

1. Juvenile was released after transfer to Superior Court. If gone, how do we get DNA samples?

A- When jurisdiction over a juvenile is transferred to Superior Court, a DNA sample shall be taken from the juvenile if any of the offenses for which the juvenile is transferred are included in the provisions of N.C.G.S. 15A-266.3A. If you are unsure of how to complete this process, please check with your agency's legal advisor and/or the District Attorney's Office.

2. How long does it take from the time DNA is collected and submitted for it to post in CCH as a DNA profile on file?

A- The entire process may take a few weeks to several months from beginning to end depending on the circumstances. SAFIS will indicate that DNA is on file in its response to the Live Scan as soon as any DNA sample (either convicted offender or arrest) from that donor is uploaded to CODIS. As a result, a DNA response to the Live Scan may indicate that DNA is on-file even though CCH does not yet indicate that DNA is on file. The Live Scan response should be considered the most up-to-date and accurate.

3. How do Magistrates or other officials know which offenses require/don't require DNA to be taken?

A- The offenses for which DNA is required to be collected at the time of arrest are listed in N.C.G.S. 15A-266.3A.

4. If we used White-Out or a strikethrough to fix a card, is it alright?

A- If a change is made to the collection card prior to submission to the Laboratory, please initial and date the change.

5. Will the Live Scan tell us if DNA is needed at the time of arrest?

A- Generally yes, the Live Scan is designed to notify the officer if the arrest charge is eligible for DNA collection and whether the State Crime Lab already has the subject's DNA on file. The final indicator on whether to collect DNA will be located in your Live Scan mailbox or where your Live Scan responses are received.

In a circumstance where you have to enter a charge via free text then the Live Scan will indicate that the charge is not eligible for DNA collection; however, eligibility may be overridden based on your knowledge of qualified laws in the General Statute. Ultimately, responsibility for eligibility determination rests on the officer.

6. Most processing is done at the Sheriff's Office. Does the Sheriff's Office need to send the DNA collection form to the arresting agency?

A- In those cases where the Sheriff's Office manages a central booking facility/process used by all police departments making arrests in the county, it may work best for Sheriff's Office personnel to perform DNA collection and just route the forms that must be kept with the arrest case file to the arresting agency at the end of the process. But in any event the DNA collection form shall be made available to the DA's Office.

7. If up to a District Attorney to send an expungement letter to the SBI, then why does the SBI forward the letter to the person saying whether or not their DNA has been removed?
 - A- N.C.G.S. 15A-266.3A requires the Laboratory to notify the defendant not the District Attorney or Judge.
8. When printing off the DNA Collection card from Live Scan, how do you address what to do if the person has no thumbs?
 - A- If either or both of the thumb boxes are blank or state "Amputee," then submit a copy of the completed Live Scan Ten-Print arrest card in the packet.
9. How many rejection letters will the Crime Lab send back for a DNA Sample?
 - A- A rejection letter will be sent for every unacceptable sample submitted.
10. What if "DNA on file" is different from DOC and CCH?
 - A- DOC and CCH flags are updated monthly. The results sent to the Live Scan will be real time from the State Crime Lab. The results sent to the Live Scan will be the most accurate.
11. If the Magistrate says collect DNA and the results say "Do not collect DNA", then what do I do?
 - A- Contact the legal advisor for your department or the DA's Office for guidance.
12. How long is it going to take to get the message that says "Please Collect DNA" or "Do Not Collect DNA" on the Live Scan?
 - A- As long as the card was transmitted with the area "Collect DNA?" marked Yes, you will receive the response after the Ident or Non-Ident response from the SBI unless the card has data that causes CCH to reject it. Generally that takes place within 5-10 minutes unless the system is slow or an error occurred. If the response has not made it back within an hour, then refer to the General Statute for eligible offenses and collect DNA if eligible.
13. If DNA was taken from someone who should not have been taken, what does the officer do with the rejected sample?
 - A- Seek advice from the legal advisor for your department.
14. How should I place the collector in the white transport pouch?
 - A- The sample collection portion should be inserted first so that the handle base with barcode is closest to the pouch opening.
15. If we have the OPUS#, do we need the SBI or FBI Numbers?

A- They are not mandatory fields, but if you have this information readily available then please include it on the card.

16. Why is Assault by Strangulation not included?

A- Only the offenses included in the list contained in N.C.G.S. 15A-266.3A are authorized for collection of DNA at the time of arrest.

17. If I am the arresting officer, but not the officer viewing the Live Scan responses, how will I know whether DNA should NOT be collected if charges are valid to collect?

A- Work with your agency and legal advisor to ensure compliance with N.C.G.S. 15A-266.3A.

18. What if the Arrestee refuses to sign the DNA card?

A- Note it on the card and send it along with the collector to the State Crime Lab.