

Patrol Procedures AP002.4	
<i>Booking Procedures: DNA Collection</i>	
Effective Date:	Archived Date:
August 18, 2017	
Attorney General Guideline / Bergen County Prosecutor Dir. # / Issuing Authority: N.J. Attorney General Guidelines	
Approved By:	
Chief Jacqueline Luthcke	
Last Updated:	
August 16, 2017	
Description of Update: Created	



Ridgewood Police Department
Written Directive System
Policies and Procedures

It is the policy of this department to ensure compliance with NJAC 13:81 and NJSA 53:1-20.18, et. al. enacted and revised by the State of New Jersey. This law specifies the requirements for the collection of DNA as required in the processing of defendants in criminal cases. This can be either subsequent to arrest or subsequent to conviction of certain crimes or offenses.

TABLE OF CONTENTS

TABLE OF CONTENTS..... 1

DEFINITIONS 2

OFFICER RESPONSIBILITIES..... 2

DNA COLLECTION PROCEDURES..... 2

Post-Arrest DNA Collection..... 2

Post-Conviction DNA Collection 3

Domestic Violence Offenses 3

Prostitution Related 3

Controlled Dangerous Substance (CDS) Related 3

CDS Paraphernalia 4

COLLECTION PROCEDURE 5

DEFINITIONS

Buccal Cells –

Cells from the inside of the mouth/cheek that contain sufficient DNA for profiling and entering into the CODIS database.

Combined DNA Index System (CODIS) –

A system that profiles and catalogs DNA samples that are attached to New Jersey Criminal Case History and a National DNA Indexing System.

OFFICER RESPONSIBILITIES

Officers are required to know the processing requirements for crimes and offenses which include fingerprinting, photographing, as well as the collection of DNA on buccal swab samples for submission to New Jersey State Police Combined DNA Index System (NJSP CODIS) Unit.

DNA COLLECTION PROCEDURES

Post-Arrest DNA Collection

Upon the arrest of a defendant for the below offenses (or the attempt to commit the below offenses) a collection and submission of buccal cells to the NJSP CODIS Compliance Unit ***is required***. The list of offenses are:

- **2C:14-2** – Aggravated Sexual Assault;
- **2C:14-2** – Sexual Assault;
- **2C:14-3** – Aggravated Criminal Sexual Contact;
- **2C:14-3** – Criminal Sexual Contact;
- **2C:11-3** – Murder;
- **2C:11-4** – Manslaughter;
- **2C:12-1b(1) or (6)** – Aggravated Assault (2nd Degree);

- **2C:13-1** – Kidnapping;
- **2C:13-6** – Luring or Enticing a Child; or,
- **2C:24-4** – Engaging in Sexual Conduct which would Impair or Debauch the Morals of a Child.

Post-Conviction DNA Collection

Convictions for the below offenses require collection and submission of buccal cells to the NJSP CODIS Compliance Unit:

Domestic Violence Offenses

- **2C:12-1A(1)** – Simple Assault – *Domestic Violence Only*;
- **2C:12-1A(2)** – Simple Assault – *Domestic Violence Only*;
- **2C:12-1A(3)** – Simple Assault – *Domestic Violence Only*; or,
- **2C:29-9B(2)** – Contempt – *Violate Domestic Violence Order*.

Prostitution Related

- **2C:34-1B(1)** – Prostitution – Engage as a Patron (John); or,
- **2C:34-1B(8)** – Prostitution – Offer Sex Act in Exchange for Economic Value (Prostitute).

Controlled Dangerous Substance (CDS) Related

- **2C:33-2.1B** – Wandering/Prowling to Obtain or Sell CDS;
- **2C:35-10B** – Under the influence of CDS without a Prescription;
- **2C:35-10C** – Possession of CDS – Fail to Give CDS to the Police;
- **2C:35-10.4B(1)** – Toxic Chemical – Inhale to cause Intoxication;
- **2C:35-10.4B(2)** – Toxic Chemical – Possess for purpose of Intoxication;
- **2C:35-10.5A(1)** – Prescription Legend Drug – Distribute 4 or fewer doses;

- **2C:35-10.5B** – Prescription Legend Drug – Use without a lawful prescription;
- **2C:35-10.5E(1)** – Prescription Legend Drug – Possession without prescription =< 4 doses;
- **2C:35-24** – Possession of Prescription Legend Drugs in Original Container; or,
- **2C:35-25A** – Sales restrictions on Ephedrine Products.

CDS Paraphernalia

- **2C:36-2** – Use/Possess with intent to use CDS Paraphernalia;
- **2C:36-6A** – Possess/Sell Hypodermic syringe for use with CDS; or,
- **2C:36-6.2c** – Sale of hypodermic syringe after lawfully purchasing it.

DNA Status Flag (CCH)

To confirm that a defendant arrested for any of the above offenses (or attempt to commit the above offenses) is required to have a buccal swab DNA sample taken at the time of arrest, a Supervisory Officer shall run the defendant in the New Jersey State Police CCH System. The Supervisory Officer shall pay close attention to the defendant's 'DNA Status Flag'.

If the 'DNA Status Flag' reads:

- "Collection Not Required";
- "Collected"; or,
- "Profile in CODIS"

NO DNA should be collected.

If the 'DNA Status Flag' reads:

- "Collection Required"

DNA should be taken.

COLLECTION PROCEDURE

Collection kits should be made available in the processing room. It shall be the responsibility of the Evidence Officer to ensure that they are in constant supply.

Step by step instructions, provided by the New Jersey Department of Criminal Justice are posted in the processing room and available [here](#) for review.

Completed kits shall be placed into an evidence locker. The Evidence Officer shall be responsible to submit the kit to NJSP CODIS.

REPORTING REQUIREMENTS

Officers submitting a collection kit, as per procedures and requirements listed in this policy, shall complete and submit a Property Report. Despite submitting a Property Report, the kit shall be secured in an evidence locker.