



Effective: 04/01/2009
Last Revised: 09/15/2019

**CSU FULLERTON POLICE DEPARTMENT
GENERAL ORDER NUMBER 3-13**

DNA COLLECTION PROCEDURE

SUBJECT: Procedures for collecting DNA samples from felony arrestees in compliance with Proposition 69, the DNA Fingerprint, Unsolved Crime and Innocence Protection Act.

PURPOSE: To clarify the duties and responsibilities of a Police Officer collecting DNA and the specific requirements of Proposition 69, and to establish procedures for collection.

POLICY: It is the policy of this Department to abide by the legal requirements set forth by Proposition 69.

PROCEDURE:

I. Proposition 69

- A. Effective January 1, 2009 Proposition 69 requires that the arresting agency collect DNA samples from suspects (adult or juvenile) arrested for felony charges prior to booking the suspect into jail, unless a DNA sample has already been obtained.
- B. The misdemeanor arrest of a subject with a prior felony conviction also requires the arresting agency to obtain a DNA sample.
- C. The DNA sample will be obtained utilizing a buccal swab and the sample must be submitted to the Department of Justice (DOJ).

II. The DNS Submissions (DNS) Process

- A. The DOJ developed the DNS process to assist law enforcement agencies in determining when a subject is qualified, when collection is required and to make the submission easier via electronic transmission.
- B. Electronic submission through the DNS transaction ensures the synchronization of DNA submission data with the Automated Criminal History System (ACHS) and ensures quality of the identification data associated with such DNA sample submissions to the CAL-DNA Data Bank.
- C. The DNS transaction CANNOT be used without a valid State Identification Number, which from our live scan machine is the (CII#).

1. Enter user name and password
2. Create new record
3. Select "Submission" and enter mandatory State Identification Number (CII#)
4. Capture "3-10-Slap" fingerprints which are:
 - a. Four Flat fingerprints from right hand
 - b. Four Flat fingerprints from left hand
 - c. Two Flat thumbprints at same time
 - d. Add annotation if needed
5. Submit fingerprints
6. To ensure accuracy and prevent accidental submissions of multiple persons on one transaction, complete fingerprinting in one continuous session. If the process gets disrupted, delete the submission and start over.

D. DNS Transaction Report provides one of the following responses:

1. HIT---Name, Date of Birth (DOB) and CII# will be provided.
2. HIT and DO NOT COLLECT---Transaction is complete.
NOTE: If the agency has additional information on the subject which requires DNA collection, then proceed with the transaction and collection of the DNA Sample.
3. HIT and COLLECT---based on the response message & other information your agency has, proceed with the transaction and collection of the DNA sample.
4. NO HIT, Subject not identified---reenter CII# in case of error if 2nd entry response is still "NO HIT, Subject Not Identified" stop the submission process and perform a DNS Transaction Identification Type, by starting a new record.

III. Collecting DNA from an Arrestee

- A. Determine if this is a qualifying arrest or there is a qualifying prior conviction.
- B. Run a criminal history search to determine if DNA has already been collected from the arrestee.
- C. Ask for consent from the arrestee to obtain a buccal swab.
- D. The CII# will be auto populated on the display screen
- E. Open the buccal collector and print the subject's name and CII# on the collector.
- F. Move the slider cover back to obtain a sample following the directions provided with the DOJ buccal swab kit.
- G. Observe the collection paper is intact and close the slider cover.
- H. Scan barcode on buccal swab.
- I. Be sure to mark "A" on the pre-addressed envelope for those subjects qualified as a first-time felony arrestee.
- J. Reason for collection—Mandatory
- K. Submit transaction and get response Submission Type completed.
- L. Sign off the device.

M. Mail the buccal swab kit to CAL_DNA Data Bank.

IV. Refusal to provide DNA sample

- A. No force will be used by our agency personnel to obtain a DNA sample from an arrestee.
- B. It is a violation of Penal Code Section 298.1(a) for a qualifying arrestee to refuse to provide any of the following: blood specimens, saliva samples, or thumb or palm print impressions required by Proposition 69.
- C. If an arrestee refuses to provide any of the required items to satisfy the requirements of Proposition 69, the additional charge of 298.1(a) PC must be added to the booking charges or Orange County Jail will not accept the arrestee.
- D. Note on the Orange County Jail Pre-Booking Record that DNA was collected with the name of the officer; that DNA was previously collected; or that DNA was not collected with an explanation as to why DNA was not collected.

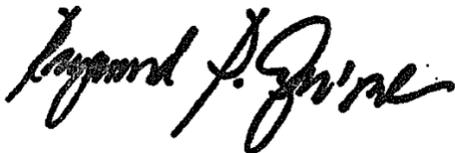
V. SEX AND ARSON REGISTRANTS

- A. Any adult or juvenile who is required to register as a sex offender under PC 290 or arsonist under Penal Code 457.1, including those whose registration resulted from a qualifying misdemeanor crime is required to submit a DNA sample. PC 296(a)(3).
- B. At the time that any such registrant registers, updates registration, or is notified by DOJ or other law enforcement officer, an appointment shall be made designating the time and place for the collection of DNA samples, if no such sample has already been provided. PC 296.2(c).

REVIEWED BY:

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APPROVED:



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