



*"Service with Excellence
& Integrity"*

Arkansas Department of Community Correction

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ADMINISTRATIVE DIRECTIVE: 11-07 DNA SAMPLE COLLECTION

TO: DEPARTMENT OF COMMUNITY CORRECTION (DCC) EMPLOYEES

FROM: DAVID EBERHARD, DIRECTOR

SUPERSEDES: AD 07-07

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APPROVED: _____ Signature on File

EFFECTIVE: July 30, 2011

I. APPLICABILITY. This policy applies to employees involved in the deoxyribonucleic acid (DNA) collection process.

II. POLICY. It is DCC policy to obtain samples from offenders convicted of offenses specified in Ark. Code Ann. §§12-12-1103 et seq. for DNA profiling by the State Crime Lab.

III. DEFINITIONS.

A. Collect. In the context of DNA sample collection, "collect" means a procedure conducted or witnessed by a Law Enforcement Officer or designated DCC residential facility personnel to obtain a sample along with proper identifying material pursuant to State Crime Lab guidance.

B. Deoxyribonucleic Acid (DNA) Profiling. DNA profiling is the analysis of a person's deoxyribonucleic acid resulting in the identification of the individual's patterned chemical structure of genetic information.

C. State Crime Lab (SCL). The agency identified by the Arkansas Legislature to oversee the DNA Testing Program and to conduct forensic testing of samples for the purpose of developing DNA records on offenders found guilty of targeted offenses.

IV. PROCEDURES. DCC is required by law to collect a DNA sample on all offenders coming to the DCC, including offenders from other states, regardless of whether there is a court order, unless we can verify that a sample is available to the State Crime Lab. Samples are required to be collected upon adjudication of guilt, therefore in most cases a sample will have been collected by a jail authority or the Arkansas Department of Correction before the offender comes to DCC. Only one DNA sample is required for an offender in a lifetime. However, if a sample is not adequate for any reason or the Arkansas State Crime Lab does not have access to the sample, another sample must be collected. (Ark. Code Ann. §§12-12-1101 et. al.) DCC is not responsible for the DNA testing, analysis, storage or providing testing results to anyone.

A. Parole/Probation Managers and Center Supervisors must ensure that employees are properly trained to collect DNA, samples are sent to the State Crime Lab, and fee notice is provided to the offender.

B. Employees who Perform Intakes for Residents, Parolees & Probationers are required to

1. use universal safety precautions whenever collecting or handling DNA samples.
2. determine whether a DNA sample has already been collected. If collection of a sample cannot be verified, collect a sample following State Crime Lab procedures.
3. when collecting a DNA sample from an Interstate Compact offender, require him/her to sign AD 11-07 Form 1, "DNA Sample Collection Fee Notice." Send a copy to the State Crime Lab and give a copy to the offender. The court or Crime Lab will notify Arkansas offenders of the required fee; and
4. make appropriate entries in eOMIS.

C. DNA Sample Collection Supplies. The State Crime Lab provides necessary materials for obtaining, preserving and mailing collected samples. Appropriate supplemental supplies may be ordered as needed.

D. Refusal to Provide a DNA Sample.

1. **Refusal by a Resident.** A resident required to provide a DNA sample may not be released from a CCC or earn meritorious good time (if eligible) until the sample is provided. If a resident in 'probation plus' status refuses to provide a DNA sample, a violation report must be immediately submitted to the court. If a resident in 'judicial transfer' status refuses they must be transferred to ADC.
2. **Refusal by a Parolee or Probationer.** When an offender under community supervision refuses to provide a DNA sample, the Parole/Probation Officer must promptly write a violation report. DCC staff must also report to local law enforcement any person subject to provide a DNA sample under Ark. Code Ann. §§12-12-1110 who knowingly refuses to provide a sample after receiving notification because this is a Class D felony.

VI. REFERENCES. Ark. Code Ann. §§ 5-13-201 et seq., § 12-12-906, §§ 12-12-1101 et seq., and § 16-82-102.

V. ATTACHMENTS.

AD 11-07 Form 1, "DNA Sample Collection Fee Notice"

(Rev 8/10/11)

