

CAMBRIDGE POLICE DEPARTMENT

TITLE: DNA SAMPLE COLLECTIONS

PROCEDURE: 5.102

DATE ISSUED: January 1, 2009

REVISED:

PURPOSE:

To delineate the responsibilities of the members of the Cambridge Police Department to collect DNA Samples from individuals who have been charged with the qualifying crimes.

POLICY:

It is the policy of the Cambridge Police Department to provide clear procedures to sworn members regarding the collection of DNA samples for qualifying arrestees and clearly define areas of responsibility for use, collection, and submissions to the Maryland State Police Forensic Laboratory.

PROCEDURE:

A. The personnel responsible for fingerprinting, photographing and processing those charged will also be responsible for collecting DNA samples from those charged. A Supervisor will be present during the DNA Sample Collection process. All personnel who will be responsible for collecting DNA samples from those charged are required to have viewed the DNA collection training video. The viewing of this video will satisfy the certification training requirement.

B. A DNA sample shall be collected during the booking process of those individuals charged with a qualifying crime. The sample should be collected only after the officer signs the Statement of Charges or, in the case of indictments, criminal informations and criminal summonses issued by the Commissioners, when these documents are issued.

C. Upon collection, the individual must be notified that his or her DNA record may be subject to expungement from the Statewide DNA database. An index card,

explaining expungement rights, is included in the Maryland State Police DNA Collection Kit and must be distributed to the individual by the collector.

D. Use of Force to Collect a DNA Sample:

- Under Maryland Law, an individual charged with a qualifying offense must provide a DNA sample. An officer shall be authorized to use reasonable force in obtaining a DNA sample.
- The amount of reasonable force is best described as the MINIMUM force necessary to complete the act. The amount of force used should be consistent with the Compulsory Testing Law, Maryland Transportation Article, 16-205.1.
- If the individual refuses to submit to the DNA collection, the officer shall note the refusal in the Incident Report, the Statement of Charges and to the District Court Commissioner upon arrival to begin the Initial Appearance Hearing.

E. See the DNA Database Sample Collection Kit for further detailed collection instructions, which was provided during training and also provided in each kit.