

YOUTH SERVICES POLICY

Title: DNA Protocols	Type: B. Classification, Sentencing and Service Functions Sub Type: 8. Youth Related Services Number: B.8.14
Page 1 of 6	
References: La. R.S. 15:601 through 620, the Rule promulgated by the Office of State Police in the Louisiana Register referenced as LR 27:205 and dated February 20, 2001[Attachment B.8.14 (a)]; Act 1020 of the 2001 Regular Session of the Legislature; Act 487 of the 2003 Regular Session of the Legislature; YS Policies B.2.3 "Secure Care Intake", B.5.1 "Youth Code of Conduct - Secure Care" and D.10.22 "Interstate Compact for Juveniles"	
STATUS: Approved	
Approved By: <i>James Bueche, Ph.D., Deputy Secretary</i>	Date of Approval: 11/20/2019

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish uniform procedures for the collection and transmission of youth DNA samples to the state DNA database maintained and administered by the Office of State Police.

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Executive Management Advisor, General Counsel, Regional Directors, Facility Directors, Regional Managers, and any other staff who are responsible for collecting, submitting or overseeing the collection of DNA samples of youth in the secure custody of YS or under YS supervision through the Interstate Compact for Juveniles (ICJ).

IV. DEFINITIONS:

Community Based Services (CBS) - Includes the regional probation and parole offices located throughout the state.

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DNA - Deoxyribonucleic acid, which is located in cells and provides an individual's personal genetic blueprint and which encodes genetic information that is the basis of human heredity and forensic identification.

DNA Analysis - DNA typing tests that generate numerical identification information obtained from a DNA sample.

DNA Database Buccal Collection Kit - The kit provided by the Office of State Police for the collection of DNA samples.

DNA Sample - Biological evidence of any nature that is utilized to conduct DNA analysis.

Felony - Any crime for which an individual may be sentenced to death or imprisonment at hard labor.

Felony-grade Delinquent Act - Any offense that if committed by an adult may be punished by death or by imprisonment at hard labor. (Note: Adult as used in this definition includes a youth as per La. R.S. 15:603.)

Interstate Compact (ICJ) - Agreement among compacting states to provide supervision of adjudicated juveniles and status offenders and return of absconders, escapees and runaways.

Juvenile Electronic Tracking System (JETS) - The centralized database used to track all youth under OJJ supervision or custody and to record youth case record activity.

Other Specified Offense - A crime that may not be a felony but that is identified in La. R.S. 15:603(10) as a crime that will require YS to obtain a DNA sample from the offender following an adjudication for the commission of the crime, including any adjudication for attempt, conspiracy to commit, criminal solicitation, or accessory after the fact. The list of offenses is found in Attachment B.8.14 (b) and includes:

- A. A violation of La. R.S. 14:34.2 through 34.5;
- B. A violation of La. R.S. 14:35 through 37;
- C. A violation of La. R.S. 14:37.3;
- D. A violation of La. R.S. 14:38;
- E. A violation of La. R.S. 14:38.2;
- F. A violation of La. R.S. 14:40.2;
- G. A violation of La. R.S. 14:67.16;
- H. A violation of La. R.S. 14:80.1;
- I. A violation of La. R.S. 14:81.4;
- J. A violation of La. R.S. 14:82;
- K. A violation of La. R.S. 14:83 through 83.1;

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- L. A violation of La. R.S. 14:83.3 through 83.4;
- M. A violation of La. R.S. 14:85;
- N. A violation of La. R.S. 14:92;
- O. A violation of La. R.S. 107.2;
- P. A violation of La. R.S. 14:284; or
- Q. A violation of La. R.S. 14:329.2.

Regional Managers - Managers of the Community Based Services (CBS) regional offices located throughout the state.

Unit Head – For the purpose of this policy, the unit head consists of the Deputy Secretary, Facility Directors and Regional Managers.

YS Central Office - Offices of the Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Executive Management Officer, General Counsel, Regional Directors, and their support staffs.

V. POLICY:

Pursuant to La. R.S. 15:609, a youth who is adjudicated delinquent for the commission of, attempt, conspiracy, criminal solicitation, or accessory after the fact of a felony-grade delinquent act or other specified offense listed in La. R.S. 15:603(10) is required to provide a DNA sample, and YS is obligated to transmit these samples to the State Crime Lab. Therefore, it is the Deputy Secretary's policy that DNA samples shall be obtained in accordance with the law and this policy.

VI. PROCEDURES-General:

- A. Criteria for taking a DNA sample from a youth
 - 1. La. R.S. 15:609 provides that DNA samples must be taken from certain arrested persons.
 - 2. A person who is arrested for a felony or other specified offense (including an attempt, conspiracy, criminal solicitation, or accessory after the fact of such offense), or taken at the same time he is fingerprinted pursuant to the booking procedure.
 - 3. For purposes of this Chapter, a youth who is arrested for an offense covered by this Chapter or adjudicated delinquent for the commission of a felony-grade delinquent act, including an attempt, conspiracy, criminal solicitation, or accessory after the fact of a felony-grade delinquent act shall be considered a person who is arrested for a felony or other specified offense.

VII. PROCEDURES-SECURE CARE YOUTH:

- A. When a youth is adjudicated delinquent or enters into a plea agreement resulting in an adjudication for a felony-grade delinquent act or other specified offense (including an attempt, conspiracy, criminal solicitation, or accessory after the fact of such offenses), and will go into secure care custody, the Facility Director shall ensure that all necessary procedures are in place to take a DNA sample from appropriate youth upon intake.
- B. DNA samples shall be collected only by employees who have been properly trained and approved to serve as collectors by the Louisiana State Police Crime Laboratory. Samples will be obtained using a DNA Database Buccal Collection Kit for DNA Analysis in accordance with the Rule promulgated by the Office of State Police [see Attachment B.8.14 (a)].
- C. The Facility Director shall ensure that necessary safety protocols are followed in accordance with the Rule promulgated by the Office of State Police.
- D. DNA record keeping and the submission of samples to the DNA database shall be done in accordance with the Rule promulgated by the Office of State Police.
- E. The trained DNA collector(s) shall place the sample in the mail and enter the information into the Monthly DNA Collection Form. A copy of this form shall be placed in the youth's file and the original form shall be maintained in a file holding only Collection Forms.
- F. There shall be at least two trained collectors at each facility.

VIII. PROCEDURES-YOUTH IN RESIDENTIAL OR DAY TREATMENT:

- A. When a youth is adjudicated delinquent or enters into a plea agreement resulting in an adjudication for a felony-grade delinquent act or other specified offense (including an attempt, conspiracy, criminal solicitation, or accessory after the fact of such offense), but will not go into secure care custody, the law requires that a DNA sample be taken at the juvenile detention facility that previously housed the youth.
- B. Once the youth comes into YS custody, if the youth is not going into secure care but has previously been in a juvenile detention facility following the adjudication, the assigned Probation and Parole Officer/Juvenile (PPO/J) will not need to ensure a sample is taken.

However, in the event that the youth is placed in non-secure care, and has not previously been in a juvenile detention center, the PPO/J must take steps to comply with the agency's obligation to ensure a DNA sample has been provided. The PPO/J shall notify their supervisor, and then take the following steps, in the following order:

- 1) Contact the Louisiana State Police Crime Lab at (225) 925-6216, to determine if a DNA sample was obtained at the time of arrest. If the Crime Lab indicates there is a sample on file, the PPO/J shall note in Case Narratives the date of the call, the name of the person the information was obtained from, and the date the sample was taken. The PPO/J shall also enter the information into JETS that a sample was obtained and the date taken according to Crime Lab information. No further action is required.
 - 2) If the State Police Crime Lab is not in possession of a DNA sample, the PPO shall locate a local law enforcement agency that will collect a DNA sample and shall either require the youth to report or be transported to the law enforcement agency for a sample to be obtained.
- C. Each Regional Manager shall ensure that all necessary procedures are in place to verify that a DNA sample has been obtained prior to a youth's release in any manner, including inter-facility transfers and furloughs. The Regional Office does not have to take a repeat DNA sample if they possess written notification that a DNA sample was taken at the time of arrest; however, the Regional Office shall ensure that JETS reflects that the DNA sample was previously taken.

IX. PROCEDURES - YOUTH UNDER ICJ SUPERVISION:

- A. The following outlines the procedures when a youth, who has been adjudicated of a felony-grade delinquent act or other specified offense (including an attempt, conspiracy, criminal solicitation or accessory after the fact of such offenses), and has been accepted to the state from another state and comes under the supervision of YS through the Interstate Compact for Juveniles. In such cases, the PPO/J must notify their supervisor.
- B. The PPO/J is responsible for taking the youth to a law enforcement agency for the purpose of providing a DNA sample to the State Police Crime Lab. The youth must be taken by the assigned PPO/J to the nearest law enforcement agency where a DNA sample can be collected. The PPO/J shall ensure that the sample has been collected within three (3) days after the youth was reported to the Regional Office providing active supervision.

X. REFUSAL BY YOUTH TO SUBMIT SAMPLE - SECURE CARE FACILITIES:

- A. For youth confined to secure care, the Facility Director/designee shall obtain a DNA sample from any youth who is required by statute to submit a sample. If the youth refuses to provide a sample, the Facility Director/designee is authorized, pursuant to La. R.S. 15:609(I), to employ reasonable force as necessary to obtain the sample. Staff shall ensure that a video tape is made of the entire process and the procedure should be supervised by the Operations Shift Supervisor.

- B. Youth in secure care facilities who refuse to provide a sample may be charged with any appropriate rule violation as outlined in YS Policy B.5.1 "Youth Code of Conduct - Secure Care". The Facility Director shall notify the appropriate Regional Director and the Assistant Secretary via an Unusual Occurrence Report.

XII. REFUSAL BY ICJ YOUTH TO SUBMIT SAMPLE:

- A. If a youth under supervision refuses to report to the local law enforcement office and/or be transported there, the PPO/J shall first advise the youth that La. R.S. 15:609 permits law enforcement to employ reasonable force to secure the required sample in cases where a person refuses to provide a DNA sample.

If a youth continues to refuse, the PPO/J shall advise their supervisor, and if necessary, contact the local court for further guidance.

Previous Regulation/Policy Number: B.8.14

Previous Effective Date: 11/09/2017

Attachments/References: B.8.14 (a) Office of State Police Rule. January 2018.docx

B.8.14 (b) Other Specified Offenses For Which DNA Samples Must Be Provided 2-9-12.docx

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 26:2625 (November 2000), amended LR 37:1516 (May 2011).

Jill P. Boudreaux
Undersecretary

1105#022

RULE

Department of Public Safety and Corrections Office of State Police

Breath and Blood Alcohol Analysis Methods and Techniques (LAC 55:I.583)

Under the authority of R.S. 32:663 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Public Safety and Corrections, Public Safety Services has amended §583 under Chapter 5 to add liquid chromatography/mass spectrometry as an approved method for testing blood.

The Rule adds a testing method known as liquid chromatography/mass spectrometry to the methods available to the Louisiana State Police Crime Laboratory, and other permitted labs. Liquid chromatography/mass spectrometry is very similar to gas chromatography/mass spectrometry but it differs in that the sample is carried through the instrument in a liquid phase instead of a gas phase. This results in the sample needing to be prepared differently but the analysis still uses an instrument with mass spectral capabilities.

Title 55

PUBLIC SAFETY

Part I. State Police

Chapter 5. Breath and Blood Alcohol Analysis Methods and Techniques

Subchapter C. Analysis of Blood and Urine for Controlled Dangerous Substances

§583. Analytical Procedures

A. Analytical procedures shall include the use of at least two tests (a screening test and a confirmation test, or two confirmation tests) performed for each analyte present. If a screening test is used, the confirmation tests shall be based on a different physical or chemical principle from that of the screening test and offer a higher degree of specificity. All confirmation tests shall be performed using gas chromatography/mass spectrometry or liquid chromatography/mass spectrometry. Screening tests may include, but not be limited to, colorimetric, enzymatic, or chromatographic analysis. Confirmation of the identity of an analyte in a different specimen from that used for the first test (e.g., blood and urine) is acceptable, as is reconfirmation in a second aliquot of the same specimen.

B. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:663.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 26:2625 (November 2000), amended LR 37:1417 (May 2011), LR 44:1272 (July 2018).

Jill P. Boudreaux
Undersecretary

1105#023

RULE

Department of Public Safety and Corrections Office of State Police

Collection, Submission, Receipt, Identification, Storage and Disposal of DNA Samples (LAC 55:1.Chapter 27)

Under the authority of R.S. 32:663 and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the Department of Public Safety and Corrections, Public Safety Services has amended §§2702-2706, 2721-2722, 2724-2726, and 2742 under Chapter 27 to provide for the use of DNA Database Buccal Collection Kits for the collection of DNA from convicted offenders, as well as arrestees. Previously this type of kit was only used for arrestee samples. The Rule would allow for the use of the less expensive DNA Database Buccal Collection Kit for all collections authorized by law.

The text of this Rule can be viewed in its entirety in the Emergency Rule section of this issue of the *Louisiana Register*.

Title 55

PUBLIC SAFETY

Chapter 27. Collection, Submission, Receipt, Identification, Storage and Disposal of DNA Samples

Subchapter A. Collection of DNA Samples

§2702. Definitions

AFIS—the Automated Fingerprint Identification System operated by the Department of Public Safety and Corrections, Public Safety Services.

Biological Sample—biological evidence of any nature that is utilized to conduct DNA analysis.

CAJUN—the Corrections and Justice Unified Network operated by the Department of Public Safety and Corrections.

CODIS or *Combined DNA Index System*—the Federal Bureau of Investigation's national DNA identification index system which facilitates the storage and exchange of DNA records submitted by state and local criminal justice and law enforcement agencies.

Convicted Offender—a person convicted of a felony sex offense, other specified offense or any other offense for which a DNA sample must be obtained pursuant to R.S. 15:601 et seq.

Crime Laboratory—Louisiana State Police Crime Laboratory of the Department of Public Safety and Corrections, Public Safety Services.

DNA—deoxyribonucleic acid.

DNA Analysis—DNA typing tests that generate numerical identification information and are obtained from a DNA sample.

DNA Database—the DNA identification record system maintained and administered by the state CODIS administrator.

DNA Database Blood Collection Kit—the kit approved by the department for the collection of DNA blood samples.

DNA Database Buccal Collection Kit—the kit approved by the department for the collection of DNA buccal samples.

DNA Database Information Card (DDIC)—the information card which provides identifying information of the offender when a non-livescan collection is performed.

DNA Record—DNA information that is derived from a DNA sample and DNA analysis and is stored in the state DNA

database or in CODIS, including all records pertaining to DNA analysis.

DNA Sample—biological evidence of any nature that is utilized to conduct DNA analysis.

DPSC—Department of Public Safety and Corrections.

Department—Department of Public Safety and Corrections, Public Safety Services.

Director—the Director of the Louisiana State Police Crime Laboratory.

FBI—Federal Bureau of Investigation within the United States Department of Justice.

FTA—specialized paper that binds DNA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:205 (February 2001), repromulgated LR 27:1701 (October 2001), amended LR 37:1417 (May 2011), LR 44:97 (January 2018).

§2703. Collection, Submission, and Identification of DNA Samples for Convicted Offenders

A. All DNA samples obtained for DNA analysis from a convicted offender shall be collected using an approved Louisiana State Police Crime Laboratory DNA database collection kit. Procedures are specific to the type of sample being collected. A different kit is used for blood collection and buccal collection.

1. Each DNA database collection kit shall contain all necessary materials for collection and for proper identification of the offender.

2. Each kit shall be numbered sequentially from one kit to the next so that each number shall serve as a unique identifier. Kit components shall have the same number.

3. All DNA samples shall be collected by individuals trained and approved to serve as collectors by the Louisiana State Police Crime Laboratory.

4. The collector may utilize an AFIS printout (livescan generated), which contains the identifying information of the convicted offender when obtaining a sample.

5. In the event that a manual collection is completed (non-livescan process), the collector shall complete the DDIC which contains the identifying information of the collected offender when obtaining a sample. All information shall be provided. Printed name, date and signature of the person collecting the sample are required. A fingerprint is obtained as positive identification of the offender. Samples submitted with incomplete information may require recollection.

6. Biological samples shall be obtained according to the instructions contained in the kit.

7. The specimen envelope containing the biological sample and the DDIC or AFIS printout shall be placed in the mailing envelope provided. The mailing envelope flap shall be sealed.

8. If a blood collection kit is used, finger stick blood samples shall be obtained using recognized and approved medical procedures.

9. In the event a convicted offender resists the taking of the DNA sample and the collector may use reasonable force in accordance with R.S. 15:601-620, the collector may collect any type of biological sample approved by the Louisiana State Police crime laboratory. The following types of biological sample collections are hereby approved for these instances:

- i. blood stain from finger prick on FTA card;
- ii. buccal swab;
- iii. phlebotomy draw.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:206 (February 2001), repromulgated LR 27:1702 (October 2001), amended LR 30:271 (February 2004), LR 37:1418 (May 2011), LR 44:97 (January 2018).

§2704. Shipping of DNA Samples for Convicted Offenders

A. DNA samples collected in accordance with these procedures shall be submitted to the crime laboratory in person by approved personnel or via delivery service, such as U.S. mail in accordance with the crime laboratory's policies and procedures. The mailing envelope shall be mailed or delivered to the crime laboratory after collection to the following address.

Louisiana State Police Crime Laboratory
376 East Airport Drive
Baton Rouge, LA 70806

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 27:207 (February 2001), repromulgated LR 27:1702 (October 2001), amended LR 37:1418 (May 2011).

§2705. Record Keeping of DNA Samples for Convicted Offenders

A. The individual who collects each DNA sample for a submitting agency shall complete a list of every DNA sample collected for each day of collection. Any failed attempts to collect blood from an offender and the reason for the failure (e.g., refusal of offender to submit, failure to keep scheduled appointment) shall also be indicated. The list will include the following information: the kit number, the offender's name, the name of the person collecting the sample and the submitting agency together with any additional data which the crime laboratory deems necessary. This information shall be retained for record within a designated area at the submitting agency location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:207 (February 2001), repromulgated LR 27:1703 (October 2001), amended LR 30:271 (February 2004), LR 37:1419 (May 2011), LR 44:98 (January 2018).

§2706. Storage of DNA Samples for Convicted Offenders

A. The sealed kits containing DNA samples shall be stored in a dedicated storage area within the crime laboratory. Access to the sealed kits and to the storage area shall be limited to authorized personnel. Any access to or removal/return of the sealed kit or specimen bags shall be performed in accordance with crime lab policies and procedures. Only authorized personnel shall open a sealed kit or specimen bag.

B. DNA samples on FTA blood collection paper, DNA buccal samples, and DDIC cards shall be stored indefinitely in a secure storage area unless otherwise required in accordance with R.S. 15:614.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:207

(February 2001), repromulgated LR 27:1703 (October 2001), LR 37:1419 (May 2011).

Subchapter B. Arrestees

§2721. Definitions

AFIS—the Automated Fingerprint Identification System operated by the Department of Public Safety and Corrections, Public Safety Services.

Arrestee—a person arrested for a felony sex offense, other specified offense or any other offense for which a DNA sample must be obtained pursuant to R.S. 15:601 et seq.

Biological Sample—biological evidence of any nature that is utilized to conduct DNA analysis.

Crime Laboratory—Louisiana State Police Crime Laboratory of the Department of Public Safety and Corrections, Public Safety Services.

DNA—deoxyribonucleic acid.

DNA Analysis—DNA typing tests that generate numerical identification information and are obtained from a DNA sample.

DNA Arrestee Database Collection Kit or Kit—the kit provided by the department for the collection of DNA samples.

DNA Database—the DNA identification record system maintained and administered by the state CODIS administrator.

DNA Record—DNA information that is derived from a DNA sample and DNA analysis and is stored in the state DNA database or in CODIS, including all records pertaining to DNA analysis.

DPSC—Department of Public Safety and Corrections.

Department—Department of Public Safety and Corrections, Public Safety Services.

Director—the director of the Louisiana State Police Crime Laboratory.

FBI—Federal Bureau of Investigation within the United States Department of Justice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 28:2369 (November 2002), amended LR 37:1419 (May 2011), LR 44:98 (January 2018).

§2722. Collection, Submission, and Identification of DNA Samples for Arrestees

A. All biological samples obtained for DNA analysis from an arrestee shall be collected using an approved Louisiana State Police Crime Laboratory DNA arrestee collection kit.

1. An arrestee collection kit shall contain materials for collection of a biological sample for use in DNA analysis.

2. Each kit shall be numbered sequentially from one kit to the next so that each kit number shall serve as a unique identifier. Kit components shall have the same number.

3. All biological samples shall be collected by individuals trained and approved to serve as collectors by the Louisiana State Police Crime Laboratory.

4. The collector shall utilize an AFIS Printout (livescan generated), which contains the identifying information of the arrestee when obtaining a sample.

a. In the event that a manual collection form is used, all information shall be provided. Printed name, date and signature of the person collecting the sample is required. A fingerprint is obtained as positive identification of the offender. Samples submitted with incomplete information may require recollection.

b. Buccal biological samples shall be obtained according to the instructions contained in the kit.

c. The transport pouch, containing the buccal collection device, and the AFIS printout shall be placed in the mailing envelope provided. The mailing envelope flap shall be sealed.

d. In the event an arrestee resists the taking of the DNA sample, the collector may use reasonable force in accordance with R.S. 15:601-620.

5. In the event that a manual collection form is used, all information shall be provided. Printed name, date and signature of the person collecting the sample is required. A fingerprint is obtained as positive identification of the offender. Samples submitted with incomplete information may require recollection.

6. Buccal biological samples shall be obtained according to the instructions contained in the kit.

7. The specimen envelope containing the biological sample and the AFIS printout shall be placed in the mailing envelope provided. The mailing envelope flap shall be sealed.

8. In the event an arrestee resists the taking of the DNA sample, the collector may use reasonable force in accordance with R.S. 15:601-620.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 28:2369 (November 2002), amended LR 37:1419 (May 2011), LR 44:98 (January 2018).

§2724. Shipping of DNA Samples for Arrestees

A. DNA samples collected in accordance with these procedures shall be submitted to the crime laboratory in person by approved personnel or via delivery service, such as U.S. Mail in accordance with the Crime Laboratory's policies and procedures. The mailing envelope shall be mailed or delivered to the crime laboratory after collection to the following address.

Louisiana State Police Crime Laboratory
376 East Airport Drive
Baton Rouge, LA 70806

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 28:2370 (November 2002), amended LR 37:1419 (May 2011).

§2725. Record Keeping of DNA Samples for Arrestees

A. The individual who collects each DNA sample for a submitting agency shall complete a list of every DNA sample collected for each day of collection. Any failed attempts to collect a sample from an arrestee and the reason for the failure (e.g., refusal of arrestee to submit) shall also be indicated. The list will include the following information: the kit number, the arrestee's name, the name of the person collecting the sample and the submitting agency together with any additional data which the crime laboratory deems necessary. This information shall be retained for record within a designated area at the submitting agency location.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 28:2370 (November 2002), amended LR 30:271 (February 2004), LR 37:1420 (May 2011), LR 44:98 (January 2018).

§2726. Storage of DNA Samples for Arrestees

A. The sealed kits containing DNA samples shall be stored in a dedicated storage area designated by the crime laboratory. Access to the sealed kits and to the storage area shall be limited to authorized personnel. Any access to or removal/return of the sealed kit shall be performed in accordance with crime lab policies and procedures. Only authorized personnel shall open a sealed specimen envelope, and if applicable shall initial and date the broken seal and shall reseal the specimen envelope in accordance with standard operating procedures.

B. DNA samples from arrestees and AFIS printouts shall be stored for the time period as prescribed by Louisiana law in a secure storage area unless otherwise required in accordance with R.S. 15:614.

AUTHORITY NOTE: Promulgated in accordance with R.S. 15:611.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 28:2370 (November 2002), amended LR 37:1420 (May 2011).

Subchapter C. Peace Officers

§2742. Collection of DNA Samples for Peace Officers

A. All biological samples obtained for DNA Analysis from a peace officer shall be buccal swabs and shall be collected using sterile cotton tip swabs as provided by the agency employing the peace officer who is required to have his biological sample collected pursuant to R.S. 40:2405.4.

1. The agency employing the peace officer shall provide all materials necessary to collect a biological sample from any peace officer required to provide a sample pursuant to R.S. 40:2405.4.

2. The supplies necessary to collect a buccal swab shall include the following:

- a. one pack of two sterile cotton tip swabs;
- b. one pair of gloves;
- c. one paper type envelope to store the samples once collected;
- d. evidence tape for sealing the paper envelope.

3. In order to collect the biological sample, the collector shall adhere to the following procedures.

a. The collector shall print the name of the peace officer, the date of collection and the name of the collector on the paper type envelope used to store the samples prior to collection of the specimen.

b. Have the subject open his or her mouth. If there is foreign matter in the mouth, such as tobacco or gum, have the subject rinse his or her mouth out with water.

c. Remove one sterile cotton swab and collect the specimen by rubbing the swab vigorously on the inside surfaces of the cheeks and gums thoroughly. While slowly turning the swab (so that all sides of the swab are in contact with the side of the cheek) rub the swab up and down and back and forth in the mouth about 10 times.

d. Place the buccal swab in the paper type envelope. Do not place the swab back into the original sterile swab packaging.

e. Repeat Subparagraph c of this Paragraph with the remaining swab.

f. Place the second cotton tip swab immediately inside the paper type envelope with the first swab.

g. Seal the paper type envelope. Write the date and collector's initials partially on the paper type envelope and partially on the envelope flap.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:2405.4.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 30:271 (February 2004), amended LR 37:1420 (May 2011).

Jill P. Boudreaux
Undersecretary

1105#025

OTHER SPECIFIED OFFENSES FOR WHICH DNA SAMPLES MUST BE PROVIDED

(Including an attempt, conspiracy, criminal solicitation, or accessory after the fact)

La. R.S. 14:34.2 through 14:34.5

Battery of a police officer
Battery of a school teacher
Battery of a school or recreation athletic contest official
Battery of a correctional facility employee

La. R.S. 14:35 through 37

Simple battery
Simple battery of a child welfare worker
Simple battery of the infirm
Domestic abuse battery
Aggravated assault

La. R.S. 14:37.3

Unlawful use of a laser on a police officer

La. R.S. 14:38

Simple assault

La. R.S. 14:38.2

Assault on a school teacher

La. R.S. 14:40.2

Stalking

La. R.S. 14:67.16

Identity Theft

La. R.S. 14:80.1

Misdemeanor carnal knowledge of a juvenile

La. R.S. 14:81.4

Prohibited sexual contact between educator and student

La. R.S. 14:82

Prostitution

La. R.S. 14:83 through 83.1

Soliciting for prostitutes
Inciting prostitution

La. R.S. 14:83.3 through 83.4

Prostitution by massage
Massage; sexual conduct prohibited

La. R.S. 14:85

Letting premises for prostitution

La. R.S. 14:92

Contributing to the delinquency of juveniles

La. R.S. 14:107.2

Hate Crimes

La. R.S. 14:284

Peeping Tom

La. R.S. 14:329.2

Inciting to riot