

**S Unity Community Mediation Team / Young People's Task Force STATEMENT OF POSITION
DNA and Juveniles "First o No Harm" Stop
Collection of DNA from Our Children without Warrants & Consent**

DNA Collection from Juveniles: *Preconviction and postconviction*

- Prior Consent: Secure parent written informed consent.
- Warrant: Secure official order/warrant from a judge
- Purpose: Document law enforcement agreement the only purpose for collecting juvenile DNA is identification -- linking an arrested juvenile to a crime in the present case, not to unsolved cases
- Reason for Collection: Inform parent or legal guardian in written letter when and where DNA was collected; reason it was collected, regardless of who collected it.
- Expungement: Define procedures for immediate expungement of DNA records one case dismissed, closed or juvenile found not guilty
- Minimum Age: Define minimum age and at what age is the threshold when DNA is not required **DNA**

Storage

- Identify Privacy: Define privacy safeguards to ensure identity protection of person and fam from whom DNA was collected
- DNA Retention: DNA samples collected from juveniles must be stored in local crime labs and analyzed only by law enforcement. Both DNA samples and profiles collected, created during the booking process must not be submitted to statewide or federal databases such as the FBI's CODIS system. DNA retention or any electronic or physical record of the DNA, longer than necessary to resolve the case.
- DNA Removal: Define practice and procedures for immediately informing parents or legal guardians in written letter from agency holding DNA when DNA is destroyed, information expunged.

DNA Access and Handling.

- DNA Access: DNA data never provided to any source other than court handling
- DNA Elimination: case and/or lawyers of juvenile.
DNA always destroyed once the case related to the DNA collection is resolved and/or closed.

Comments for Consideration:

Most law enforcement agencies do not distinguish between juveniles and adults in DNA collection, storage, and access regulations. Our focus is on protection of juveniles and for transition age youth (18-24).

Nationally, pre-conviction DNA collection statutes have generated more attention because an arrestee has not been adjudicated, some arrestees may not have met with an attorney or appeared before a judge before they relinquish their DNA. Using the arrestee's DNA sample as an identification tool for the crime they were arrested for does not make sense because probable cause must be established for the individual to be arrested to begin with. Moreover, linking an arrestee to other unsolved cases violates the due process model in which the juvenile should be considered innocent until found guilty.