

University of Louisiana System

Title:	DNA SAMPLES, FINGERPRINTS, AND CRIMINAL BACKGROUND CHECKS OF CAMPUS POLICE
Effective Date:	August 15, 2003
Cancellation:	None
Chapter:	Students

Policy and Procedures Memorandum

The university administration shall ensure that appropriate department policies and procedures are developed and implemented as a result of Act 894 of the Regular Legislative Session of 2003. The law becomes effective August 15, 2003.

According to this law, “peace officer” shall also include all law enforcement officers employed by any public college or university in the state and “DNA” shall have the same meaning as in R.S. 15:603(4).

Campus policies should include the following elements per Act 894:

- I. Any person being hired as a peace officer with a law enforcement agency on or after August 15, 2003, shall provide the law enforcement agency with a sample of his/her DNA material and fingerprint prior to the commencement of the discharge of his duties. The law enforcement agency shall submit the DNA material to the appropriate criminal laboratory for testing. The law enforcement agency shall also conduct a criminal background check of any peace officer it employs after August 15, 2003.

- II. Any person currently employed as a peace officer and employed in that position prior to August 15, 2003, may elect to provide the law enforcement agency with which he/she is employed with a sample of his/her DNA material.
- III. Any person hired as a peace officer with a law enforcement agency on or after August 15, 2003, shall have his/her DNA tested by the taking of a biological sample. A person currently employed as a peace officer may authorize that the DNA be tested by the taking of a biological sample.
- IV. The DNA material collected shall be stored in a secure and protective manner and location.
- V. Before any DNA material may be tested, the peace officer shall be notified in writing and the peace officer must give his written consent to his/her DNA material being tested before any such procedure, testing, or analysis is undertaken.
- VI. If the peace officer does not consent in writing to the testing of his DNA, the DNA of an individual peace officer may be tested only upon a showing of probable cause before the judge who issues the court order authorizing the testing of the DNA of the peace officer.
- VII. To ensure privacy rights of each peace officer who gives a DNA sample, the DNA may only be used, tested, or released for either of the following two purposes:
 - A. Upon a finding of probable cause by a judge in a criminal case that the peace officer has committed a criminal act, unless the peace officer consents in writing to another use, testing, or release of the DNA.
 - B. Upon the death of a peace officer and the use of the DNA is necessary to provide a positive identification of the decedent.

Any person who violates these provisions shall be subject to a fine not to exceed five thousand dollars or imprisonment for not more than three years or both.

—

Policy References:

Act 894 of the Regular Legislative Session of 2003

Distribution:

Vice Presidents for Student Affairs
Campus Chiefs of Police
University Presidents