

**TITLE: FELONY DNA POLICY**

1. **Policy.** The Department of Correction shall ensure the collection of DNA biological samples from inmates convicted of a felony prior to the release to community.
2. **Authority and Reference.**
  - A. Connecticut General Statute 54-102g
  - B. Administrative Directive 9.3 – Admissions, Transfers and Discharges.
3. **Definitions.** For the purposes stated herein, the following definitions apply:

**Felony Conviction.** A judgement entered by a court upon a plea of guilty, a plea of nolo contendere or a finding of guilty by a jury or the court in accordance with all identified felonies recognized in the Connecticut General Statutes.

**Facility Contact Person.** The designated supervisor at the facility to coordinate matters related to requirements under C.G.S. 54-102g.

**Release to the Community.** The release of an inmate from the Department of Correction to a community release program, parole, re-entry or end of sentence.

**RT50 screen for DNA Sample update:**

- **DNA eligible Y, N, P or R.** If the inmate meets the criteria for a DNA sample, then the entry would be “Y” for yes. If the inmate does not meet the criteria for a DNA sample, then the entry would be “N” for no. If the inmate refuses, then the entry would be "R" for refusal. If the inmate had a sample collected by Probation, the RT50 will reflect a “P”.
- Swab means biological sample. Date means the actual date the sample was collected by the Health Services Unit. This date is on the bottom copy of the DNA Submission Form and noted on the RT50.

4. **Identification of Offenders for DNA Sample.**

**Criteria.** An inmate who has been convicted of a felony and is currently sentenced on that conviction.

If the conviction is a felony or requires the inmate to register as a sex offender, a “Y” will be placed under felony DNA on the RT 50.

When considering offenses to determine felony DNA eligibility, all convictions during the current incarceration, both concurrent and consecutive and regardless of the date of offense/conviction are to be included in the review. Any felony conviction during the

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incarceration period regardless of whether it is the controlling or non-controlling sentence requires the individual to have DNA collected.

Current convictions of C.G.S. 53a-32 Violation of Probation will be considered a felony and subject to DNA collection if the underlying offense is a felony.

Current convictions of C.G.S. 54-76b or 54-76d youthful offender statutes as either stand alone convictions or attached to felony statutes will not be subject to DNA collection unless specifically directed by the court.

Current convictions of C.G.S. 18-63 Failure to Pay a Fine will be subject to DNA collection if the underlying offense is a felony.

Inmates on pre-trial status for C.G.S. 53a-32 Violation of Probation shall be subject to felony DNA collection if the underlying offense was a felony.

Inmates sentenced to C.G.S. 53a-40 Persistent Offenders as a persistent larceny offender do not meet criteria for felony DNA collection. Although the sentence parameters fall within those of a class D felony, the larceny conviction itself remains a misdemeanor.

Inmates sentenced to C.G.S. which are misdemeanors will be subject to the DNA policy consistent with the Sex Offender Registration policy.

5. **Facility Responsibilities.** The Records Specialist shall review the judgement mittimus upon sentencing or prior to release to determine whether the inmate meets the criteria for a DNA biological sample. If the inmate does not meet the criteria for a DNA biological sample, the Records Specialist shall ensure the RT50 screen is updated with an "N". All inmates being reviewed for the 45 day end of sentence discharge planning as well as those inmates being considered for discretionary releases all of whom meet DNA felony requirements shall be required to submit to DNA collection. Discretionary releases include Half Way House, T.S. and inmates within 2 years of their voted to Parole date. Correctional Counselors will be responsible for initiating the felony DNA protocol prior to the inmate's release from custody.
6. **Identification.** Identification shall be determined by reviewing the RT50 screen for past DNA collection dates, file 19's, the discharge section of the inmate master file for prior DNA collection and current judgement mittimuses. A DNA biological sample is only required one time. Once identified, the facility contact person shall ensure the following:
  1. The RT50 screen is updated with a "Y".

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2. Communication between the Records Specialist and the Correctional Counselor will occur where the Correctional Counselor will have the inmate sign the DNA Advisement/Refusal Form and provide the signed form to the Records Specialist to file in section three of the inmate master file. The Records Specialist then shall complete the DNA Submission Form Section I. The white copy shall be placed in section four of the inmate master file underneath the Victim Notification Card. When using a two-section pre-trial file, place the copy on top of section one. The inmate shall not transfer until the blue copy DNA Submission Form is returned.
3. The Records Specialist shall maintain a logbook for DNA Submission Forms for tracking. (See sample attached)
4. The blue copy DNA Submission Form shall be delivered to the facility Health Services Unit.
5. The facility Health Services Unit shall complete Section II of the DNA Submission Form. The Health Services Unit shall follow existing procedures pertaining to the DNA felony collection.
  - a. The facility Health Services Unit shall ensure the completed DNA Submission Form is delivered back to the Records Specialist.
  - b. The Records Specialist shall update the RT50 screen to reflect date of DNA biological sample collection.
  - c. The Records Specialist shall remove and destroy the white copy and place the blue copy DNA Submission Form in section four of the inmate master file.
  - d. In the event the inmate refuses to cooperate with the DNA collection, the facility Health Services Unit shall fill out the DNA Refusal Form and notify the facility contact person. The facility contact person shall notify the Records Specialist who will update the RT50 with an "R" and place the DNA Refusal form in section three of the inmate master file.
7. **Release from Court Procedures.** In the event an inmate posts an appeal bond, receives time served, or is released by any other court order, it is the court's responsibility to notify the inmate of DNA collection procedures and a location to report.

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8. **Changes in Conviction.** In the event there is a change in an inmate's conviction where as the inmate no longer meets the DNA collection criteria, the Records Specialist shall notify the facility contact person. The facility contact person will in turn notify the Department of Correction Central Office Health Services Unit contact person via the DNA Purge Form for a possible DNA biological sample purge.
9. **Inmate Refusal for DNA Sample.** The facility Health Services Unit shall forward the DNA refusal form to the facility contact person who will meet and advise the inmate of the ramifications for refusal. The inmate may be excluded from any discretionary release program including parole or community release. Additionally, the facility contact person must complete the DNA Advisement/Refusal form with the inmate. This form advises the inmate that he/she is in violation of C.G.S. 54-102g and will be subject to arrest for a class "D" felony. The form must be faxed to the OCPM-Assessment Unit who will apply for an arrest warrant. The original must be maintained in section three of the inmate master file. The facility contact person shall notify the Records Specialist who shall update the RT50 with an "R". In the event the inmate chooses to cooperate with the DNA collection process, follow the procedures in section six.
10. **Readmission.** Upon readmission, the Records Specialist shall review the discharge section of the inmate master file and the RT50 for previous DNA biological samples (DNA is only required to be collected once). The DNA Submission Form shall remain in section four of the inmate master file. If the inmate refused, the Advisement/Refusal form shall remain in section three of the inmate master file.