

PROBATION DEPARTMENT DIRECTIVE

No.	760
Issued	12/09/99
Post Until	01/10/00

SUBJECT: DNA DATA BANK REQUIREMENTS FOR JUVENILE OFFENDERS

The Deoxyribonucleic Acid (DNA) and Forensic Identification Data Bank Act of 1998 (Sections 295 through 300 of the Penal Code) requires DNA data bank samples taken from felony sexual and violent offenders described in subdivision (a) of Section 296. The purposes of the state's forensic identification database are to:

- Assist federal, state and local criminal justice and law enforcement agencies inside and outside California in the expeditious detection and prosecution of individuals responsible for sex offenses and other violent crimes,
- Assist in the exclusion of suspects who are being investigated for these crimes, and
- Assist in the identification of missing and unidentified persons, particularly abducted children.

The collection of blood, saliva, thumb and palm print impressions is mandated for any person convicted of a crime specified under Section 296(a)(1) P.C., including juveniles who are adjudged wards of the court and granted probation or who are placed in a county operated correctional program. Disposition and Pre Plea reports for 296(a)(1) P.C. offenses shall address the mandate for DNA Sample Collection. A recommendation for an order requiring the minor to cooperate with the sample collection process shall be included. Failure to submit to mandated DNA Sample Collection is a misdemeanor.

In order to comply with the law requiring DNA Data Bank sample collection, the Los Angeles County Probation Department shall implement the following procedures, effective December 18, 1999, for detained and non-detained juveniles who have had a disposition hearing for a sustained 296(a)(1) P.C. offense (see attached offenses):

LOCATION FOR DNA DATA BANK SAMPLE COLLECTION

- DNA Data Bank sample collection shall be provided for detained and non-detained juveniles by an approved health care contractor at all three juvenile halls.

MANUAL HOLDERS: CROSS-REFERENCE YOUR MANUALS TO THIS DIRECTIVE WHERE APPROPRIATE.

DNA DATA BANK REQUIREMENTS FOR JUVENILE OFFENDERS

Page 2

- DNA sample collection will be conducted each Saturday between the hours of 10 a.m. and 12 p.m.

COURT OFFICER

- When the court orders the juvenile to provide DNA samples, the Court Officer will check the box on the detaining order indicating DNA Data Bank samples required. (See Attached Revised Detaining Order)
- If the court fails to order collection of DNA samples and the Court Officer identifies the juvenile as having a disposition for a sustained 296(a)(1) P.C. offense, the Court Officer shall recommend that the court make the order.
- Non-detained juveniles who have a disposition for a sustained 296(a)(1) P.C. offense shall be given a Notice of DNA Sample Collection report slip, indicating the date and location the juvenile is to report for DNA Sample Collection. (See Attached Notice of DNA Sample Collection Report Slip)
- A copy of the Notice of DNA Sample Collection report slip for non-detained juveniles shall be sent to the juvenile hall at the end of the court day along with detaining orders and given to the Officer of the Day (OD).

JUVENILE HALL STAFF

- The OD or designee shall enter the juvenile's required DNA information on the DNA Sample Log from the detaining orders and Notice of DNA Sample Collection report slips. (See Attached DNA Sample Log) On Friday's after the detaining orders and report slips have been entered on the log sheet, the OD or designee shall fax the log sheet to the other juvenile halls in order to reconcile those minors that may have been transferred.
- Detained and Non-detained juveniles shall be fingerprinted by Livescan in order to obtain a CII Number and entered on the DNA Sample Log.
- The OD or designee shall provide a copy of the log sheet to the health care contractor each Saturday morning. Each juvenile hall will be responsible for maintaining these records for a minimum of three years.
- Each juvenile hall shall have staff assigned to the contractor to assist in coordination and supervision of detained and non-detained juveniles in and out of the facility.
- The health care contractor will place copies #1 and #2 of the Reimbursement for Collection of DNA Databank Specimens invoice form in the collection kit without the juveniles name included. (See Attached Form) The assigned staff

will place the juvenile's name on copies #3 and #4. The assigned staff shall make three photocopies of copy #3 for each detained and non-detained juvenile. The offender's copy #4, shall be given to detained or non-detained juveniles as proof of DNA collection.

- A photocopy of the Reimbursement for Collection of DNA Databank Specimens invoice form shall be forwarded by County Messenger to the supervision area office or Camps Headquarters as determined by minor's status and to the Probation Budget/Fiscal Office attention Thelma Harris. Copy #3 shall be placed in each detained juvenile's Behavior Chart. The additional photocopy shall be kept in a file in the OD's office.
- The assigned staff shall ensure that all DNA sample kits and palm print cards are mailed to the appropriate locations by the next judicial day.

FIELD DEPUTY PROBATION OFFICER

- The DPO shall include in the Analysis and Plan section of initial and subsequent Disposition reports the following statement: **"Section 296(a)(1) P.C. mandates DNA Sample Collection based on the sustained allegation"**. On a Pre Plea report, the following statement shall be included in the Analysis and Plan: **"If the alleged charges are sustained, Section 296(a)(1) P.C. mandates DNA Sample Collection"**.
- The field office SDPO, responsible for assignment of supervision or placement cases, shall identify cases requiring DNA samples and note, in red on the Record of Supervision, that DNA Sample Collection is required based on the sustained charge (DNA Sample Collection is mandated by statute even on cases when the court does not make an order per 296(c) P.C.).
- Once a case has been identified as requiring DNA samples, the supervision DPO shall verify the probationer has provided the samples. Documentation is provided either by receipt of the Reimbursement for Collection of DNA Databank Specimens invoice form sent by the juvenile hall, the juvenile showing their copy of the Reimbursement for Collection of DNA Databank Specimens invoice form, or indication of DNA compliance in CLETS.
- If the DPO learns that the juvenile has not complied with DNA requirements, the juvenile shall be instructed, in writing by use of the Notice of DNA Sample Collection report slip, to report to the juvenile hall based on court venue during regular DNA collection hours.
- If a juvenile refuses to submit DNA samples or does not comply with the DPO's instruction to report for DNA collection, the juvenile shall be returned to court on a violation of probation.

CAMP DEPUTY PROBATION OFFICER

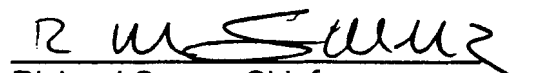
- The Camp SDPO or designee, responsible for assignment of cases, shall identify cases requiring DNA samples and note, in red on the Record of Supervision, that DNA Sample Collection is required based on the sustained charge (DNA Sample Collection is mandated by statute even on cases when the court does not make an order per 296(c) P.C.).
- Juveniles ordered to Camp with a sustained offense requiring DNA samples shall have the Reimbursement for Collection of DNA Databank Specimens invoice form in their Behavior Chart when arriving at camp if the samples have been collected in juvenile hall.
- If a juvenile requiring DNA samples, arrives at camp and does not have the Reimbursement for Collection of DNA Databank Specimens invoice form, the on-duty SDPO or designee shall contact the juvenile hall OD to check the DNA log to see if samples were collected. If the samples have not been collected, the Camp SDPO or designee shall make arrangements to have the juvenile transported to juvenile hall on Friday prior to the regularly scheduled DNA collection. The juvenile shall be returned to camp on the Monday after the DNA sample is taken.

If you have any questions regarding these procedures, contact the Detention Bureau Special Assistant at (562) 940-3693 or the Juvenile Consultant at (562) 940-2523.


Billy Burkert, Chief
Detention Services Bureau


Virginia Snapp, Chief
Juvenile Field Services Bureau


Itahadi Imara, Chief
Juvenile Special Services Bureau


Richard Saenz, Chief
Residential Treatment Bureau

PENAL CODE VIOLATIONS AND LITERAL DEFINITIONS

The DNA AND FORENSIC IDENTIFICATION DATA BASE AND DATA BANK ACT OF 1998 at § 296 sets forth the following felony* offenses as subject to data bank collection:

PENAL CODE

187	Murder, all subsections, includes attempts
190	Murder, special allegation, all subsections, and attempts
190.05	Murder 2nd, with prior murder, all subsections, and attempts
192(a)	Voluntary manslaughter, includes attempts
203	Mayhem, includes attempts
205	Aggravated mayhem, includes attempts
206	Torture, Includes attempts
207	Kidnapping, all subsections (a) through (e), Includes attempts
208	Kidnapping, all felony subsections, includes attempts
208(d)	(Old code) kidnapping person w/intent to violate sections 261,286, 288,288a 289, includes attempts
209	Kidnapping for ransom, reward, extortion, robbery, or rape, etc., includes attempts
209(b) (1)	Kidnapping for ransom committed with intent to violate sections 261, 286,288,288a, 289, includes attempts
209.5	Kidnap during carjacking all subsections including former 208(d), includes attempts
210	Pose as kidnapper to extort or by claiming ability to obtain release of victim, Includes attempts
217.1	Assault/murder public official, all felony subsections
220	Assault with intent to commit rape,

241.1	sodomy or oral copulation, rape in concert lascivious act on child penetration w/ foreign object
243	Assault on custodial officer, felony only
243.1	Battery on emergency personnel with injury or serious bodily injury, all felonies
243.3	Battery on custodial officer
243.4	Battery with injury on transportation personnel/passenger, felony
243.7	Sexual battery, all felony subsections, and attempts
244	Battery against juror, felony
245	Assault with caustic chemical
245.2	Assault with deadly weapon or force likely to produce great bodily injury, all felony subsections,
245.3	Assault with deadly weapon on transportation personnel/etc.
245.5	Assault w/deadly weapon or means likely to produce gbi on custodial officer
261	Assault with a deadly weapon/etc. on school employee, felony only
261.2	Rape: all subsections except 261(a) (5) and (a) (7), includes attempts (Old code) rape by force, includes attempts
261.3	(Old code) rape by force, includes attempts
261.4	(Old code) rape by threat, Includes attempts
262 (a) (1)	Rape of spouse by force or violence, felony only, includes attempts
264.1	Rape /etc. in concert with force/violence, includes attempts
266	Entice minor female for prostitution/etc, felony, includes attempts
266c	Induce intercourse/sex acts by false representation with intent to create fear, includes attempts, felony only
266h(b)	Pimping involving a minor, includes attempts
266i(b)	Pandering involving a minor, includes attempts

***Note: The collection of database samples is authorized when a registrable sex offender has a felony conviction/adjudication reduced or dismissed as follows: DNA samples are collectable if the adult or juvenile committed a Penal Code section 290 registerable felony offense and is still required to register as a sex offender under section 290 -- even if the felony is thereafter reduced to a misdemeanor by application of Penal Code sections 1203.4 or 17. (See Penal Code sections 296.2, 17(e), 290.1, and 1203.4.)**

PENAL CODE VIOLATIONS AND LITERAL DEFINITIONS

The DNA AND FORENSIC IDENTIFICATION DATA BASE AND DATA BANK ACT OF 1998 at § 296

PENAL CODE (CONTINUED)

266j	Procure/etc child under 14/16 for lewd act, after 1987, raised age, includes attempts
267	Abduct minor for prostitution, includes attempts
269	Aggravated sexual assault of a child, Includes attempts
273.5	Inflict corporal injury on spouse, etc., felony
273.55	Inflict corporal injury on spouse, etc., felony with prior
285	Incest, Includes attempts
286	Sodomy, all subsections, includes attempts, felony only
286.1	(Old code) act in concert to commit sodomy, repealed by statute 1975, includes attempts
288	Crimes against children/lewd or lascivious, all subsections, Includes attempts
288a	Oral copulation, all subsections, Includes attempts, felony only
288.2	Harmful matter: sent with intent of seduction of minor, felony only, includes attempts
288.5	Continuous sexual abuse of child, includes attempts
288b	(Old code) act in concert/sex perversion, repealed by statute, 1975, includes attempts
289	Sexual penetration by foreign object, all

290(a)(2)(e)	subsections, includes attempts Court ordered sex offense registration, all special court ordered registration for felonies
311.1	(Old code) indecent exposure, felony only, includes attempts
311.2	Send/possess/etc obscene matter, subsections (b), (c), and (d) felonies only, includes attempts
311.3,	(Old code) sexual exploitation of child, felonies only, includes attempts
311.4	Employee /use minor for sex acts/ obscene matter, all felonies, includes attempts
311.10	Obscene matter depicting minor, felony only, includes attempts
311.11	Possession or control of child pornography with a prior, includes attempts
314	Lewd or obscene conduct, indecent exposure, obscene exhibitions, all subsections, felonies only, includes attempts
647.6	Felony child molesting, felony only, includes attempts
647a	(Old code), annoy. Molest children, replaced by 647.6, includes attempts
653f(c)	Solicit specified sex acts, includes attempts
WIC codes. The following are Welfare and Institutions Codes	
702WIC	(Old code) contribute delinquency minor
5512WIC	Mentally disordered sex offender commitment up to 90 days
6316WIC	Mentally disordered sex offender commitment up to 90 days

Superior Court of California - Juvenile Court
County of Los Angeles
Order to Detain/Release Minor

DISTRIBUTION:
white (DETENTION)
yellow (PROBATION FILE)
pink (COURT CLERK)
golden rod (TANF APP. UNIT)

Date _____

Court# _____

PDJ# _____

JAIN _____

SS# _____

Offense _____

A/O _____ DPO# _____

IN THE MATTER OF:

Last First Middle

AKA

Date of Birth: _____

Placement in the home of the parent or legal guardian would be contrary to the child's welfare; placement and care are temporarily vested in the Probation Department, therefore, it is ordered that the above-named minor:

☐ **602** Be detained temporarily in a juvenile hall and/or in the custody of the Probation Department pending:

☐ Appearance Hearing - Court Date _____ Dept. _____ Type _____

Camp Placement

- ☐ New
☐ Subsequent
☐ Furlough Revocation
☐ Camp Graduation
☐ Camp Furlough

Suitable Placement

- ☐ New
☐ Pending Court (Adj, Dispo, Fit, etc.)
☐ Pending Re-placement
☐ State Hospital
☐ Ordered ☐ Evaluation
☐ Dorothy Kirby Center
☐ Ordered ☐ Evaluation

Fitness Hearing

- ☐ Unfit
☐ Detain Juvenile Hall
☐ Remand to Custody of the
Los Angeles County Sheriff
forthwith
☐ Fit

- ☐ BYP Referral ☐ INS Referral ☐ Delivery to CYA ☐ PAD ☐ Community Detention Program
☐ Transfer to County/State of _____
☐ Completion of _____ days Ricardo M. Start Date _____ Release Date _____ After _____ AM/PM
☐ Completion of _____ weekends Ricardo M. Start Date _____
☐ Bench Warrant Recalled Eff. Date _____ ☐ DNA Testing Required

☐ **601** Be placed in the custody of the Probation Department for:

☐ SODA

☐ Release to _____ Relationship _____
signature LD. _____

Special Instructions/Information

☐ Complete phone call: _____
To _____ Phone _____

Department

Court Officer

Judicial Officer

COUNTY OF LOS ANGELES
Probation Department

NOTICE OF DNA SAMPLE COLLECTION

Please Bring This Form With You When Reporting For Testing

Name of Minor: _____ PDJ Number: _____

Area Office: _____ Sustained Offense: _____

Pursuant to Penal Code Section 296(a)(1), you are required to provide two blood specimens, a saliva sample, and thumb and palm print impressions for a sustained offense that you have committed. On Saturday, _____ at 10:00 a.m., you must report to the juvenile hall checked below for the DNA Sample Collection.

☐ Los Padrinos Juvenile Hall
7285 Quill Drive
Downey, CA.
(562) 940-8681

☐ Central Juvenile Hall
1605 Eastlake Avenue
Los Angeles, CA.
(323) 226-8611

☐ Barry J. Nidorf Juvenile Hall
16350 Filbert Street
Sylmar, CA
(818) 364-2011

Signature of Court Officer

Department

THE REFUSAL OR FAILURE TO GIVE ANY OF THE REQUIRED SAMPLES OR PRINT IMPRESSIONS IS A MISDEMEANOR AND MAY RESULT IN A VIOLATION OF YOUR PROBATION UNDER SECTION 777 OF THE PENAL CODE.

Copy Distribution: *White – Minor; Yellow – Area Office; Pink – Juvenile Hall*

DNA SAMPLE LOG

LOS ANGELES COUNTY PROBATION

FACILITY: ☐ BJNJH ☐ CJH ☐ LPJH

DATE SAMPLE TAKEN _____

[illegible]

Revised 6/1/00

CALIFORNIA DEPT. OF JUSTICE

Invoice #

Reimbursement for Collection of DNA Databank Specimens in accordance with PC 295. (Reimbursement for other testing is precluded.) Only county and local law enforcement agencies will be reimbursed.

_____	_____
CII Number of Subject	Date Collected
_____	_____
CDC, FBI or CYA Number of Subject	Agency Case Number (if no other #'s available)
_____	_____
Signature of Agency Representative	Printed Name (of agency representative)
_____	_____
Agency Phone Number	Name of Agency (to send reimbursement to): (No Abbreviations)
_____	_____
Agency Fax Number	Address of Agency
_____	_____
	City, CA and zip code

☐ Contact DNA Laboratory: 510-540-2434

☐	Kit Complete (reimbursement authorized).
☐	Specimen Information Card Incomplete
☐	Specimen(s) Incomplete
☐	Illegible Information
☐	Rejected, Duplicate
DO NOT USE ONLY	

Comments: _____

NOTE: Forward original and second copy of this form in the collection kit. Only those forms received in the kit will be considered for reimbursement.

CAL/DOJ/BFS Invoice 01

#1 Controller Use, #2 Accounting copy, #3 Submitting agency copy, #4 offender copy

10/05/99