	DEPARTMENT OF CORRECTIONS AND REHABILITATION DEPARTMENT ADMINISTRATION POLICY AND PROCEDURES	EFFECTIVE DATE: January 01, 2024	POLICY NO.: ADM.08.20
		SUPERSEDES (Policy No. & Date): ADM.08.20 of December 18, 2006	
	SUBJECT: DNA SAMPLING FOR CONVICTED FELONS		Page 1 of 4

1.0 PURPOSE

To implement a standard procedure applicable to the Department of Corrections and Rehabilitation (DCR) and the Hawaii Paroling Authority (HPA), 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 SCOPE

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 All prior policies, procedures, and practices are hereby superseded to the extent that they are inconsistent with this policy.

3.0 REFERENCES, DEFINITIONS & FORMS

.1 References

- a. HRS § 844D, Forensic Identification.

4.0 POLICY

It is the policy of the Department of Corrections and Rehabilitation that all convicted felons held in the custody of the department shall comply with HRS § 844D and provide a DNA sample while in custody.

5.0 PROCEDURES

.1 Corrections

- a. 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.
 1. The DNA collection kit provided by the Attorney General's Office will be used in all sample collections.
 2. 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

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Notice and Acknowledgement of Hawaii Revised Statutes § 844D-31, Form DCR 8277, Attachment A. An additional staff witness will sign the Notice Form for every sample collected.

3. The designated staff shall follow the instructions contained in the DNA collection kit and secure a DNA sample from the offender.
4. 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.
5. Any swab used in the collection of a DNA sample may be disposed of in the ordinary trash.
6. 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 DCR 8277 Notice Form is filed in the inmate's file.

b. Offender Refusal

1. In the event that an offender refuses to cooperate in providing a DNA sample, the designated staff should immediately document the refusal on the DCR 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 member witness the refusal.
2. In an inmate refusal, as soon as the DCR 8277 Notice Form is completed and signed, staff should within a reasonable time send a copy of the refusal on the DCR 8277 Notice Form and the inmate's criminal history obtained from CJIS to the Director or her designee.

.2 Hawaii Paroling Authority

- a. All convicted felons shall provide samples as soon as possible.
 1. The DNA collection kit provided by the Attorney General's Office will be used in all sample collections.

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2. 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 DCR 8277 Form, Attachment A. An additional Parole Officer or Parole Supervisor witness will sign the DCR 8277 Notice Form for every sample collected.
3. The Parole Officer or Parole Supervisor shall follow the instructions contained in the DNA collection kit and secure a DNA sample from the offender.
4. 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.
5. Any swab used in the collection of a DNA sample may be disposed of in the ordinary trash.
6. 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 DCR 8277 Notice Form to be filed in the parolee's main file. The original DCR 8277 Notice Form will be filed in the Parole Officer's working parole files.

b. Offender Refusal

1. 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 DCR 8277 Notice Form. If the parolee refuses to sign the form, the Parole Officer or Parole Supervisor

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should note the refusal to sign on the form and have another Parole Officer or Parole Supervisor witness the refusal.

2. In a parolee refusal, as soon as the DCR 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 DCR or his/her designee.

3. 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 DCR or his/her designee for review and further action.


APPROVAL RECOMMENDED:



Deputy Director for Administration Date

JAN 0 1 2024


APPROVAL RECOMMENDED:



Deputy Director for Corrections Date

JAN 0 1 2024

APPROVED:



DIRECTOR Date

JAN 0 1 2024

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