrestee
- Ensure that an incident report (SH-R-49) is written for violation of 298.1(a) PC (misdemeanor) Include the arrestees admonishment and refusal on tape within the narrative of the report
- Ensure the arrestee is add charged with 298.1(a) PC
- Ensure that the video recording of the arrestees refusal is labeled and properly handled as evidence
- Assign the case to station detectives
- Complete the "Use of Force to Obtain DNA" form authorizing the use of force to obtain a sample
- The form shall include information that reflects the fact that the arrestee was asked to provide the requisite specimen, sample, or impression and refused
- The arrestee shall be transported along with the signed "Use of Force to Obtain DNA" form, to IRC for a DNA sample (blood) to be taken
- IRC medical personnel will collect the DNA sample following the policies and procedures of Custody Services Division

IRC SUPERVISING SERGEANT'S RESPONSIBILITIES

The IRC supervising sergeant shall review and complete the "Use of Force to Obtain DNA" form authorizing the use of force to obtain a DNA sample. Additional information on the form shall document:

- A refusal to voluntarily submit the requisite specimen, sample, or impression occurred
- The efforts undertaken to obtain voluntary compliance
- The use of reasonable force to take the sample (if necessary)
- The type of force used
- Whether medical attention was needed by the inmate or other person as a result of reasonable force being used. This form will be attached to a letter from IRC Operations to the BSCC within 10 days of the use of reasonable force.

TRAINING

All jailers shall be trained in taking DNA samples utilizing the buccal swab process. This training shall be

documented on an APIS roster (class "DNA (DOTS)" TRS #09588). The APIS roster shall be sent to the Education Training and Records office to be included in the employee's electronic training records file. Administrative jailers will be responsible for the training of other jailers at their respective unit of assignment.

TRAINING

Logistics/Central Supply shall be responsible for obtaining and maintaining an adequate supply of DNA kits from the California Department of Justice. Stations can obtain additional DNA kits (stock # SHDNAKT) from Logistics/Central Supply utilizing existing procedures for ordering supplies.