



DNA Collection

Reference Detention Policy and Procedure section Q.81 Incarcerated individuals Requiring DNA and Palm Print Collection Per PC 296

Per California Penal Code section 296, any person who is convicted of, or pleads guilty or no contest to, or is found not guilty by reason of insanity of any qualifying offense, shall regardless of the sentence imposed or disposition rendered, be required to provide two specimens of blood, a saliva sample, right thumbprints, and full palm print impression of each hand for law enforcement identification analysis.

This applies to any person regardless of when they were convicted of the qualifying offense. The Sheriff's Department is responsible for making arrangements to ensure DNA testing is done prior to release. If it is determined the person has not previously provided these samples, the classification deputy will ensure DNA testing is done prior to release and will update the Jail Information Management System (JIMS) to reflect this. In the DOJ DNA Required section of the Demographic Detail screen,

- "Y" signifies DNA collection is required
- "C" signifies DNA collection has been completed
- "N" signifies DNA collection is not required at this time

NOTE: When classification determines the incarcerated individual has been previously sentenced on a qualifying offense, they enter "Y" indicating the DNA is required before release.

When an incarcerated individual has been convicted of a felony or a misdemeanor with a prior felony conviction (PC667 and applicable sub-sections), the Detention Processing Technician (DPT) updating the court document will activate the "Y" (unless a "C" is already entered) in the DOJ DNA Required section in the Demographic Detail screen and enter a disposition of conviction (CON) on the qualifying charge line. Once the incarcerated individual is sentenced, the DPT will then change the disposition to SNT. If the court document orders the incarcerated individual is convicted and sentenced, the disposition of SNT will be entered. Do NOT use the DNA notification under Arrest Charges.

When the incarcerated individual is ready to be released, the pre-release DPT will check the DOJ DNA Required section in Demographic Detail. If a "Y" is present, the DPT will immediately notify the on-duty Watch Commander or designee. The Watch Commander or designee will be

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responsible for coordinating the collection of the DNA prior to the incarcerated individual's release from custody. The incarcerated individual will NOT be released until sworn personnel update the DOJ DNA Required to "C." A reasonable time frame must be allowed to complete the DNA collection.

DNA COLLECTION – Proposition 69

On November 3, 2004, Proposition 69 became effective and expands state law related to the collection and use of DNA samples and palm prints. Proposition 69 defines the responsibilities for law enforcement, correctional agencies, mental health and sex offender treatment facilities to collect DNA samples from qualifying persons with a Buccal Swab, unless the Department of Justice (DOJ) requests a blood sample per PC295(e). The Buccal swab must be accompanied by two right thumbprints, in addition to a full palm print impression of each hand per PC 296(a). The DOJ estimates that 5% of Buccal swab collections may fail to generate a full DNA profile. In these circumstances, DOJ will require the collection of blood samples.

Qualifying persons must provide a DNA sample and palm print for California's DNA database only if their sample and print are not already on file with the DOJ.

Who qualifies?

- Adults and Juveniles convicted of any felony charges, or found not guilty by reason of insanity for any felony offense, and juveniles adjudicated under W&I code 602 for any felony offense. (PC 296 (a) (1); 296 (e).)
- Adults and Juveniles in custody or on probation, parole, or other supervised release after a conviction or adjudication for any felony or misdemeanor offense, but with a past California or out-of-state qualifying felony conviction or adjudication of record. (PC 296.1(a) (2), (3), (4).)
- Adults and Juveniles PC 290 sex and/or PC 457.1 arson registrants (even for misdemeanor crimes) (PC 296(a) (3)).
- On January 1, 2009, all adults arrested for any felony offense will be eligible for DNA testing (PC 296(a) (2) (c)).

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