Collection of DNA Samples

DATE: April 2, 2007

FROM: PATRICK E. MAXWELL, CAPTAIN
NORWALK STATION

TO: ALL PERSONNEL
NORWALK STATION

SUBJECT: MANAGEMENT DIRECTIVE 05-07; COLLECTION OF DNA SAMPLES

PURPOSE

The purpose of this directive is to establish guidelines for the collection of DNA samples from individuals arrested at Norwalk Station. Sheriff's Department Policy outlined in Field Operations Directive 05-01 mandates the collection of DNA samples by station personnel pursuant to the DNA and Forensic Identification Database and Data Bank Act (Proposition 69). All procedures established by this Station Order and F.O.D. 05-01 will remain in effect until January 1, 2009, at which time this policy will be amended in accordance with the law.

DIRECTIVE

All matters concerning the Collection of DNA samples at Norwalk Station shall be the responsibility of the Jail Lieutenant. The Jail Sergeant will assist with the compliance of the F.O.D. 05-01 and this Station Order, ensuring that all the appropriate personnel are trained.

All sergeants and lieutenants will be given a copy of F.O.D. 05-01 and this Station Order to be read and understood.

All deputies will provide the Watch Sergeant a copy of an in custody suspect's rap sheet via WebCCHRS.

The Watch Sergeant shall review each and every arrest for eligible DNA collection. Both the Watch Sergeant and Watch Commander shall make inquiries into the probation and parole status on all individuals arrested at Norwalk Station. They shall monitor the Jailer's workload to ensure the Jailers are utilizing their time appropriately. In the event they are overwhelmed with several DNA collections, other trained personnel shall be utilized to offset the workload at the discretion of the Watch Commander. The Watch Commander shall audit all booking slips each shift to ensure compliance with F.O.D. 05-01.

Personnel shall take collection of DNA samples from all eligible candidates outlined in F.O.D. 05-01 and further enumerated in Penal Code sections 295-300 and in Government Code Section 76104.6. Before DNA samples can be taken, personnel shall have been properly trained as per policy. The following personnel shall be trained in the collection of DNA:

- All personnel regularly assigned to work as Jailer and those who work as relief Jailer.
- All personnel assigned to Detective Bureau.
- All personnel assigned as Training Officers at Norwalk Station.
- At least one person on every shift assigned as Complaint Desk.

Personnel **cannot** make the decision to **not** take a DNA sample from an eligible candidate. If that situation arises, the Watch Commander shall be immediately notified so that he or she can ensure the DNA is taken.

JAILER'S RESPONSIBILITY

Collect DNA samples as prescribed in F.O.D. 05-01. Additionally, the personnel assigned as Jailers at Norwalk Station will ensure the following:

- Determine if the booking charge qualifies as one of the felony offenses described in 296(a)(2) PC. Including "Attempts" of these specified charges.
- Check WebCCHRS if the arrested individual is on parole, formal or summary probation with a prior felony conviction, or any person required to register under 290 PC and 457.1 PC.
- If the answer to any of the above is yes, then check WebCCHRS Registration and the DNA Tracking Database (DOTS or NET/FYI) to see if the DNA collection is already on file.
- If the DNA collection is not on file, then collect it and enter it. Place a printed out copy of the completed "Specimen Information Card" in the station booking folder.
- If LIVESCAN identifies the arrested individual as an eligible candidate collect the DNA sample.
- The DNA Criteria (checklist) rubber stamp will be utilized on all booking slips at Norwalk Station. The stamp imprint will be in the "Jail Custody Record" box located on the upper right-hand side of the booking slip. The appropriate information will be filled out.
- Create a new column on the Jailer's gate book, next to the suspect's name, to clearly show each person's DNA status. The jailer will utilize three letters to indicate status: **T**, **N**, and **O**. If there is a "**T**" it indicates that DNA has been taken. If there is an "**N**" it indicates DNA was not required, because the person did not qualify. If there is a "**0**" it indicates that the person has their DNA on file.
- It is the responsibility of Norwalk Station Personnel to collect DNA from all persons booked at Norwalk Station who meet the criteria. Regardless of the fact that another unit (i.e., Homicide Bureau, Family Crimes Bureau etcetera) or another agency indicates that they have a court order for the purpose of DNA evidence collection. Also if the DNA Tracking Database (DOTS or NET/FYI) indicates no sample taken, we take it again.

Anytime there is any doubt, **the DNA should always be collected**.