

JACKSONVILLE POLICE DEPARTMENT

Policy: 14-3

Effective: 01-26-11

Revised: 01-18-21

DNA COLLECTION: JULI'S LAW

PURPOSE: To comply with the mandatory requirements to collect DNA samples from prisoners during processing who have been booked into the Temporary Detention Facility and charged with a felony offense.

POLICY: It is the policy of Jacksonville Police Department to collect DNA samples from prisoners during the book-in process who have been charged with any felony offenses as outlined in A.C.A. §12-12-1006.

DEFINITIONS:

- I. COMBINED DNA INDEX SYSTEM (CODIS): A nationwide database comprised of DNA profiles of convicted offenders, profiles developed from evidence in unsolved cases, and miscellaneous profiles such as missing persons and unidentified human remains.
- II. ARKANSAS STATE CRIME LAB (ASCL) DNA DATABASE: A database consisting of DNA profiles developed from within the State of Arkansas.

PROCEDURES:

- A. In accordance with A.C.A. §12-12-1006 (Juli's Law), it is mandatory to collect DNA samples from prisoners booked into the Jacksonville Police Department Temporary Detention Facility for any felony offense if the offender is processed through AFIS in our facility. If the offender is transferred to another facility, such as PCRDF, then that facility will be responsible for the collection and submission of the DNA sample.
- B. If the prisoner is less than eighteen (18) years of age, and being charged as an adult with a felony offense, a DNA sample will be taken.
- C. DNA swab kits (saliva only) will be stored in the JPD Temporary Detention Facility for the Transport/Specialized Officer (TSO) or Officer to obtain the DNA sample from any inmate charged with a felony. The TSO or Officer will inform the prisoner of the reason for the taking of the sample by the standard form (Act 974 Juli's Law) that accompanies this policy and is provided by the Civilian Property/Evidence Technician (CPET). The TSO or Officer will read aloud the Act 974 Juli's Law Form (JPD Form 14-3) to the prisoner in full view of the book in camera and provide the prisoner with a copy of this form upon signature. For security and safety reasons, the TSO or Officer will not initiate this process alone and should not attempt this process until such time as another officer or Temporary Detention Facility staff personnel are available.
- D. If the prisoner agrees to comply with the process the TSO or Officer will:
 1. Obtain a DNA collection kit which will contain one pair of plastic gloves, one buccal swab stick, unsealed paper envelope, alcohol prep pad, two ink strips, DNA Information Card, pink card with barcode labels, transport pouch, and direction sheet.
 2. The TSO or Officer will fill out the DNA Database Information Card and have the prisoner sign in the appropriate section.
 3. After putting on the gloves, the TSO or Officer will open the sealed buccal swab and attach the barcode labels, found on the pink card, to the buccal swab, transport pouch and DNA Information Card, following the directions on the card.
 4. If more than one kit is needed to collect a sample due to issues caused by the prisoner, note the number of kits used so the prisoner can be charged with each kit.
- E. If the prisoner refuses to comply, the TSO or Officer will indicate the refusal on the form provided

by the CPET. An offense report will be completed and the CPET will contact the Deputy Prosecuting Attorney for legal assistance in obtaining the sample. A copy of the offense report should be attached to the Arrest Disposition Report (ADR) and kept with the prisoner's jail paperwork.

- F. Employees of the Jacksonville Police Department who are adequately trained on this process may, if necessary, use reasonable force to obtain the sample by authority of A.C.A. §12-12-1006.
- G. The DNA sample will be taken in full view of the facility recording system. The Officer taking the sample will then send an email informing the CPET the date and time of collection. It will be the responsibility of the TSO or Officer taking the sample to retrieve the video recording and place it into property when any type of force is used to obtain the sample.
- H. Once the DNA sample is collected and packaged, it should be placed in an evidence locker but not entered into BEAST or RMS as property. The CPET will be responsible for transporting the DNA samples to the ASCL as required by state statute. No DNA samples received in this process will be kept or stored at the Jacksonville Police Department except for such a time necessary for transport to the ASCL.
- I. It is the responsibility of the CPET and the Support Services Training Officer to insure all TSOs and Officers have been adequately trained on this process before they are allowed to take a sample from a prisoner. This training will be documented and a record maintained in the employee's training file.
- J. It is the responsibility of the CPET to attend any training or conferences pertaining to Julie's Law and to disseminate any new updates or changes to this process to the appropriate personnel. The Support Services Training Officer should also be educated in such matters so as to be able to provide instruction in orientation or other internal departmental training to Officers and TSO.

Brett C. Hibbs
Chief of Police

ACT 974 JULI'S LAW

I, _____, have been charged the following felony offense(s): _____ I understand that being charged does NOT mean I am guilty.

I understand that the Jacksonville Police Department is mandated by Arkansas State Law to obtain a sample of my DNA, and is NOT required to have a warrant to do so. This sample will be taken with one oral swab rubbed against the inside of my cheek. The sample will be sent to the Arkansas State Crime Lab, where it will be kept on file.

I, _____, with the Jacksonville Police Department have informed _____ of A.C.A. §12-12-1006 (Juli's Law). As required, I have obtained (1) one oral swab of his/her saliva, and will place it into evidence to be sent to the Arkansas State Crime Lab.

Signature of Individual

Date/Time

Signature of Officer Obtaining Sample

Date/Time