



POLICY TITLE: DNA SAMPLE COLLECTION		PAGE 1 OF 5
POLICY NUMBER: 6.9		
CHAPTER 6: VICTIM SERVICES		
	STATE of MAINE DEPARTMENT OF CORRECTIONS	PROFESSIONAL STANDARDS:
	Approved by Commissioner:  <hr/>	See Section VIII
EFFECTIVE DATE: March 25, 2004	LATEST REVISION: November 29, 2021	CHECK ONLY IF APA []

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 25 M.R.S.A., chapter 194 and 34-A M.R.S.A. Section 9887-B.

II. APPLICABILITY

All Adult and Juvenile Correctional Facilities
 Adult and Juvenile Community Corrections

III. POLICY

It is the policy of the Department of Corrections to collect DNA samples from adult and juvenile facility residents and adult and juvenile community corrections clients convicted or adjudicated of applicable offenses for submission to the Department of Public Safety for DNA analysis.

IV. DEFINITONS

None

V. CONTENTS

- Procedure A: Identification of Persons Required to Submit to DNA Sample Collection
- Procedure B: Time Frames for DNA Sample Collection
- Procedure C: DNA Sample Collection Process
- Procedure D: Miscellaneous

VI. ATTACHMENTS

[Attachment A: DNA Sample Collection Applicable Offense List](#)

VII. PROCEDURES

Procedure A: Identification of Persons Required to Submit to DNA Sample Collection

1. Each adult and juvenile reception facility Chief Administrative Officer, or designee, shall ensure that intake practices are in place to identify all residents required to submit to the collection of a DNA sample pursuant to Title 25 M.R.S.A. Section 1574. Such practices shall include, at a minimum, examination of judgment and commitment papers to determine whether the offense for which the person has been convicted or adjudicated is one requiring that a DNA sample be taken, to include an attempt or "lesser included offense," if applicable. See the DNA Sample Collection Applicable Offense List (Attachment A).
2. Each adult and juvenile community corrections Regional Correctional Administrator, or designee, shall ensure that intake practices are in place to identify all clients required to submit to the collection of a DNA sample pursuant to Title 25 M.R.S.A. Section 1574. Such practices shall include, at a minimum, examination of judgment and commitment papers to determine whether the offense for which the person has been convicted or adjudicated is one requiring that a DNA sample be taken, to include an attempt or "lesser included offense," if applicable. See the DNA Sample Collection Applicable Offense List (Attachment A). Note: placement on deferred disposition is not considered a conviction or adjudication unless and until the court imposes a final disposition.
3. Each adult community corrections Regional Correctional Administrator, or designee, shall ensure that intake practices are in place to identify all clients from out of state accepted for supervision in the community under the Interstate Compact for Adult Offender Supervision required to submit to the collection of a DNA sample pursuant to Title 34-A M.R.S.A. Section 9887-B. Such practices shall include, at a minimum, examination of judgment and commitment or equivalent papers from the other jurisdiction for a determination as to whether the offense for which the person has been convicted is a felony in that jurisdiction, i.e., is punishable by imprisonment for one year or more, regardless of whether the person was or was not actually sentenced to such imprisonment. See the DNA Sample Collection Applicable Offense List (Attachment A).
4. As part of the process of identification of persons required to submit to DNA sample collection, a check shall be made of Department records to determine

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whether the person had a DNA sample taken previously in Maine. Unless specifically requested by the Department of Public Safety, no person who has previously submitted to DNA sample collection in Maine shall be required to do so again.

5. If a person has been identified as required to submit to the collection of a DNA sample, that shall be noted in CORIS.
6. If there is uncertainty as to whether a particular person is required to submit to the collection of a DNA sample, the Department's legal representative in the Attorney General's Office shall be contacted.

Procedure B: Time Frames for DNA Sample Collection

1. A facility resident required to submit to DNA sample collection shall have a DNA sample collected within ten (10) days of intake to the reception facility or, if that time frame has already passed, within ten (10) days of confirming the need for DNA sample collection.
2. A client under supervision in the community required to submit to DNA sample collection shall have a DNA sample collected within ten (10) days of commencement of the period of supervision or, if that time frame has already passed, within ten (10) days of confirming the need for DNA sample collection, unless the time frame for taking of the sample is extended by the Regional Correctional Administrator, or designee, due to extenuating circumstances. The sample shall be taken as soon as practicable, and in no event shall the time frame for taking the sample be extended past the date of completion of the client's supervision.
3. An adult from out of state accepted for supervision in the community under the interstate compact required to submit to DNA sample collection shall have a DNA sample collected within ten (10) days of arrival in Maine or, if that time frame has already passed, within ten (10) days of confirming the need for DNA sample collection, unless the time frame for taking of the sample is extended by the Regional Correctional Administrator, or designee, due to extenuating circumstances. The sample shall be taken as soon as practicable, and in no event shall the time frame for taking the sample be extended past the date of completion of the client's supervision.

Procedure C: DNA Sample Collection Process

1. In all cases of collection of a DNA sample by Department staff, a saliva sample shall be taken.

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2. The Commissioner has designated the following staff who are permitted to collect DNA samples after the staff have been trained in DNA saliva sample collection:
 - a. adult probation officers;
 - b. adult probation officer assistants;
 - c. juvenile community corrections officers;
 - d. Regional Correctional Administrators;
 - e. Regional Correctional Managers;
 - f. facility intake staff; and
 - g. facility security staff.
3. The staff collecting the sample shall use only the appropriate saliva sample collection kit provided by the Department of Public Safety. The staff collecting the sample shall follow the instructions that are provided with the kit.
4. Prior to collecting the sample, the staff who is to collect the sample shall complete the DNA Database Collection Card, including by taking the required ink fingerprints, except that the chain of custody section of the card shall not be completed.
5. At a facility, the staff who is to collect the sample shall remove the carbon copy of the "Subject Information" section of the card and send it to facility classification staff along with a card with the resident's electronic fingerprints. In a community corrections region, the staff who is to collect the sample shall remove the carbon copy of the "Subject Information" section of the card and ensure it is filed along with the client's electronic fingerprint card.
6. The Department's copy of that section of the card and of the fingerprint card shall be maintained in the adult resident's Administrative Record, the juvenile resident's Master Administrative Record, or the community corrections client's file, whichever is applicable.
7. The staff who collects the sample shall also place the sample in the envelope provided with the kit and seal the envelope. The entire collection process, from completing the DNA Database Collection Card to sealing the envelope, shall be completed for one (1) person prior to being started for another person.
8. The collected saliva sample shall be mailed or otherwise sent to the Maine State Police Crime Laboratory on the day of collection. Prior to the actual sending, the sample must be stored in a secure location at room temperature.
9. The fact that the sample has been collected and the date of collection shall be noted in CORIS by the staff collecting the sample.

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Procedure D: Miscellaneous

1. If any community corrections client refuses to submit to the collection of a DNA saliva sample, the probation officer shall summons the client to court and file a motion to revoke probation or supervised release for sex offenders, whichever is applicable, except that in the case of an adult client transferred to Maine from out of state under the interstate compact, the probation officer shall take the appropriate steps to have the client returned to the sending jurisdiction.
2. If any facility resident refuses to submit to the collection of a DNA saliva sample, the Department's legal representative in the Attorney General's Office shall be contacted for instructions.
3. If the Department of Public Safety requests that a DNA blood sample be collected from a person in the custody or under the supervision of the Department, the facility Chief Administrative Officer, or designee, or the Regional Correctional Administrator, or designee, as applicable, shall ensure that appropriate arrangements are made for the sample to be collected by the individual contracted by the Department of Public Safety to collect the sample. Department staff shall not collect, store, mail, or otherwise be involved with the DNA blood sample. If the person refuses to submit to the collection of a DNA blood sample, the enforcement of the request shall be left to the Department of Public Safety.

VIII. PROFESSIONAL STANDARDS

None

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