
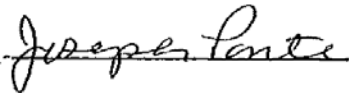


POLICY TITLE: DNA SAMPLE COLLECTION		PAGE 1 OF 4
POLICY NUMBER: 6.9		
CHAPTER 6: VICTIM SERVICES		
	STATE of MAINE DEPARTMENT OF CORRECTIONS Approved by Commissioner: 	PROFESSIONAL STANDARDS: See Section VII
EFFECTIVE DATE: March 25, 2004	LATEST REVISION: April 3, 2013	CHECK ONLY IF APA []

I. AUTHORITY

The Commissioner of Corrections adopts this policy pursuant to the authority contained in 25 M.R.S.A. Sections 1572, 1574, and 1575 and 34-A M.R.S.A. Section 9887-B.

II. APPLICABILITY

All Adult and Juvenile Corrections Facilities
Adult and Juvenile Community Corrections

III. POLICY

It is the policy of the Department of Corrections to collect biological samples from prisoners, juvenile residents, and probationers convicted or adjudicated of applicable offenses for submission to the Department of Public Safety for DNA analysis.

IV. 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 Procedure

V. ATTACHMENTS

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

VI. PROCEDURES

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

1. The Chief Administrative Officer of each correctional facility shall ensure that reception/admission and release planning procedures are in place to identify all prisoners or residents required to submit to the collection of a DNA sample pursuant to Title 25 M.R.S.A. Section 1574. Such procedures shall include, at a minimum, examination of judgment and commitment papers (including probation conditions) for an order by the court that a DNA sample be taken and to determine whether the offense for which the person has been convicted or adjudicated is one requiring that a DNA sample be taken (See Attachment A).
2. The Regional Correctional Administrator of each community corrections region shall ensure that intake procedures are in place to identify all probationers required to submit to the collection of a DNA sample pursuant to Title 25 M.R.S.A. Section 1574. Such procedures shall include, at a minimum, examination of judgment and commitment papers (including probation conditions) for an order by the court that a DNA sample be taken and to determine whether the offense for which the person has been convicted or adjudicated is one requiring that a DNA sample be taken (See Attachment A).
3. If there is a discrepancy between the offense for which the person has been convicted or adjudicated and the part of the judgment and commitment papers concerned with DNA sample collection, or any other issue regarding the propriety of DNA sample collection, the Department's legal representative shall be contacted for instructions.
4. The Regional Correctional Administrator of each adult community corrections region shall ensure that intake procedures are in place to identify all persons from out of state accepted for supervision in the community under the interstate compact required to submit to the collection of a DNA sample pursuant to Title 34-A, M.R.S.A. Section 9887-B (See Attachment A). Such procedures 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. If there is uncertainty as to whether the person is required to submit to the collection of a DNA sample, the Department's legal representative shall be contacted for instructions.
5. As part of the process of identification of persons required to submit to DNA sample collection, a check shall be made of Departmental records to determine whether the person had a DNA sample taken previously in Maine. Unless specifically requested by the Department of Public Safety, no person who has

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previously submitted to DNA sample collection in Maine shall be required to do so again.

6. If a person has been identified as required to submit to the collection of a DNA sample, that shall be noted in the Correctional Information System (CORIS).

Procedure B: Time Frames for DNA Sample Collection

1. A prisoner or resident required to submit to DNA sample collection shall have a DNA sample collected within ten (10) days of reception/admission to the facility or, if that time frame has already passed, within ten (10) days of confirming the need for DNA sample collection.
2. A probationer required to submit to DNA sample collection shall have a DNA sample collected within ten (10) days of commencement of the period of probation or, if that time frame has already passed, within ten (10) days of confirming the need for DNA sample collection.
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.

Procedure C: DNA Sample Collection Procedure

1. The DNA sample collected must consist of a saliva sample unless a blood sample needs to be taken for documented medical or mental health reasons or unless a blood sample is specifically requested by the Department of Public Safety.
2. If a blood sample is to be taken, only a duly licensed physician, physician assistant, registered nurse, licensed practical nurse, person certified by the Department of Human Services or person whose occupational license or training allows that person to draw blood samples may draw a blood sample for DNA analysis.
3. If a saliva sample is to be taken, only a person who may draw a blood sample or facility classification and security staff trained to collect saliva samples, a probation officer, or a juvenile community corrections officer may collect a saliva sample for DNA analysis.
4. The Chief Administrative Officer of each correctional facility and the Regional Correctional Administrator of each community corrections region shall designate those persons who are permitted to collect DNA samples.

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5. The person collecting the sample shall use only the appropriate biological sample collection kit provided by the Department of Public Safety. The person collecting the sample shall follow the instructions that are provided with the kit.
6. Prior to collecting the sample, the person who is to collect the sample shall complete the DNA Database Collection Card, including by taking the required fingerprints. The chain of custody portion of the card shall not be completed.
7. The person 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 biological sample shall be mailed to the Maine State Police Crime Laboratory on the day of collection. Prior to the actual mailing, 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. In the case of a prisoner or resident, the person collecting the sample shall notify the facility's records officer. The records officer shall make the entry in CORIS. In the case of a probationer or an adult person being supervised in the community under the interstate compact, the person collecting the sample shall make the entry in CORIS.
10. The Department's copy of the "Subject Information" section of the DNA Database Collection Card shall be filed in the prisoner's Administrative Record, resident's Master Administrative Record, or the community corrections client's file, whichever is applicable.
11. If the person refuses to submit to the collection of a DNA sample, the Department's legal representative shall be contacted for instructions.

VII. PROFESSIONAL STANDARDS

None

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