

Policy 1500 - DNA Samples

Inmates lawfully approved for release from the Sheriff's custody will be processed accurately and promptly. Property and money secured in the receiving process will be returned to the inmate.

1500.1 - Collection of DNA Databank Samples (CPC 296)

- a) All inmates that meet any of the following criteria shall submit a DNA sample:
 1. All inmates including juveniles, convicted of, pleading guilty to, or no contest to any felony offense.
 2. All inmates, including juveniles, who are required to register under Section 290 (sex offense) or 457.1 (arson offense) because of the commission of, or the attempt to commit a felony or misdemeanor.
 3. Adults arrested for or charged with felony sex offenses, murder or voluntary manslaughter (or the attempt to commit such offenses).
 4. Any inmate found not guilty by reason of insanity of any felony offense.
 5. Any juvenile inmate who is adjudicated under Section 602 of the Welfare and Institutions Code for committing any felony offense.
 6. Beginning on January 1, 2009, adults arrested for or charged with any felony offense.
- b) The Records Supervisor will submit a group of inmate names to Classification Deputies advising of inmates falling under the registration and sample requirement. The form will contain the inmate's SDS information regarding charges, CII number, date of birth, SSN, place of birth and housing location. The FBI and CII numbers may or may not be present, if this is the case, the deputy will log on to SDS to retrieve them. If the numbers are not available on SDS, the numbers will need to be obtained from classification.
- c) Once the Classification Deputy is given the appropriate NUMQ screens, he/she will run RAP sheets on each inmate. If a collection "flag" is present or if there are qualifying charges listed, the Classification Deputy will note that a DNA sample must be taken prior to the inmate's release.
- d) The list of inmates requiring a DNA sample will then be returned to the Records Supervisor who will generate DNA Request Forms for each inmate's file.
- e) The DNA Request Forms will then be forwarded to the appropriate location within each facility.
 1. Central Men's Jail - Sent over to Second Guard, sent to housing location
 2. Central Women's Jail - Sent over to Housing Guard Station, sent to housing location.
 3. Intake/Release Center - Given to the Medical Observation Deputy for inmates located on the First Floor. Sent to Housing Guard and sent to housing location.
 4. Theo Lacy Facility - Distributed to the housing location
- f) Once the DNA Request Forms are distributed, deputies will retrieve a DNA packet that includes:
 1. Buccal DNA Collection Kit Instruction Sheet
 2. Two disposable gloves

3. Two disposable ink strips
 4. An Alcohol Prep Pad
 5. Buccal DNA Collector and Transport Pouch
 6. California Department of Justice Specimen Information Card
- g) The deputy will complete the Specimen Information Card using the DNA Request Form, print the inmate's name, have the inmate sign and take two right thumb prints.
 - h) The Buccal DNA Collector must be filled in completely including the inmate's first name, last name and SID number.
 - i) Once the sample has been collected, the deputy will replace the lid and place the Buccal DNA Collector into the Transport Pouch and seal it. The Transport Pouch and the Specimen Information Card will be placed into the DNA packet (7.5 x 10.5 white envelope) and then sealed as well.
 - j) The DNA Request Forms will be returned to:
 1. Central Men's Jail-Sent back to Records at IRC
 2. Central Women's Jail-Sent back to Records at IRC
 3. Intake/Release Center-Returned to Records Supervisor within IRC
 4. Theo Lacy Facility-Returned to Records within Theo Lacy Facility
 - k) The completed DNA packet will be taken to:
 1. Central Men's Jail- 2nd Guard Station
 2. Central Women's Jail- Housing Guard Station
 3. Intake/Release Center-Watch Commander's office (bottom left drawer)
 4. Theo Lacy Facility-DNA Basket located in Records
 - l) Each facility is responsible for transporting DNA packets to the Intake/Release Center.

1500.2 - Refusal to Provide Sample

- a) In the event an inmate refuses to be processed as required by law, the deputy will complete and serve the inmate with the "Inmate Notice of Proposition 69 Compliance" form which advises the inmate of his/her legal obligation to provide the required specimen. If the inmate does not speak the language with which the form is printed or the inmate is unable to read and understand the form, then the form will be verbally explained to the inmate in the language used by the inmate. If the inmate has a visual or hearing impairment, then the notice of the law's requirements will be provided in a manner understood by the inmate.
 1. A copy of the form will be given to the inmate and the original will be placed in the inmate's file.
- b) If the inmate continues to refuse, an Initial Crime Report will be written. The charge will be listed as CPC 298.1-Refusal to Provide Specimens.
 1. If the inmate is pending release/transfer out of the Sheriff's Department custody, the Watch Commander will be notified of the inmate's refusal. The Watch Commander may authorize the use of reasonable force to collect the sample. The Watch Commander's authorization will

be written and will include information that reflects the fact that the inmate was asked to provide the requisite sample and refused. The use of reasonable force is not allowed without the prior written authorization of the Watch Commander.

2. If force is used to collect the specimen, the collection shall be documented on video with audio, and the proper departmental reports written.
3. Within 10 days of the use of reasonable force, the Division Commander will send a report to the Board of Corrections, documenting a refusal to voluntarily submit the sample; the use of reasonable force to obtain the sample, if any; the type of force used; the efforts undertaken to obtain voluntary compliance; and whether medical attention was needed by the prisoner or other person as a result of reasonable force being used.