

	JUSTICE CABINET DEPARTMENT OF JUVENILE JUSTICE POLICY AND PROCEDURES	REFERENCES:
CHAPTER: ADMINISTRATION		AUTHORITY: KRS 15A.065
SUBJECT: DNA Sampling		KRS 17.170
POLICY NUMBER: DJJ 138		KRS 17.510
TOTAL PAGES: 4		
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APPROVAL: Carey D. Cockerell		, COMMISSIONER

I. POLICY

The Department of Juvenile Justice (DJJ) shall collect DNA samples from probated, committed, or sentenced youth with qualifying offenses as mandated by KRS 17.170.

II. APPLICABILITY

This policy shall apply to all DJJ community offices, group homes, detention centers, and residential programs.

III. DEFINITION

Refer to Chapter 100.

IV. PROCEDURES

A. Probated, Committed, or Sentenced Youth

1. A list of all eligible offenses committed by youth who shall receive DNA sampling is attached (See Appendix A). The JSW shall verify by reviewing court documents that the youth was adjudicated or convicted on a qualifying offense before the sample is taken.
2. Qualifying offenders shall be sampled within two (2) weeks.
3. If the qualifying offender is committed, probated, or sentenced to DJJ and placed in the community, the DNA sample collection shall be included as a requirement in the conditions of supervision. The JSW shall schedule for the DNA sample to be collected at a DJJ facility.
4. If the qualifying offender is in an out-of-home placement, the JSW or the JSS shall notify the program Superintendent and nurse that the youth is required to have a DNA sample collected. Notification may be sent by e-mail. If the youth is placed under community supervision, the JSW shall schedule a DNA sample to be collected at a DJJ facility.

POLICY NUMBER DJJ 138	EFFECTIVE DATE 5/15/2017	PAGE NUMBER 2 of 4
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B. Procedure for DNA Collection

1. Prior to collection of a sample, the nurse shall send an electronic message to Kentucky State Police (KSP) Forensic Laboratory personnel to determine whether a sample for the youth is currently on file.
2. If a DNA sample is not on file, a trained nurse shall explain the collection procedure to the youth and that collection is required by law.
3. Upon receipt of a request for DNA collection, the nurse shall collect the DNA sample within three (3) business days.
4. The trained nurse shall collect the DNA sample in the DNA collection kit provided by the KSP Forensics Laboratory. The DNA sample shall be collected in strict accordance with the instructions provided on the DNA SAMPLE INFORMATION SHEET (Form KSP 47). The youth's right and left thumbprints shall also be taken by facility staff and placed in the appropriate areas described on the DNA SAMPLE INFORMATION SHEET (Form KSP 47).
5. The trained nurse taking the sample is responsible for forwarding the DNA collection kit and sample to the KSP Forensic Laboratory in accordance with KSP procedures.
6. Once the sample has been taken, the trained nurse shall notify the JSW by email.
7. If the youth refuses to provide a sample, the trained nurse shall notify the JSW of the youth's refusal and attempt to obtain a signed declination. The trained nurse shall retain a copy of the request for DNA collection and the declination. The JSW shall notify the Court of the youth's refusal to submit to a DNA collection.
8. The JSW shall update the youth's individual client record to reflect that the sample was collected.

C. DNA SAMPLE KITS

The KSP Forensics Laboratory provides the DNA sample kits. The kits may be ordered by contacting the DNA Database Supervisor, at (502) 564-5230. DNA collection kits shall not be warehoused or stored in large quantities as they have a one-year shelf life. Only a trained nurse can order DNA sample kits.

D. NOTIFICATION

1. After the sample has been collected, the nurse shall immediately notify the JSW or JSS by e-mail that the sample has been collected and sent to the KSP Forensics Laboratory. The notification shall include all information necessary to properly identify the youth.
2. If the youth is in a DJJ residential placement or detention center, the trained nurse shall copy the Superintendent on e-mail. If the youth is in a private childcare facility, foster home, or community placement, the trained nurse shall forward a copy of the e-mail to the appropriate community Regional Manager.

POLICY NUMBER DJJ 138	EFFECTIVE DATE 5/15/2017	PAGE NUMBER 3 of 4
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E. FILING THE DNA SAMPLE

1. The DNA SAMPLE INFORMATION SHEET shall be secured with the DNA sample in the kit mailer, and sent to the KSP Forensics Laboratory via first class mail, by the trained nurse who collects the sample. First Class postage must be placed on the outside of the collection kit.
2. The address of the KSP Forensics Laboratory is:

KENTUCKY STATE POLICE
FORENSICS LABORATORY
100 SOWER BLVD, SUITE 102
FRANKFORT, KY 40601-8272
TELEPHONE: (502) 564-5230

V. MONITORING MECHANISM

DNA sampling procedures shall be reviewed annually by the Office of Legal Services.

POLICY NUMBER DJJ 138	EFFECTIVE DATE 5/15/2017	PAGE NUMBER 4 of 4
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Appendix A

CRITERIA FOR DNA COLLECTION

YOUTHFUL OFFENDERS

Any youthful offender (regardless of age) *convicted* of a felony offense under Kentucky Revised Statutes

PUBLIC OFFENDERS

Any juvenile, *who was at least fourteen (14) years of age at the commission of the offense*, who has been adjudicated delinquent of being a public offender of:

1. Any felony sexual offense described in MIS Chapter 510
 - Rape in the first degree (KRS 510.040)
 - Rape in the second degree (KRS 510.050)
 - Rape in the third degree (KRS 510.060)
 - Sodomy in the first degree (KRS 510.070)
 - Sodomy in the second degree (KRS 510.080)
 - Sodomy in the third degree (KRS 510.090)
 - Sexual abuse in the first degree (XRS 510.110)
 - Indecent exposure in the first degree, third or subsequent offense within three years of the prior offense (KRS 10.148(2)(c)&(d))
 - Unlawful use of electronic means to induce a minor to engage in sexual or other prohibited activities (KRS 510. 155)
2. Incest (KRS 530.020)
3. Criminal attempt or criminal conspiracy to commit a felony sexual offense under KRS Chapter 510, i.e., criminal attempt or criminal conspiracy to commit one of the following offenses:
 - Rape in the first degree (KRS 510.040)
 - Rape in the second degree (KRS 510.050)
 - Rape in the third degree (KRS 510.060)
 - Sodomy in the first degree (KRS 510.070)
 - Sodomy in the second degree (KRS 510.080)
 - Sodomy in the third degree (KRS 510.090)
 - Sexual abuse in the first degree (KRS 510.110)
 - Indecent exposure in the first degree third or subsequent offense within three years of the prior offense (KRS 510.1482c&(d))
 - Unlawful. use of electronic means to induce a minor to engage in sexual or other prohibited activities (KRS 51 0.155)
4. Criminal attempt or criminal conspiracy to commit incest under KRS 530.020
5. Juvenile Sexual Offender (KRS 635.510)