

Policy and Procedure Interview Script

Script for “gatekeeper”:

Hello, **X**. My name is **X**, and I am calling from the Urban Institute and would like to speak with **X**. **(if require info on what regarding)**: We are conducting a study on the collection and use of juvenile DNA for the National Institute of Justice. We are planning to speak with all of the SDIS administrators/lab directors for states that collect DNA from juveniles in order to learn about their policies and practices. Would **X** be available to speak with us?

Script for SDIS administrator/lab director:

Hello, **X**. My name is **X**, and I am calling from the Urban Institute to speak with you about the collection of juvenile DNA within **(state)**. As **(gatekeeper)** may have already explained to you, we are conducting a study on the collection and use of juvenile DNA for the National Institute of Justice. You may have also received an email from Doug Hares at the FBI introducing you to our study. We are planning to speak with all of the SDIS administrators/lab directors for states that collect DNA from juveniles to learn about their policies and practices.

We have questions about the general process of how juvenile DNA is collected, processed, and stored, and how profiles are created, uploaded into CODIS, and expunged if necessary. In addition, we want to learn what summary data is retrievable from your data systems/ databases, because we hope to obtain information on the number and characteristics of those juveniles whose DNA profiles are currently within SDIS.

We are going to use the information we’ve gathered to produce a report for NIJ about this important issue since it has not been explored thoroughly. We plan to discuss our findings at the 2009 ASCLD conference. The report and the ASCLD presentation would not have direct quotes or names of those we spoke with, but it would report the policies and practices of each state.

Would you be willing to speak with us briefly about your state’s policies and practices on collecting and processing juvenile DNA? We are interested in learning how these procedures differ - -if at all – from those covering DNA samples submitted for adult offenders. We have a number of questions we’d like to ask you first, and then if there is time we would like to review with you your state’s policies to make sure we understand them correctly and that there are no recent changes of which we should be aware.

1. Does your lab have the ability to differentiate between DNA samples that come from juveniles, adults, and juveniles processed as adults? How does the lab confirm that a submitted juvenile offender DNA sample is eligible for inclusion in SDIS? (e.g. judicial order, offense on sample submission cover sheet)
 - probe: for adult offenders?

2. What triggers the collection of a juvenile offender DNA sample? Is this process automatic or does it require a specific action to be taken (i.e., order by a judge)?
3. At what stage or stages in the judicial process is a DNA sample collected from a juvenile offender?
 - prompt: arrest, adjudication, conviction
4. What agency or agencies are responsible for collecting the juvenile offender DNA sample?
 - prompt: local police, probation agency, detention facility, juvenile court staff, crime lab staff, etc
5. In what form(s) is the sample collected?
 - prompt: buccal swab; blood
6. Where is the sample sent for analysis?
 - prompt: state lab, other public lab(s), outsourced
7. If outsourced: Please describe the collection and analysis process for the outsourced juvenile offender DNA sample.
 - prompt: does the outsourcing lab receive the sample directly from the collecting agency, or does the state lab forward it?
 - prompt: how and when is the state lab notified that a juvenile offender DNA sample has been taken?
 - prompt: what information is provided to the state lab by the outsourcing lab (profile, offender information)
8. We understand that in your state juveniles who (...**state statutes**...) are **eligible/required** to have DNA collected. Who/which agency is responsible for confirming that samples are collected from all eligible juvenile offenders?
 - probe: for adult offenders?
9. When a juvenile offender DNA sample is submitted, what additional information is provided?
 - probe: is there a court order, sample submission sheet, fingerprint card or other documentation? What information is included about the offender: name, age, juvenile status, or other demographic characteristics, instant offense, criminal history?
 - probe: is the same information available for both juveniles and adults
 - probe: Can we obtain a copy of the **sample submission cover sheet**
10. What information, in addition to the actual DNA profile of a juvenile offender is entered into SDIS?
 - probe: is the information entered into SDIS the same for juveniles and adults?

11. Do you categorize a profile as belonging to either an adult or juvenile? [We understand that there is a category in CODIS that permits states to identify juveniles when submitting information to NDIS. Does your state flag juvenile cases?] If so, on what basis?
 - prompt: age; juvenile or adult court status?

12. How is the juvenile offender profile linked to information on the offender kept outside of SDIS?
 - probe: Is there a separate database that contains the offender profile ID # as well as information on the identity of the offender?
 - probe: Is this database maintained by the lab?
 - probe: What information is recorded in the database?
 - probe: name of the data system, agency, and contact person if not a lab database

13. When you get a “hit,” is the process any different for a juvenile or adult?

14. Are there juvenile offender profiles in SDIS that by State law or policy are not submitted to NDIS although they would be eligible?
 - probe: If so, what type?

15. How does the expungement process work for juvenile offenders?
 - probe: How are you informed that a profile needs to be expunged? Are there specific documentation requirements (e.g., judicial order)?
 - probe: What categories of juvenile offenders are **eligible** to have their DNA profiles removed?
 - probe: Are any categories of juvenile offenders **required** to have their DNA profiles expunged?
 - probe: Do any expungements happen “automatically”? If so, how does this occur?
 - probe: Does responsibility for pursuing expungement rest with the offender?

16. Are the policies regarding the storage and protection of DNA samples and the associated identifying information any different for juveniles and adults?

17. What is the actual process of expungement?
 - probe: is the profile removed from CODIS at all levels (SDIS, NDIS, and LDIS)?
 - probe: are any electronic or paper records destroyed, or is the identifier linking them to SDIS removed?
 - probe: Under what circumstances would the DNA sample itself be expunged or destroyed?

18. We’d like to collect summary descriptive data on the adult and juvenile offenders contained in SDIS as well as submitted to NDIS from your state. Specifically we are interested in the number of adult and juvenile profiles in SDIS and NDIS, the

number of matches to juvenile and adult profiles, and the demographic characteristics of those offenders (age, gender, race, etc.). Could we discuss in what form this data might be available and how best to go about requesting it?

- Is this something that the lab could work with us to produce? Something that we would need to talk to another agency about?
- Can you estimate the proportion of samples in SDIS and NDIS that were collected from juveniles?

We are also planning to take a more in-depth look at five states where we will interview local crime lab directors, police officers, attorneys, and juvenile court judges to better understand the role juvenile offender DNA plays at the local level in terms of the investigation and adjudication processes. Do you think there are any good candidates within your state for that piece of the project?

Okay, great. Thank you so much for answering all those questions. Can I now go over the policies we have found for **(state)** and verify that they are correct? ***(Review state policies with SDIS administrator and see if they can direct us to their administrative rules or if we can get copies of their lab policies).***

Well, thank you very much, X. Those are all the questions I had for you. Is there anything else you think we should know about juvenile DNA practices in your state? Did you have any questions for me? I greatly appreciate your taking the time to speak with me today. Let me give you my contact information if you need to reach me with any additional questions or anything you want to add. ***(Give email & phone)***. Feel free to contact me, and I'll be in touch with you (or the person identified as most appropriate) later about the data request I mentioned earlier. Thank you very much, again.