

OFFICE OF THE CHIEF OF POLICE

ADMINISTRATIVE ORDER NO. 9

May 7, 2019

**SUBJECT: LOS ANGELES POLICE DEPARTMENT VOLUNTARY MINOR DEOXYRIBONUCLEIC ACID (DNA) SAMPLE COLLECTION CONSENT, FORM 12.50.00 – ACTIVATED**

**PURPOSE:** On September 26, 2018, Assembly Bill 1584 was signed into law adding Section 625.4 to the Welfare and Institutions Code (WIC) and establishing the conditions for obtaining a Deoxyribonucleic Acid (DNA) reference sample voluntarily from a minor. This Administrative Order sets forth the Department's procedures for complying with WIC Section 625.4.

**PROCEDURE:** Officers shall complete a Los Angeles Police Department Voluntary Minor Deoxyribonucleic Acid (DNA) Sample Collection Consent, Form 12.50.00, and procure signatures of the minor and his or her attorney, parent or legal guardian, before obtaining a voluntary DNA reference sample from the minor.

Before collecting a voluntary DNA reference sample from a minor, the requesting officer(s) shall do all of the following:

- Verbally inform the minor of the following:
  - Purpose and manner of the collection;
  - The right to refuse consent;
  - The right to expunge the sample; and,
  - The right to consult with an attorney, parent, or legal guardian before providing consent.
- Procure the minor's written consent by having the minor sign the Los Angeles Police Department Voluntary Minor Deoxyribonucleic Acid (DNA) Sample Collection Consent form;
- Ensure that the minor's attorney, parent or legal guardian:
  - Has been contacted;
  - Is provided the confirmation as indicated above; and,
  - Is allowed to privately consult with the minor.
- Procure the written or oral concurrence of the minor's attorney, parent or legal guardian; and,
- Complete the remainder of the Los Angeles Police Department Voluntary Minor Deoxyribonucleic Acid (DNA) Sample Collection Consent form.

After the above requirements have been met, the requesting officer(s) shall procure the DNA reference sample and shall provide an expungement form to the minor.

The use of the Los Angeles Police Department Voluntary Minor Deoxyribonucleic Acid (DNA) Sample Collection Consent form is limited to the voluntary consent for collection of DNA reference samples collected directly from the consenting minor, and does not change the procedure for obtaining DNA reference samples involving the collection from a minor when:

- Authorized by the DNA Act (California Penal Code Sections 295-300.3);
- Authorized by search warrant, court order, or exigent circumstances;
- Necessary for the identification or investigation of a missing or abducted juvenile;
- There is a victim or suspected perpetrator of a sexual assault or other crime as authorized by law; or,
- Necessary for evidence in a criminal investigation, such as evidence from a crime scene, or an abandoned sample.

The Los Angeles Police Department Voluntary Minor Deoxyribonucleic Acid (DNA) Sample Collection Consent form shall be attached with the Request for Serology/DNA Analysis, Form 12.56.00, for DNA analysis processing.

**A. Use of Form.** The completion of this form will assist Department personnel in complying with WIC Section 625.4. This form shall be required for voluntary minor DNA reference sample collection on matters requiring a juvenile witness, or juvenile consensual partner for elimination purposes. This form shall also be used to request a voluntary minor reference sample to be submitted to the California Department of Justice, "Legally Obtained Suspect Known Index System," along with other required information requested from the Department Combined DNA Index System (CODIS) Coordinator.

**B. Completion.** The completion of this form is self-explanatory.

**C. Distribution.**

1 – Original, Detective case package along with the Request for Serology/DNA Analysis, Form 12.56.00, for DNA analysis processing.

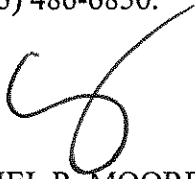
1 – Copy, Forensic Science Division - Serology/DNA Unit

**2 – TOTAL**

**FORM AVAILABILITY:** A copy of the Los Angeles Police Department Voluntary Minor Deoxyribonucleic Acid (DNA) Sample Collection form is attached for immediate use and duplication, and is available in E-Forms on the Department's Local Area Network. The streamlined DNA Expungement Application Form, Form DLE 244, is available online at [http://ag.ca.gov/bfs/pdf/expungement\\_app.pdf](http://ag.ca.gov/bfs/pdf/expungement_app.pdf).

**AUDIT RESPONSIBILITY:** The Commanding Officer, Audit Division, shall review this directive and determine whether an audit or inspection shall be conducted in accordance with Department Manual Section 0/080.30.

Should you have any questions, please contact the DNA Tracking Unit, Robbery-Homicide Division, at (213) 486-6850.



MICHEL R. MOORE  
Chief of Police

Attachment

DISTRIBUTION "B"

**LOS ANGELES POLICE DEPARTMENT  
VOLUNTARY MINOR DEOXYRIBONUCLEIC ACID (DNA) SAMPLE COLLECTION CONSENT**

Per Welfare and Institutions Code (WIC) Section 625.4, unless required under the DNA Act or pursuant to a court order or search warrant, the collection of a buccal swab sample or any other biological sample from a minor is prohibited without first complying with all of the following requirements:

- Inform the minor and his or her attorney, parent or legal guardian of the purpose and method of the DNA sample collection;
- Inform the minor and his or her attorney, parent or legal guardian of the minor's rights under WIC Section 625.4;
- Allow the minor to privately consult with his or her attorney, parent or legal guardian;
- Procure the minor's written consent to the DNA sample collection; and,
- Procure the written or oral concurrence of the minor's attorney, parent or legal guardian to the minor's consent.

The voluntary DNA samples taken directly from the person of a minor shall not be searched, analyzed, or compared to DNA samples or profiles in the investigation of crimes other than the investigation or investigations for which it was taken, unless the additional use is permitted by a court order.

**Instructions:** Officers shall complete the form in compliance with WIC Section 625.4, upon contact with minor's specific parent or legal guardian identified by the minor, or an attorney representing the minor, on the minor's decision to consent, prior to requesting the signature of the consenting minor.

<b>Minor's Name (Last, First, MI):</b>	<b>Related DR#:</b>
<b>Type of Crime (PC Section):</b>	<b>CII number and DOB:</b>

<input type="checkbox"/>	For witness/consensual partner reference sample only – comparison/elimination (NO UPLOAD).
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**CHECK LIST WIC SECTION 625.4 – Voluntary Minor DNA Sample Collection**

<input type="checkbox"/>	The minor and his or her attorney, parent or legal guardian were advised of the purpose and method of the DNA sample collection.
<input type="checkbox"/>	The minor and his or her attorney, parent or legal guardian were advised of the minor's right to refuse his or her consent for collection of a DNA sample.
<input type="checkbox"/>	The minor and his or her attorney, parent or legal guardian were advised of the minor's right to expunge the DNA sample information.
<input type="checkbox"/>	The minor and his or her attorney, parent or legal guardian were advised of the minor's right to consult with an attorney, parent, or legal guardian before providing consent.
<input type="checkbox"/>	The minor was allowed to privately consult with his or her attorney, parent, or legal guardian.
<input type="checkbox"/>	The minor's attorney, parent or legal guardian provided his or her written or oral concurrence to the minor's consent.

I further declare that the officers have made no promises, threats, force or physical or mental coercion of any kind against me to obtain my consent to provide my DNA reference sample. I am acting voluntarily and without any threat or promise having been made against me, my family or any other person. I have authorized these officers to obtain my DNA reference sample for the search, analysis, and/or comparison to other DNA profiles related to the investigation of the crime(s) for which it was taken.

<b>Signature of Minor Consenting to Voluntary DNA Sample:</b>	<b>Date/Time:</b>
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<b>Printed Name of Parent, Legal Guardian, or Attorney Providing Concurrence with Minor's Consent (Last Name, First Name):</b>	<b>Relation to Minor:</b>
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<b>Signature of Parent, Legal Guardian, or Attorney Providing Concurrence with Minor's Consent:</b>	<b>Date/Time:</b>
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<input type="checkbox"/>	An expungement form was provided to request DNA information removal.
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The officers listed below completed the above check list and provided the verbal information to the subject providing the DNA reference sample.

Print Name – Officer (Last, First):	Serial No.:	Date:
Print Name – Officer (Last, First):	Serial No.:	Date: