	DEPARTMENT OF PUBLIC SAFETY DEPARTMENT ADMINISTRATION POLICY AND PROCEDURES	EFFECTIVE DATE: 12/18/06	POLICY NO.: ADM.08.20
		SUPERSEDES (Policy No. & Date):	
SUBJECT: DNA SAMPLING FOR CONVICTED FELONS		Page 1 of 4	

1.0 PURPOSE

To implement a standard procedure applicable to the Department of Public Safety and the Hawaii Paroling Authority, to comply with the statutory requirements set forth in HRS § 844D, in a consistent and timely manner. The statute requires that all convicted felons provide DNA samples.

2.0 REFERENCES AND DEFINITIONS

.1 REFERENCES

HRS § 844D

3.0 POLICY

- .1 It is the policy of the Department of Public Safety (PSD) that all convicted felons held in the custody of the department shall comply with HRS § 844D, and provide a DNA sample while in custody.

4.0 PROCEDURES

A. CORRECTIONS

- .1 All convicted felons shall provide samples for DNA testing as soon as possible. This includes any inmate currently in custody with a prior felony conviction.
- a. The DNA collection kit provided by the Attorney General's Office will be used in all sample collections.
 - b. Upon the convicted felon's entry to the facility, the designated staff shall verify that the offender was convicted of a felony. The designated staff shall inform the offender that the offender is required by statute to provide a DNA sample by reviewing and signing the Notice and Acknowledgement of Hawaii Revised Statutes § 844D-31, Form PSD 8277, Attachment A. An additional staff witness will sign the Notice Form for every sample collected.
 - c. The designated staff shall follow the instructions contained in the DNA collection kit and secure a DNA sample from the offender.

	DEPARTMENT OF PUBLIC SAFETY	EFFECTIVE DATE: 12/18/06	POLICY NO.: ADM.08.20
	DEPARTMENT ADMINISTRATION POLICY AND PROCEDURES	SUPERSEDES (Policy No. & Date):	
SUBJECT: DNA SAMPLING FOR CONVICTED FELONS		Page 2 of 4	

- d. After the designated staff ensures that the information card has been properly filled out, the fingerprint has been properly affixed to the form, and that the DNA sample has been properly collected, the staff shall then seal the card in the envelope provided in the kit. The envelope must be mailed no later than the next working day after the sample is secured.
- e. Any swab used in the collection of a DNA sample may be disposed of in the ordinary trash.
- f. Once a successful sample has been obtained, the designated staff must notate in Offendertrak, or the department's official information system, that the offender provided a DNA sample, and ensure that the PSD 8277 Notice Form is filed in the inmate's file.

.2 Offender Refusal

- a. In the event that an offender refuses to cooperate in providing a DNA sample, the designated staff should immediately document the refusal on the PSD 8277 Notice Form. If the offender refuses to sign the form, the staff should note the refusal to sign on the form and have another staff witness the refusal.
- b. In an inmate refusal, as soon as the PSD 8277 Notice Form is completed and signed, staff should within a reasonable time send a copy of the refusal on the PSD 8277 Notice Form and the inmate's criminal history obtained from CJIS to the Director or her designee.

B. HAWAII PAROLING AUTHORITY

- .1 All convicted felons shall provide samples as soon as possible.
 - a. The DNA collection kit provided by the Attorney General's Office will be used in all sample collections.
 - b. The Parole Officer or Parole Supervisor shall verify that the offender was convicted of a felony. The Parole Officer or Parole Supervisor shall inform the offender that the offender is required by statute to provide a DNA sample by reviewing and signing the Notice and Acknowledgement of Hawaii Revised Statutes § 844D-31 PSD 8277 Form, Attachment A. An additional Parole Officer or Parole Supervisor witness will sign the PSD 8277 Notice Form for every sample collected.

	DEPARTMENT OF PUBLIC SAFETY	EFFECTIVE DATE: 12/18/06	POLICY NO.: ADM.08.20
	DEPARTMENT ADMINISTRATION POLICY AND PROCEDURES	SUPERSEDES (Policy No. & Date):	
	SUBJECT: DNA SAMPLING FOR CONVICTED FELONS		Page 3 of 4

- c. The Parole Officer or Parole Supervisor shall follow the instructions contained in the DNA collection kit and secure a DNA sample from the offender.
- d. After the Parole Officer or Parole Supervisor ensures that the information card has been properly filled out, the fingerprint has been properly affixed to the form, and that the DNA sample has been properly collected, the staff shall seal the card in the envelope provided in the kit. The envelope must be mailed to the Honolulu Police Department's Crime Laboratory no later than the next working day after the sample is secured. The Parole Officer or Parole Supervisor shall input all collected information into the Hawaii Paroling Authority DNA Parole collection book/log.
- e. Any swab used in the collection of a DNA sample may be disposed of in the ordinary trash.
- g. Once a successful sample has been obtained by the Parole Officer or Parole Supervisor, the DNA Parole collection book/log shall be submitted to the Field Parole Branch Administrator. The designated clerical staff person(s) with maintenance access to the CJIS must input the testing information into both, the CJIS and the Hawaii Paroling Authority's database (board history section) and obtain a copy of the completed PSD 8277 Notice Form to be filed in the parolee's main file. The original PSD 8277 Notice Form will be filed in the Parole Officer's working parole file.

2 Offender Refusal

- a. In the event that an offender refuses to cooperate in providing a DNA sample, the Parole Officer or Parole Supervisor should immediately document the refusal on the PSD 8277 Notice Form. If the parolee refuses to sign the form, the Parole Officer or Parole Supervisor should note the refusal to sign on the form and have another Parole Officer or Parole Supervisor witness the refusal.
- b. In a parolee refusal, as soon as the PSD 8277 Notice Form is completed and signed, the Parole Supervisor will immediately provide a copy of the refusal and a copy of the parolee's Fact Sheet and Board History Sheet to the Parole Administrator for forwarding to the Director of the PSD or his/her designee.

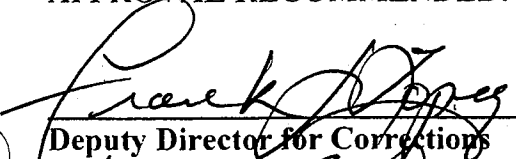
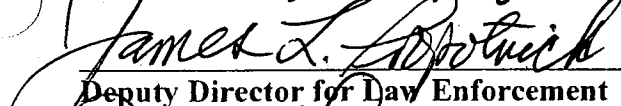
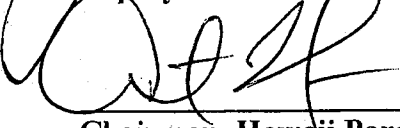
	DEPARTMENT OF PUBLIC SAFETY	EFFECTIVE DATE: 12/18/06	POLICY NO.: ADM.08.20
	DEPARTMENT ADMINISTRATION POLICY AND PROCEDURES	SUPERSEDES (Policy No. & Date):	
	SUBJECT: DNA SAMPLING FOR CONVICTED FELONS		Page 4 of 4

- c. Within one (1) working day of receipt of the signed copy of the refusal, Fact Sheet and Board History Sheet, the Parole Administrator will forward the documents to the director of the PSD or his/her designee for review and further action.

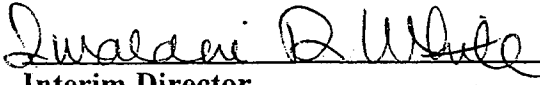
5.0 SCOPE

This policy applies to all Department of Public Safety and Hawaii Paroling Authority personnel. All prior policies, procedures, and practices are hereby superseded to the extent that they are inconsistent with this policy.

APPROVAL RECOMMENDED:

	12.12.06
Deputy Director for Corrections	Date
	12-12-06
Deputy Director for Law Enforcement	Date
	12/12/06
Chairman, Hawaii Paroling Authority	Date

APPROVED:

	12-12-06
Interim Director	Date

NOTICE AND ACKNOWLEDGEMENT OF HAWAII REVISED STATUTES § 844D-31

I, _____, as a convicted felon, have been informed and understand that I am required to comply with the following provisions for DNA sampling. I also understand that failure or refusal to provide a DNA sample is a criminal offense pursuant to H.R.S. § 844D-111.

H.R.S. § 844D-31(a) states:

Any person, except for any juvenile, who is convicted of, or pleads guilty or no contest to, any felony offense, even if the plea is deferred, or is found not guilty by reason of insanity of any felony offense, shall provide buccal swab samples and print impressions of each hand, and if required by the collecting agency's rules or internal regulations, blood specimens, required for law enforcement identification analysis.

H.R.S. § 844D-111(a) states:

A person commits the offense of refusal or failure to provide specimen for forensic identification if the person is required by this chapter to provide any blood specimens, buccal swab samples, or print impressions and intentionally or knowingly refuses or fails to provide any of the required blood specimens, buccal swab samples, or print impressions after the person has received written notice from the department, the department of public safety, any law enforcement personnel, or officer of the court that the person is required to provide each and every one of the blood specimens, buccal swab samples, and print impressions required by this chapter.

By signing this notice, I acknowledge that I have read and understand the foregoing requirements.

Name: _____ SID # _____

Signature: _____ Date: _____

I certify that I have made the above named person aware of the requirements of H.R.S. § 844D and this person:

Provided a DNA sample. _____

Refused to provide a DNA sample _____

Staff

Witness

Name: _____

Name: _____

Signature: _____

Signature: _____

ID No.: _____

ID No.: _____

Facility: _____

Date: _____