

COUNTY OF LOS ANGELES
PROBATION DEPARTMENT

DIRECTIVE

No.:	1266
Issued:	8/17/11
Post Until:	9/17/11

SUBJECT: JUVENILE - COLLECTION OF JUVENILE DNA SAMPLES (PROPOSITION 69)

(This Directive supersedes Directive 1062, issued 10/4/05.)

Every minor adjudicated of a felony or qualifying misdemeanor offense (e.g., sex and arson, or attempt to commit such an offense) is required to submit a DNA sample and palm print impressions for the DNA and forensic identification database and databank pursuant to Penal Code (PC) Section 296, et seq. Minors are required by the statute to provide the specimens, samples, and print impressions within 10 calendar days of the court order or notification by the Probation Officer. **The Department is responsible for collecting these samples within five (5) calendar days of the court order and for notifying the court of the minor's compliance or failure to comply.**

Note - the Juvenile Court routinely issues orders for compliance and may order the collection of a DNA sample at any time, as long as the minor is on Probation. However, submission of the DNA sample and palm print are mandatory even when the Courts do not include this requirement in their court (minute) orders.

Effective July 29, 2011, Juvenile Hall (at all three (3) locations) will be responsible for the collection of DNA samples for "Detained" and "Non-Detained" minors.

An outline of the procedures for the collection of DNA samples is delineated below:

PROCESS FOR COLLECTING DNA FROM DETAINED AND NON-DETAINED MINORS

Detained Minors

Court Officer

- Checks the box "DNA Sample Collection" on the Order to Detain/Release Minor form (Prob. 342 – Attachment A), writes in qualifying Penal Code Section and stamps "DNA" under the section "Special Instructions/Information" for minors adjudicated of a felony or qualifying misdemeanor offense.

Juvenile Hall DNA Coordinator

- Receives the Detaining Order from the Officer of the Day (OD) with instructions to collect the DNA sample
- Collects the DNA sample in accordance with outlined procedures (Attachment B).
- Enters information in the PCMS>DNA Information Screen immediately after DNA collection
- Completes the "Probation Department Use (DNA Collection Site)" portion of the court order and distributes copies to the DPO of Record via email, with a copy sent through County mail (for inclusion in the PDJ file) and the Behavior Chart. The original shall be kept by the DNA Coordinator in the DNA file.

DPO of Record (Supervision)

- Reviews PCMS>DNA Information Screen to verify that the minor has provided the required DNA sample (for those minors adjudicated of a felony or qualifying misdemeanor).
- If the minor fails to comply with the order, instructs the minor to report within 24 hours for sample collection. Reviews PCMS to verify that the minor provided the required DNA sample as instructed.
- Reports this information to the court at the next scheduled hearing once the minor has provided the required DNA sample.

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- Schedules a violation hearing with the court and completes a 777 WIC/Violation Report (Prob. 25, Rev. 4/06) if the minor fails to comply with these instructions.

Non-Detained Minors

Court Officer

- Provides minor/parent or guardian a copy of the Superior Court DNA order form. (Attachment C)
- Instructs minor to report to the Juvenile Hall collection site indicated on the court order between 8 AM and 8 PM, Monday through Friday, within five (5) calendar days of the court order date.

Juvenile Hall DNA Coordinator

- Collects the DNA sample in accordance with outlined procedures (Attachment B).
- Enters information in the PCMS>DNA Information Screen immediately after DNA collection.
- Completes the "Probation Department Use (DNA Collection Site)" portion of the court order and distributes a copy to the DPO of Record via email, with a copy sent through County mail (for inclusion in the PDJ file). The original shall be kept by the DNA Coordinator in the DNA file.

DPO of Record (Supervision)

- Reviews PCMS>DNA Information Screen to verify that the minor has provided the required DNA sample (for those minors adjudicated of a felony or qualifying misdemeanor).
- Ensures that applicable, non-detained juveniles have been instructed to provide a DNA sample. Provides instructions on where to report to provide DNA sample, for those minors who have yet to receive information.
- If the minor fails to comply with the order, instructs the minor to report within 24 hours for sample collection. Reviews PCMS to verify that the minor provided the required DNA sample as instructed.
- Reports this information to the court at the next scheduled hearing once the minor has provided the required DNA sample.
- Schedules a violation hearing with the court and completes a 777 WIC/Violation Report (Prob. 25, Rev. 4/06) if the minor fails to comply with these instructions.

Questions regarding this Directive should be directed to the applicable Bureau Consultant.



Donald H. Blevins
Chief Probation Officer

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

ATTACHMENT A**Order to Detain/Release Minor**
Superior Court of California
Juvenile Court – County of Los AngelesDISTRIBUTION
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 Status**

- ☐
- New
-
- ☐
- Subsequent
-
- ☐
- Camp Graduation
-
- ☐
- Probation Violation

Suitable Placement Status

- ☐
- New
- ☐
- Replacement
-
- ☐
- Pending Court (Adj., Dispo., Fit., etc.)
-
- ☐
- Dorothy Kirby Center
-
- ☐
- Ordered
- ☐
- Evaluation

Fitness Hearing

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

- ☐
- INS Referral
- ☐
- Delivery DJJ
- ☐
- 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 Effective Date _____
- ☐
- DNA Sample Collection

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

- ☐
- Release forthwith to _____ Relationship _____
-
- ☐
- Detained pending release to: _____ I.D. _____
-
- Signature _____

REMOVAL FINDINGS AND ORDERS: [§ 636 WIC]

- ☐
- Continuance in the home is contrary to minor's welfare.
-
- ☐
- Temporary placement and care is vested with the Probation Department.
-
- ☐
- The court orders that services are to be provided to reunify the child with his/her family, if appropriate.
-
- ☐
- Reasonable efforts have been made to allow the return of the minor to the home of the parent(s) / guardian(s)
- or
-
- ☐
- Reasonable efforts have not been made. _____

MEDICAL CONSENT:

- ☐
- County will pay any cost in connection with the placement or transportation of said minor pursuant to sections 739 and 900-914 WIC. The Probation Officer is authorized to provide medical, surgical, dental, or other remedial care.

Special Instructions / Information

- ☐
- Complete phone call: _____
-
- To _____ Phone _____

Comments: _____

Department

Court Officer

Judicial Officer

PROCEDURES FOR COLLECTING DNA SAMPLES IN JUVENILE HALL

General Process for Collection of DNA Samples in Juvenile Hall

Juvenile Hall DNA Coordinators:

- Obtain a DNA sample from detained and non-detained minors based on qualifying offenses. Non-detained minors shall be kept separate from detained minors in Juvenile Hall.
- Take non-detained minors to the Juvenile Hall DNA collection location on an individual basis. Once the non-detained minor provides the DNA sample, the minor shall be returned to the juvenile hall check-in area.
- Follow the "DNA Process using LiveScan For All Program" and in applicable instances, the "DNA Process Using Manual Method" as indicated in below.

DNA Process Using "LiveScan For All" Program

Juvenile Hall DNA Coordinators:

- Check for CII Number (No.) in CCHRS, JAI and/or PCMS. Retrieve minor's information through "LiveScan for All" program by entering the CII No.
- Scan minor's thumbs and fingers on the fingerprint scanner, which verifies minor's information and determines if DNA has previously been collected.
- Once it is determined that the DNA sample is required, utilize a Buccal DNA Collector and swab the inside of the minor cheeks (ensure that the filter side of the Buccal DNA Collector is towards the inside of the minor's cheek and that a bulge is produced on the cheek of the minor when collecting the DNA. Repeat this process seven times). When DNA is collected, use the scanning gun attached to "LiveScan for All" and scan the bar code on the Buccal DNA Collector. This correlates the DNA collection with the specific minor within the "LiveScan for All" system.
- Seal the swab in the designated DNA envelope for mailing. Enter minor's required information in the "LiveScan for All" program, including minor's charge, date of birth, reason for collection and minor's first/last name. Once information is entered and the "submit" button is pressed, information regarding the DNA collection is transmitted to CCHRS and DOTS.
- Enter the information in the PCMS DNA Information Screen (this includes the Arrest Date, Court Ordered box, Date Ordered, Sample Type, Date DNA Sample Taken, Date Sample Mailed and Sample Mailed by).
- Mail DNA sample to the Department of Justice (DOJ).

DNA Process Using Manual Method

Juvenile Hall DNA Coordinators:

- Check CCHRS/DOTS by SID or CII No. to verify whether a previous sample has been obtained. Proceed with taking a sample only if no previous one is recorded in CCHRS/DOTS.
- If a sample is needed, explain the collection process to the minor. Notify the Officer of the Day (OD) immediately when the minor refuse to provide DNA (see below for process to address refusal to provide DNA sample).
- Complete the "DOJ Specimen Information Card", including placing the minor's right thumbprint on the front and back of the card. Instruct the minor to sign the back of the card.
- Complete the label on a Buccal DNA Collector. Remove the plastic cap from the DNA Collector.
- Provide the Buccal DNA Collector to the minor, who administers the swab to himself/herself under direct supervision.
- Instruct the minor to press the collection paper portion of the Buccal DNA Collector against the inside of their cheek and drag it firmly toward the lips and out of the

mouth. Instruct the minor repeat this action seven (7) times, verifying that the minor's cheek bulges outward during the collection process. Retrieve the Buccal DSN Collector from the minor and slide the protective covering carefully covering the collection paper.

- Place the Buccal DNA Collector in the unsealed Transport Pouch and deposit it into the unsealed collection kit envelope with the completed DOJ Specimen Information Card.
- Enter the appropriate Identifying Information Card into the collection kit envelope and seal the envelope.
- Enter the information in the PCMS DNA Information Screen and ensure that the appropriate tabs are selected, the accurate information entered and the "save" button is clicked after each new DNA entrance in PCMS.
- Update DOTS Specimen Information Card. Under Collecting Agency Name, enter the **PROBATION**.
- Mail DNA sample to Department of Justice (DOJ).

NOTE: The DNA Coordinator shall use a new set of latex gloves for EACH minor swabbed in order to prevent cross-contamination of the DNA samples.

- Place DNA packets in the original box in which they were delivered and when the **box is full**, mail to the Department of Justice (DOJ) at the following address:

State of California
Department of Justice
DNA Data Bank Program
1001 W. Cutting Blvd., Suite 110
Richmond, CA. 94804-2028

Process for Minors who Refuse to Provide DNA Sample

In the event a minor refuses to provide a required DNA sample, the Juvenile Hall DNA Coordinator notifies the OD. The OD:

- Attempts to obtain compliance by fully explaining the requirements of PC 296.1(a) to the minor and reading the following admonishment:
 - **It is a violation of the Penal Code (PC) Section 298.1 if you refuse to provide a DNA sample, fingerprints, and palm prints per Penal Code Section 296(a). You may be arrested and booked for this new crime. Refusal to provide these samples may result in increased detention time. In addition, pursuant to Penal Code Section 298.1, 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 minor if he/she will provide the required DNA sample.
- If the minor continues to refuse, the Juvenile Hall DOR Coordinator shall be notified to complete a Detention Observation Report (DOR) and forward to the minor's assigned Juvenile Court and DPO of Record noting the minor's refusal. **Juvenile Hall staff shall not forcibly obtain a DNA sample unless ordered by the court.**

DNA DATA BANK SAMPLES & PRINT IMPRESSIONS ORDER for NON-DETAINED MINOR - P.C. §§ 296, 296.1

PETITION NO.

BKG #

Agency File #

MAIN #

SID/CII #

DOB

PDJ #

JAIN #

DEPT.

TO THE MINOR AND THE LOS ANGELES COUNTY PROBATION DEPARTMENT:

WHEREAS, the above-named minor has a qualifying violation of _____ (Code Section), as specified in Sections 296 and 296.1 of the Penal Code, IT IS HEREBY ORDERED that the minor provide DNA samples, right thumbprints and palm print impressions as set forth in Penal Code Sections 296(a), to be conducted under the supervision of the Los Angeles County Probation Department. The Probation Department is hereby ordered to comply with the sample collection procedures described in Penal Code Sections 296 and 296.1. **The minor is ordered to report to the juvenile hall indicated below from 8:00 AM to 8:00 PM Monday through Friday within five (5) calendar days of the date of this order to provide the ordered DNA samples and print impressions. The minor is further ordered to bring a copy of this order to the indicated juvenile hall.**

- ☐ Barry J. Nidorf Juvenile Hall; 16350 Filbert Street, Sylmar, CA 91342 (818-364-2011)
- ☐ Central Juvenile Hall; 1605 Eastlake Avenue, Los Angeles, CA 90033 (323-226-8611)
- ☐ Los Padrinos Juvenile Hall; 7285 Quill Drive, Downey, CA 90242 (562-940-8681)

Judicial Officer

COURT ADDRESS:

PROBATION DEPARTMENT'S USE (DNA COLLECTION SITE):

- ☐ Minor appeared on _____ and complied with the above Order.
- ☐ Minor appeared on _____ and refused to comply with above Order.
- ☐ Minor's records reflect that the minor previously complied with Penal Code section 296.

DNA Coordinator/Print Name

DNA Coordinator/Signature