

DNA Buccal Sample Collection (Title 15, Section 1363)

Effective Date:	05/29/2026
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Issuing Authority: Chief Probation Officer	

405.1 PURPOSE:

To establish guidelines for the collection and submission of buccal DNA samples and print impressions from qualifying people, including youth in the Juvenile Detention and Assessment Centers (JDACs) and Treatment Facilities (TFs).

405.2 DEFINITIONS:

Buccal Deoxyribonucleic Acid (DNA) Collection Kit: A self-sealing, pre-addressed kit provided to the department by a Department of Justice (DOJ) vendor, which contains a DNA Collector, Specimen Information Card, Transport Pouch, gloves, ink strip, and DNA collection instructions.

Criminal Identification Index (CII): A nine-digit alphanumeric number with a criminal record associated with it in the criminal history system linked by fingerprints. The Criminal Identification Index number (CII) is also known as the state identification number (SID).

Live Scan: The process used by law enforcement to electronically capture fingerprints and palm prints. The prints are transmitted electronically to the Department of Justice (DOJ), where they are checked against criminal history records. A response (criminal history or no criminal history) is then sent to the agency requesting the Live Scan.

Penal Code Section 296: Defines offenders subject to DNA collection of specimens, samples, and print impressions.

Penal Code Section 298.1: Defines the regulations and guidelines governing the use of reasonable force. Pursuant to this section, authorized law enforcement, custodial, or corrections personnel, including peace officers, may employ reasonable force to collect blood specimens, saliva samples, and thumb or palm print impressions from individuals who are required to provide such samples pursuant to PC 296 and who refuse following a written or oral request. This section also defines the punishment for refusal or failure to provide such samples.

405.3 GUIDELINES:

- A. Summary of persons who qualify for DNA collection pursuant to PC 296:
 - 1. Any person, including any juvenile:

San Bernardino County Probation Department

MANUAL

DNA Buccal Sample Collection (Title 15, Section 1363)

- (a) Convicted of or pleads guilty or no contest to any felony offense, is found not guilty by reason of insanity of any felony offense, or any juvenile who is adjudicated under W&I 602 for committing a felony offense.
 - (b) Convicted/adjudicated of a misdemeanor with a prior felony conviction or adjudication.
 - (c) Required to register under Penal Code Section 290 or 457.1 for felony or misdemeanor sex or arson offenses.
 - (d) Housed in a mental health facility or sex offender treatment program pursuant to a court referral after being charged with any felony offense.
 - (e) Who has a record of any past or present conviction or adjudication in any other court, including any state, federal, or military court, of any offense that, if committed or attempted in this state, would have been punishable as an offense described in subdivision (a) of PC 296, including those accepted under interstate compact pursuant to PC 296.1(a)(5).
- B. For out-of-state offenders with no California CII or California state ID number, but who have an out-of-state ID number:
 - 1. Use the out-of-state ID number when completing the Specimen Information Card.
 - 2. Document the use of the out-of-state ID number in the "Other Relevant Information" section on side B of the Specimen Information Card.
- C. If a youth has never been booked and does not have a CII number, complete Live Scan before collecting DNA for issuance of a CII number.
- D. DNA shall not be collected when:
 - 1. Collection is already documented in CE, the Jail Information Management System (JIMS), CLETS, or confirmed as received by the DOJ Laboratory.
 - 2. A PC 296 order is stayed by the Court.
 - 3. Juveniles are on Informal Probation pursuant to W&I 654 & W&I 654.2, Deferred Entry of Judgment (DEJ) pursuant to W&I 790, or Summary Probation pursuant to W&I 725(a).
 - 4. A juvenile is adjudicated for a misdemeanor offense unless they are required to register under Section 290 or 457.1.
- E. Refusals:
 - 1. All reasonable efforts shall be made to secure voluntary compliance.
 - (a) Efforts shall be documented and include an admonishment of the legal obligation to provide DNA specimens, samples, or impressions, and the consequences of refusal.
 - i. Complete the PC 298.1 Admonishment/Data Collection Form.

San Bernardino County Probation Department

MANUAL

DNA Buccal Sample Collection (Title 15, Section 1363)

- ii. The person shall sign and date the PC 298.1 form. If the person refuses to sign/date the form, the officer shall document this in the signature field, then initial and date.
 - iii. If the person continues to refuse, the PC 298.1 form shall be reviewed by the Supervisor and submitted to the District Attorney pursuant to PC 298.1.
- 2. Exceptional Circumstances and use of reasonable force:
 - (a) If the above admonitions fail to secure voluntary compliance and the person continues to refuse:
 - i. Under exceptional circumstances, such as a specific court order requiring a blood draw or a high-profile case involving serious felony crimes, a request (PC 298.1 form) to use reasonable force may be submitted to the Superintendent/Division Director II and the DCPO for review.
 - ii. Force shall not be used without prior written authorization by the DCPO.
 - (b) The use of reasonable force shall be preceded by efforts to secure voluntary compliance.
 - i. Efforts to secure voluntary compliance shall be documented and include an advisement of the legal obligation to provide the requisite specimen, sample, or impression, and the consequences of refusal.
 - (c) Use of force incidents shall be documented in an Incident Report (IR).
 - (d) PC 298.1 forms and IRs shall be reviewed by the Supervisor, Division Director/Designee, and the DCPO.
 - i. Once approved by the DCPO, the PC298.1 form shall be submitted to the District Attorney's office pursuant to PC 298.1.
- 3. Law Enforcement Medical Services (LEMS) shall be contacted in the event a blood draw is necessary.
 - (a) All blood draws shall be videotaped in their entirety, including additional efforts by staff to verbally persuade the person to comply.
 - (b) If a blood draw can be obtained at any stage of the process without the use of force, this is the preferred method.
- 4. If the use of reasonable force includes a cell extraction, the extraction shall be videotaped. The video shall focus on the cell extraction event.
 - (a) The videotape shall be retained by the department for the length of time required by statute.
 - (b) Notwithstanding the use of the video as evidence in a court proceeding, the tape shall be retained administratively.

San Bernardino County Probation Department

MANUAL

DNA Buccal Sample Collection (Title 15, Section 1363)

5. For the purpose of this section, use of reasonable force shall be defined as the force that an objective, trained, and competent officer, faced with similar facts and circumstances, would consider necessary and reasonable to gain compliance.
- F. The DNA CE Log sheet and PC 298.1 Admonishment/Data Collection Form are located in ProbTools.

405.4 RESPONSIBILITIES:

- I. Sworn Officers in Booking/Intake Release Officer (IRO):
 - A. Collect DNA immediately after disposition/sentencing or as promptly as possible:
 1. Verify the youth qualifies for DNA collection by reviewing the court minutes.
 - B. Follow the Buccal DNA Collection Kit instructions to collect the sample and complete the Specimen Information Card.
 - C. Ensure the following information is included on the top left corner of the envelope:
 1. Name and address of the building where the samples were collected
 2. Classification and name of person submitting the sample
 3. Employee ID number
 4. PIN
 5. Entered in Caseload Explorer (CE) or not
 6. Date entered in CE.
 - D. Deliver the collected DNA sample to the designated pickup area for delivery to the Main Office Mailroom.
 1. Document the collection on the DNA CE Log sheet located at each designated area.
 - E. Document the DNA collection information in CE (CE>Events>General>DNA Sample>enter the information).
 - F. Document the DNA collection on the juvenile history sheet using the DNA Stamp to indicate that DNA was collected.
 - G. Ensure DNA samples are collected from qualifying persons prior to their release from custody.
 - H. Document refusals by completing the PC 298.1 Admonishment/Data Collection Form, any supplemental documentation, and an Incident Report.
 1. Forward all documents to the Watch Commander (WC).
- II. Watch Commander (WC):

San Bernardino County Probation Department

MANUAL

DNA Buccal Sample Collection (Title 15, Section 1363)

- A. Ensure DNA samples are collected from qualifying persons prior to their release from custody.
- III. Court Liaison/Transportation Officer:
 - A. Notify the IRO upon arrival at any juvenile facility when a youth returning from Court qualifies for DNA collection.
- IV. Fiscal Personnel:
 - A. Submit required DNA Database Sample Collection Reimbursement reports to the Sheriff's Department annually.
- V. Office Assistants:
 - A. If DNA was previously collected, enter the collection information in CE.
- VI. Probation Officer I/II (POI/II):
 - A. Refer to Section I, A through E.
 - B. DNA shall be collected as promptly as possible. DNA shall be collected during Orientation & Assessment (O&A) or during supervision, and verification of collection shall be completed prior to dismissal from supervision.
 - C. Document refusals by completing a PC 298.1 Admonishment/Data Collection Form, and submit the form to the Supervisor.
 - 1. Refer to the "Refusals" section under Guidelines.
- VII. Building DNA Coordinator/Designee:
 - A. Maintain an inventory of DNA kits and supplies in the designated area of the building.
 - B. Maintain DNA CE Log sheets.
 - C. Verify CE entries of collected samples.
 - D. Package and ship the DNA CE Log sheet and collected DNA samples to the Mailroom Office Assistant on a weekly basis, including the DNA CE Log sheet that contains entries separated by month.
 - E. Provide in-service training for staff and units as needed.
- VIII. Mailroom Office Assistant:
 - A. Log in received DNA samples and log out the number of samples mailed.
 - B. Mail collected DNA samples in batches of fifty (50) or fewer on a weekly basis to the DOJ DNA Laboratory.
- IX. Probation Corrections Supervisor I/II (PCSI/II) and Supervising Probation Officer (SPO):
 - A. Review PC 298.1 Admonishment/Data Collection Forms and forward to the Division Director I/II. Refer to the "Refusals" section under Guidelines.

San Bernardino County Probation Department

MANUAL

DNA Buccal Sample Collection (Title 15, Section 1363)

- B. Supervise situations in which force is used to collect DNA and ensure appropriate documentation is completed.
- X. Division Director I/II (DDI/II)/Designee:
 - A. Review PC 298.1 Admonishment/Data Collection Forms and provide direction to supervisory staff.
 - B. Forward PC 298.1 forms to the Deputy Chief Probation Officer when use of force authorization is requested to collect DNA.
 - C. Designate staff to contact Law Enforcement Medical Services (LEMS) when applicable.
 - D. Arrange for videotaping when force is used to collect DNA, including any cell extractions.
 - E. When applicable, notify the Board of State and Community Corrections (BSCC) when force is used to collect DNA.
- XI. Deputy Chief Probation Officer (DCPO):
 - A. Review PC 298.1 Admonishment/Data Collection Forms when use of force authorization is requested to collect DNA.
 - 1. Ensure the authorization includes information reflecting that the offender was asked to provide the requisite specimen, sample, or impression and refused.
- XII. Training Unit:
 - A. Ensure staff receive Buccal DNA collection training in the STC Core Course.
 - B. Maintain a record of staff trained in the collection of DNA.