

 <div style="text-align: center;"> <p>Massachusetts Department of Correction</p> <h1>POLICY</h1> </div>		Effective Date  4/9/2025	Responsible Division  Commissioner
		Annual Review Date  5/12/2025	
Policy Name  103 DOC 487 DNA SAMPLE COLLECTION		M.G.L. Reference: M.G.L. c. 124, § 1 (j), (o) and (q), M.G.L. c. 22E, §§ 1-15	
		DOC Policy Reference: 103 DOC 153; 103 DOC 404; 103 DOC 417	
		ACA/PREA Standards:	
Attachments Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Library Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Applicability: Staff/Incarcerated Individuals/Civil Commitments	
Public Access Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Location: Department's Central Policy File Institution Policy File	
<p><b>PURPOSE:</b>  To establish Department of Correction (Department) policy for the collection of Deoxyribonucleic Acid (DNA) samples from incarcerated individuals pursuant to M.G.L. c. 22E, and as otherwise required by court orders and Massachusetts law.</p> <p><b>RESPONSIBLE STAFF FOR IMPLEMENTATION AND MONITORING OF POLICY:</b>  Commissioner  Superintendents</p> <p><b>CANCELLATION:</b>  103 DOC 487 cancels all previous Department policies, statements, bulletins, orders, notices, rules and procedures regarding DNA sample collection that are inconsistent with this policy.</p> <p><b>SEVERABILITY CLAUSE:</b>  If any part of 103 DOC 487 is, for any reason held to be in excess of the authority of the Commissioner, such decision shall not affect any other part of this policy.</p>			

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**DEFINITIONS**

Adjudication as a Youthful Offender: A juvenile adjudication on an indictment pursuant to G.L. c. 119, § 58.

Central DNA Coordinator: The employee designated by the Commissioner to coordinate DNA collection activities within the Department.

Civil Commitment: For purposes of this regulation, the term Civil Commitment shall mean any person admitted for evaluation or civil commitment to the Bridgewater State Hospital (BSH), any Massachusetts Treatment Center (MTC) resident who is not serving a criminal sentence, and any person civilly committed to the Massachusetts Alcohol and Substance Abuse Center (MASAC).

Conviction: For the purpose of this policy, the term “conviction” is defined as an adjudication of guilt and the imposition of a sentence or other sanction by a Massachusetts court.

The term “conviction” shall include:

- a. A current conviction;
- b. A former conviction;
- c. An adjudication as a “sexually dangerous person” pursuant to M.G.L. c. 123A;
- d. Any disposition referenced in Attachment #1 to this policy that is identified as a conviction.

The term “conviction” shall not include:

- a. A conviction in any court other than a Massachusetts state court;
- b. Any disposition referenced in Attachment #1 to this policy that is not identified as a conviction;
- c. Civil commitments, including but not limited to, civil commitments to the Massachusetts Alcohol and Substance Abuse Center at Plymouth or MCI-Framingham pursuant to M.G.L. c. 123, § 35.

DNA Coordinator: An employee appointed by the Superintendent who is trained by the Department to enter DNA information into the Inmate Management System (IMS).

DNA Liaison: A Department employee of an institution’s Criminal History Records Information (CHRI) Unit who is appointed by the Superintendent to act as the DNA liaison to the Office of the Commissioner.

Emergency Draw: A DNA sample collection, other than sample collection at the time of admission, classification, transfer or release, as may be authorized by the Commissioner.

Felony: The term “felony” shall mean a conviction punishable in the state prison. For the purpose of this policy, so long as the statute provides for the potential punishment of imprisonment in the state prison, an incarcerated individual or civil commitment shall be deemed to have been convicted of a felony, even if the incarcerated individual was not sentenced to imprisonment in the state prison.

Incarcerated Individual: A committed offender or such other person as is placed in custody in a correctional institution in accordance with law.

Inmate Management System (IMS): The Department’s electronic information system that provides processing, storage and retrieval of incarcerated individual related information needed by Department personnel and other authorized users within the criminal justice system.

Youthful Offender: Pursuant to M.G.L. c. 119, § 52, a person who is subject to an adult or juvenile sentence for having committed, while below the age of criminal majority, an offense against a law of the Commonwealth which, if the person were an adult, would be punishable by imprisonment in the state prison, and (a) has previously been committed to the department of youth services (DYS), or (b) has committed an offense which involves the infliction or threat of serious bodily harm in violation of law, or (c) has committed a violation of M.G.L. c. 269, § 10 (a), (c) or (d), or M.G.L. c. 269, § 10E.

## **487.02**

### **GENERAL POLICY**

It is the policy of the Department to collect DNA samples from (1) all incarcerated individuals or civil commitments in Department custody who are subject to the provisions of M.G.L. c. 22E; and (2) all incarcerated individuals or civil commitments who are ordered by a court to provide a DNA sample (see 103 DOC 487.09(1)). The submission of such DNA sample shall not be stayed pending a sentence appeal, motion of new trial, appeal to an appellate court or other post-conviction motions or petitions.

## **487.03**

### **DNA SAMPLE COLLECTION DETERMINATION**

As set forth below, identified staff shall determine whether a DNA sample must be collected upon the following events: Admission; Subsequent Classification; Prior to an Incarcerated Individual’s or Civil Commitment’s Transfer; Prior to Release and Emergencies.

#### **A. Admission**

1. Pursuant to G.L. c. 22E § 3, the Department shall collect a DNA sample from “Any person who is convicted of an offense that is punishable by imprisonment in the state prison and any person adjudicated a youthful offender by reason of an offense that would

be punishable by imprisonment in the state prison if committed by an adult shall submit a DNA sample to the department or the commissioner of probation as a condition of probation forthwith upon conviction or, if sentenced to a term of imprisonment; the DNA sample shall be collected within ten (10) days of intake or return to the correctional facility to which the inmate has been sentenced. No person required to submit a DNA sample pursuant to this section shall be released from a correctional facility until a DNA sample has been collected.”

2. Pursuant to 103 DOC 417, *Criminal History Records Information* policy, Criminal History Records Information (CHRI) staff at reception institutions and institutions receiving inter-departmental transfers (e.g. transfer from county, federal, and a state facility other than Massachusetts) shall determine, pursuant to M.G.L. c. 22E, § 3, whether an incarcerated individual is required to provide a DNA sample.
3. The Department shall not collect a DNA sample from any incarcerated individual or civil commitment that:
  - a. has already submitted a DNA sample, unless a court order exists seeking a new DNA sample.
  - b. is a misdemeanant and was not placed in Department custody pursuant to a qualifying felony conviction (adult or Youthful Offender).
4. Once a determination is made the DNA sample shall be taken within ten (10) days of admission.
5. CHRI staff shall document whether a DNA sample was taken, and if no DNA sample is on file the reason, why no sample was taken and include any other pertinent information on the IMS DNA Information screen within one (1) business day of the taking of or decision not to take a DNA sample.

B. Classification and Transfer

Upon each subsequent classification, the assigned Correctional Program Officer (CPO) shall review the IMS Legal Issues or the DNA Information screen to ensure that a DNA sample has been collected, if required. The assigned CPO shall ascertain from the DNA Liaison whether the incarcerated individual or civil commitment requires DNA sample collection and note on the classification report one (1) of the following:

1. DNA sample required, secured; or

2. DNA sample required, not secured, \_\_\_\_\_; or  
(Explain)
3. DNA sample not required as of \_\_\_\_\_.  
(Date)

Particular attention shall be paid to outstanding legal issues. Outstanding legal issues shall be monitored until resolved. When the legal issue(s) is/are resolved, the assigned CHRI staff shall re-evaluate the incarcerated individual's or civil commitment's criminal history to determine whether a DNA sample must be collected. If a sample is required, this shall be documented in the IMS DNA Information screen.

Prior to any transfer, the Institutional Transfer Coordinator shall conduct a final review to ensure that a DNA sample has been collected where required. Under no circumstances shall an incarcerated individual or civil commitment who is required to provide a DNA sample pursuant to M.G.L. c. 22E, § 3, be transferred to lower custody, laterally, to higher custody, or to a county, out of state or federal facility, until the sample has been properly collected.

C. Release

1. Consistent with 103 DOC 404, *Inmate Release Policy*, the DNA Liaison shall review the IMS notifications for upcoming releases and complete the IMS Notifications screen.
2. Prior to release, the Institutional Release Coordinator shall review the Preparations and Notifications and Release Clearance screens to ensure that DNA has been collected, or if an incarcerated individual or civil commitment is subject to an exclusion to the DNA sample requirement.
3. Incarcerated individual's or civil commitment's may be excluded from providing a DNA sample if they are in DOC custody as a misdemeanor and have not been previously convicted of a felony punishable in the state prison.
4. When preparing the Regional Reentry Center Checklist (Attachment #1 to 103 DOC 404, *Inmate Release Policy*) at the time of discharge preparation, the Institutional Release Coordinator shall review the IMS DNA Information screen to verify that DNA has been collected, if required.

5. At all sites, in the event that a DNA sample has not been previously obtained, the Institutional Release Coordinator shall immediately notify the DNA Liaison. The DNA sampling must be obtained prior to the incarcerated individual's or civil commitment's release from Department custody. Sampling shall be scheduled for two (2) weeks prior to the actual release date. In the event the incarcerated individual or civil commitment refuses, this time frame will allow for a planned response. A notation documenting the collection of the sample shall be entered in the IMS DNA Information screen.

D. Emergency Draw

1. The DNA Liaison shall notify the Central DNA Coordinator if an emergency draw is required. An emergency draw may be required in situations, including, but not limited to, the issuance of a judicial order for the immediate release of an incarcerated individual or civil commitment, pursuant to a writ of habeas corpus or a motion to revise or revoke the sentence. If an emergency draw is needed during non-business hours, the Shift Commander shall notify the Central DNA Coordinator via the duty station. The Central DNA Coordinator shall contact the Massachusetts State Police (MSP) CODIS Collection and Investigation Unit (CCIU) to arrange for the emergency draw and apprise the shift commander of such arrangements.
2. The Commissioner may authorize an emergency DNA sample collection, as may be required from time to time. The Central DNA Coordinator shall contact the MSP CCIU to arrange for the emergency draw.

E. County, Out-of-State, Federal and International Custody

1. The County, Federal and Interstate (CFI) Manager shall maintain a current list of incarcerated individuals who are in County, Interstate or Federal custody, but who have not previously provided DNA samples required by M.G.L. c. 22E, § 3. The records manager at committing sites shall provide the Central DNA Coordinator with a list of all Department incarcerated individuals who are serving concurrent Massachusetts sentences in other jurisdictions.
2. The CFI Manager shall provide a DNA contact person designated by each County with the names of all Department incarcerated individuals in the County's custody who have not provided DNA samples required by M.G.L. c. 22E, § 3. The Commissioner shall request that the Sheriff coordinate DNA collection with the MSP. The CFI Manager shall monitor the process to ensure that DNA is

collected from said incarcerated individuals or civil commitment's. If it appears that a DNA sample will not be collected from a Department incarcerated individual in County custody, the CFI Manager shall coordinate the incarcerated individual's transportation to a Department institution for DNA sample collection.

3. The CFI Manager shall ensure that each Department incarcerated individual in Interstate or Federal custody who requires DNA sampling is transported to a Department institution for DNA sample collection.
4. The records manager at committing sites shall provide a letter of notification (Attachment #2, Notification Letter) by certified mail to each Department incarcerated individual serving a concurrent Massachusetts sentence in another jurisdiction who requires DNA sampling, advising each incarcerated individual of their obligation to provide a DNA sample pursuant to M.G.L. c. 22E, § 3. The Central DNA Coordinator shall maintain a current list of all Department incarcerated individuals who are in international custody and provide the Director of the MSP CCIU with the list as updates are entered.

F. IMS DNA Audit Report

On a monthly basis, the Central DNA Coordinator shall convey an IMS DNA Audit Report to the MSP CCIU.

**487.04**

**DNA SAMPLE COLLECTION PROCEDURES**

- A. At committing institutions, weekly DNA sampling shall be scheduled for newly admitted incarcerated individuals within ten (10) days of admission. At all other sites, DNA sampling shall be scheduled for incarcerated individuals and civil commitments as necessary, upon approval of the Central DNA Coordinator.
- B. A MSP CCIU member shall collect DNA samples.  
  
**NOTE:** Only a person licensed and trained by the Director of the MSP or designee shall collect DNA samples pursuant to M.G.L. 22E, §§ 3 and 4.
- C. A DNA Coordinator shall copy the incarcerated individual or civil commitment notification letters and staple together the copies of the Spanish and English versions.
- D. The MSP CCIU shall supply the DNA kits and all collection material.



- E. A DNA Coordinator shall call the incarcerated individual or civil commitment to the sampling area, verify the Department identification of the incarcerated individual or civil commitment, and provide the incarcerated individual or civil commitment with a copy of the memo from the Commissioner explaining the DNA statute and the DNA assessment (Attachment #2, Notification Letter (English/Spanish); Attachment #3, DNA Reimbursement Consent Form (English/Spanish)).
- F. In the presence of the incarcerated individual or civil commitment, a MSP CCIU member shall open the DNA kit and remove all components from kit envelope.
- G. A MSP CCIU member shall verify the kit number on the DNA Database Information Card, DNA Database Collection Card, Brown Manila Envelope and White Envelope. If all four (4) numbers do not match, and/or the kit envelope integrity seal is broken, **DO NOT USE THE KIT.** The kit will not be used and will be returned to the MSP Crime Lab.
- H. A MSP CCIU member shall collect the incarcerated individual's or civil commitment's personal information and fill out the incarcerated individual information card.
- I. A MSP CCIU member shall legibly sign the Fingerprint Card on the line provided.
- J. A MSP CCIU member shall collect the buccal swab (collection of DNA from the cells on the inside of a person's cheek) or blood sample (the incarcerated individual's or civil commitment's left or right ring finger tip is pricked with a lancet).
  - 1. A MSP CCIU member shall place the plastic specimen bag in the white kit envelope. MSP CCIU shall affix the security seal, where indicated, on the white collection envelope, then initial and date the seal.
  - 2. A MSP CCIU member shall place the sealed white kit envelope and the DNA Database Information Card in the manila kit shipping envelope. MSP CCIU shall affix the shipping seal, where indicated, then initial and date the seal.

**NOTE:** A MSP CCIU member shall perform a quality control check before sealing envelope by matching all of the numbers, signing in appropriate areas and sealing with appropriate seals.

- K. A MSP CCIU member shall collect all DNA samples and return to the MSP Crime Laboratory where the kits are entered into their database.

**487.05**

**FAILING TO PROVIDE A DNA SAMPLE COLLECTION**

- A. M.G.L. c. 22E, § 11 provides:

Any person required to provide a DNA sample pursuant to this chapter and who, after notice, fails to provide such DNA required by section 3 [of this chapter] shall be subject to punishment by a fine of not more than \$2,000 or imprisonment in a jail or house of correction for not more than six (6) months or both.

- B. In the event that an incarcerated individual or civil commitment refuses to provide a DNA sample upon request, the Deputy Superintendent of Reentry shall be notified. The Deputy Superintendent shall designate an impartial staff member to seek the incarcerated individuals or civil commitments compliance by explaining the requirements of the statute to the incarcerated individual as well as the Department's intent to refer refusals for prosecution. Should the incarcerated individual or civil commitment continue to refuse, the Superintendent shall contact the Commissioner to consider utilizing reasonable force to assist in the DNA sample collection as authorized by M.G.L. c. 22E, § 4(a). Under no circumstances shall spontaneous force be utilized to obtain a DNA sample; however, nothing in this paragraph prohibits Department staff from engaging in a spontaneous use of force for reasons other than obtaining a DNA sample if, based upon the totality of the circumstances, such force is necessary.
- C. Nothing in this section shall permit the Department to use force on those patients solely civilly committed to BSH, or serving a county sentence and civilly committed to BSH or those individuals housed at MASAC at Plymouth.
- D. An incarcerated individual's or civil commitment's refusal to provide a DNA sample upon request shall be documented in a disciplinary report and an incident report. Offenses shall include, but not be limited to, disobeying an order, violating any Department rule, and violating any law of the Commonwealth of Massachusetts.

**487.06**

**COST ASSESSMENT**

- A. G.L. c. 22E, § 4(b) provides:

The cost of preparing, collecting and processing a DNA sample shall be assessed against the person required to submit a DNA sample, unless such person is indigent as defined in section 27A of chapter 261 [of the

Massachusetts General Laws]. The cost of preparing, collecting and processing a DNA sample shall be determined by the secretary for administration and finance in consultation with the director and shall be paid to the department [of State Police] and retained by it to offset costs associated with creating, maintaining and administering the state DNA database.

- B. The cost of preparing, collecting and processing a DNA sample from an incarcerated individual shall not be collected unless the incarcerated individual or civil commitment voluntarily signs a DNA Reimbursement Consent Form (Attachment #3) to signify their consent for the institutional treasurer to withdraw funds from the incarcerated individual's or civil commitment's individual fund account (IFA).
- C. An incarcerated individual's or civil commitment's refusal to sign a DNA Reimbursement Consent Form shall not affect the actual collection of the sample.

#### **487.07**

#### **CONVICTION REVERSAL**

- A. The reversal of a conviction for a DNA offense or the revision of the conviction to a non-DNA offense subsequent to the collection of a DNA sample is governed by M.G.L. c. 22E, § 15, which provides:

Any person whose DNA record has been included in the state DNA database may apply to the superior court to have such record expunged on the grounds that the conviction or judicial determination that resulted in the inclusion of the person's DNA record in the state DNA database has been reversed and the case dismissed; provided, however, that one year shall have elapsed from the date the judgment reversing or dismissing the conviction became final or such person shall have obtained, in writing, authorization from the district attorney that no further prosecution is contemplated under the original offense for which such person was convicted or for which the original judicial determination was entered.

- B. Upon receipt of information that an incarcerated individual's or civil commitment's conviction for a DNA offense has been reversed, and subject to a subsequent CJIS review by CHRI staff to confirm that the incarcerated individual no longer meets the requirements set forth in 103 DOC 487.03, the Superintendent shall notify the Director of the MSP CCIU in writing, with copies to the Commissioner and the incarcerated individual or civil commitment.
- C. Upon receipt of notification from the MSP CCIU that an incarcerated individual's DNA is no longer to be maintained in the MSP DNA database, the Central DNA Coordinator shall notify the institution's DNA Liaison,

who shall amend the IMS DNA Information screens. If the incarcerated individual or civil commitment is no longer in custody, the Central DNA Coordinator shall update the IMS DNA Information screen.

#### **487.08**

#### **ERRONEOUS DNA SAMPLES**

- A. Staff shall make all reasonable efforts to avoid DNA sampling errors. However, a DNA sampling error could occur under circumstances including:
  - 1. DNA sample collection from an incarcerated individual or civil commitment who is not subject to DNA sampling under M.G.L. c. 22E, § 3;
  - 2. DNA sample collection from an incarcerated individual or civil commitment who has already provided a DNA sample pursuant to M.G.L. c. 22E, § 3;
  - 3. Improper DNA sample identification.
- B. The Superintendent shall be notified upon the discovery that a DNA sampling error has occurred, and an incident report shall be submitted. The Superintendent shall notify the Director of the MSP CCIU, in writing, with copies to the Commissioner and the incarcerated individual or civil commitment.
- C. Upon receipt of a response from the Director of the MSP CCIU, the Central DNA Coordinator shall ensure that the IMS DNA Information screen is modified appropriately.

#### **487.09**

#### **OTHER DNA SAMPLE COLLECTION**

- A. Court Orders
  - 1. Court orders for DNA sampling by outside agencies (*e.g.*, District Attorney) shall be referred to the Superintendent. The Superintendent shall make arrangements to facilitate on-site collection of the sample by such persons designated by the Court order and notify the Central DNA Coordinator.
  - 2. Court orders requiring the Department to transport an incarcerated individual or civil commitment to an outside location (*e.g.*, police laboratory) shall be referred to the Superintendent, who shall arrange for the transportation of the incarcerated individual or civil commitment and notify the Central DNA Coordinator.

3. Court orders requiring a DNA sample to be collected directly by the Department's personnel shall be referred immediately to the Central DNA Coordinator.

B. Paternity Determinations

The Department of Children and Families (DCF) collects DNA samples to assist paternity determinations. Requests for DNA sampling from the DCF shall be referred to the Superintendent. The Superintendent shall facilitate on-site collection of the sample by such persons designated by the DCF.

C. Requests by Other Jurisdictions

Requests for DNA samples received from other jurisdictions, including out of state law enforcement agencies, shall be referred to the Central DNA Coordinator.

D. Requests from Incarcerated Individual's Attorneys

Requests by an incarcerated individual's or civil commitment's attorney to conduct DNA sampling on their client shall be referred to the Central DNA Coordinator and to the Superintendent of the institution for processing.

E. Documentation

DNA sampling conducted pursuant to court orders, paternity determinations or any other purpose, other than sampling conducted pursuant to M.G.L. c. 22E, shall **not** be documented in the IMS DNA Information screen.

**487.10**

**DNA INQUIRIES**

DNA database information shall be deemed Criminal Offender Record Information (CORI). Response to inquiries regarding DNA sample collection from incarcerated individuals shall be subject to the standards set forth in 103 DOC 153, *CORI Regulations*. Staff shall also refer persons making such inquiries to the MSP CCIU, as the official keeper of DNA database records. All other inquiries regarding DNA collection shall be referred to the Central DNA Coordinator.

**487.11**

**AUDITS**

The Central DNA Coordinator shall be responsible for conducting periodic audits of the DNA collection process and records.

# INTERPRETING DISPOSTION CODES

If a disposition code and its accompanying interpretation has been **bolded\***, its use on a record is presumptively indicative of a conviction.

ADMF	Admit to a Finding: admission by defendant that criminal charges are true or that there is sufficient evidence that a judge or jury could find such facts true. Court may either continue the case without a finding for a period of time (see CWOFF) or enter a finding of guilty. Also known as admission to sufficient facts.
ASF	
APP	Appeal: a resort to a higher court for the purpose of obtaining a review of a lower court's decision and reversal of the lower court's judgment. This may also refer to when a defendant, having been convicted in a jury-waived session in the district court, was able to appeal his case and to obtain a six person jury trial under the old de novo system.
APP WD	Appeal Withdrawn: when a defendant withdraws his/her appeal to a higher court.
B	Bail: a monetary or other form of security given to ensure the appearance of the defendant at every stage of the proceedings. The court may as a condition of bail order the defendant to be supervised on pretrial probation and agree to certain conditions.
BF	Brought Forward: when defense or prosecutor moves to advance the case prior to the date previously set for hearing or trial.
BO or BOGJ	Bound Over: when probable cause is found to exist at a preliminary hearing, the court directs that the case be bound over for action by the grand jury.
BOF	Balance of Fine: amount of fine due set by court.
C	Continued: court will continue case for another date for hearing, trial, etc.
CASP	Community Alcohol Safety Program: refers to a condition of probation ordered by the court usually where the charge is first offense of operating under the influence.
CBF	Case Brought Forward: when defense counsel or prosecutor moves to advance the case prior to date previously set for hearing/trial by the court.
CC	Court Costs: costs imposed by the court.
CCI	Court Costs Included: see above.
CMNTY SRV	Community Service: condition of bail or probation ordered by the court which includes a specific period of hours of service to the community.
<b>CMTD* (OR COM)</b>	<b>Committed; incarcerated</b>
CMUT	Commutated: the substitution of a lesser penalty or punishment for a greater one. Sentences can only be commuted by the Governor with the advice and consent of the Executive Council.
<b>CONC*</b>	<b>Concurrent: sentences to be served at the same time or to run together.</b>
<b>CONS*</b>	<b>Consecutive: sentences to be served one after another.</b>
CWOFF or CWF	Continued without a finding: not considered a conviction. The court allows the defendant to "save" his record and not have a guilty finding entered as long as he completes a period of probation without further criminal charges and complies

	with the terms of probation. Most often occurs where the defendant has admitted to sufficient facts (see above).
DEL	Delinquent: a child between the ages of 7 and 17 who violates any city ordinance, town by-law or commits a crime against the commonwealth. Upon a finding of delinquency, the judge may commit the juvenile to the custody of DYS until his/her 18 <sup>th</sup> birthday, or until his/her 21 <sup>st</sup> birthday if after a jury trial the court finds that his/her release poses a danger to the public.
DF	Default: failure by the defendant to appear in court during criminal case; a warrant will be entered for his/her arrest.
DISCH	Discharged: released from supervision of the court.
DISM	Dismissed: the court may dismiss a case for various legal reasons. The commonwealth has the remedy of appeal if a case is dismissed over its objection.
DRC	Dismissed at Request of Complainant: refers to criminal charges being dismissed based upon the victim's assertion to the court that he/she wishes these charges to be dismissed.
DRD	Dismissed Request Defense: in MA, the prosecution must agree to dismissal of criminal charges against the defendant; the court may not on its own dismiss criminal charges based upon the request of the defense.
DWOP	Dismissed Without Prejudice: the Commonwealth may file new complaint upon additional evidence or witness coming forward.
DYS	Department of Youth Services: state agency that juveniles are committed to until the ages of 18 or 21, respectively, upon finding of delinquency or adjudication as Youthful Offender by the court.
DY	Day(s): may refer to number of days the defendant was held awaiting trial as being served; or period of sentence following finding of guilt.
EXTN	Extended: continued for a period of additional time.
F&A* (OR F/A)	From & After indicates a sentence to be served consecutively to another sentence (not concurrent).
FEE	Fee: cost charged by court.
FILE	Case placed on file by court and disposes of case without the defendant having offered any admission to the criminal charges; although the case has not been dismissed, the case is placed on file which allows the prosecutor to move to reopen the case in the future.
FILE NF	Filed No Finding: a defendant's original plea is "not guilty" and the court may dispose of case with the Commonwealth's consent and place it on file. This does not prevent the Commonwealth from moving to reopen the case in the future.
FINE*	<b>Fine: amount set by statute that defendants are required to pay based upon crimes charged and committed.</b>
FJ	First Instance Jury Trial: formerly referred to de novo system in which a defendant could have a bench trial and then if convicted could appeal the trial to a jury, or waive the bench trial and go straight to the jury.
F&NW	Forthwith & Not Withstanding: refers to sentence to be served immediately.
FPA	File Pending Apprehension
FROM/AFT*	From & After (not concurrent): see above.

FRTH	Forthwith: court may order defendant to pay fines or monies owed immediately.
G*	Guilty: conviction of criminal charge; a finding by judge or jury beyond a reasonable doubt that defendant committed crime(s) charged by the Commonwealth.
G FILED*	Guilty filed: conviction of criminal charge without a period of incarceration or probation.
GJ	Grand Jury: body of people (usually 23) summoned to inform on crimes committed within its jurisdiction and to indict persons of crimes when it has been presented with sufficient evidence to warrant holding a person for trial.
HC or HOC*	House of Correction: county facility for holding inmates on bail or when sentenced to a period of incarceration. The maximum sentence is 2½ years.
HWB	Held Without Bail: finding by courts that no conditions or monies will ensure the return of the person for every stage of the criminal proceeding. Also called pretrial detention.
IND or INDICT	Indictment: a formal written accusation drawn up and returned by a grand jury (GJ) charging one or more persons with a crime. Indictments in adult cases are tried in Superior Court.
INDF	Indefinitely: Prior to 1994, a court could give a defendant an indefinite sentence to the state reformatory, with parole eligibility set by the Parole Board. This was abolished in 1994.
JD	Jurisdiction declined: district court may decline jurisdiction over a case in order that it will be handled in the superior court. Also referred to as Juris Dec.
JT	Jury Trial: the defendant has a constitutional right to be tried by a jury of his peers (6 person in district court, 12 persons in superior court with two alternates in both courts). In criminal cases the jury must unanimously find that the defendant committed the crimes charged beyond a reasonable doubt.
JURIS DEC	Jurisdiction Declined: please refer to JD above.
JUV COMP D	Juvenile Complaint Dismissed: this may occur when a defendant has been indicted as a Youthful Offender and the case proceeds in Juvenile Court as YO case and not as a juvenile case.
LIFE	Life: a defendant serving a life sentence is eligible for parole after 15 years, except for life sentences for 1 <sup>st</sup> degree murder which are life without parole.
MT (or MIS)	Mistrial: order by judge terminating trial before conclusion; generally a new trial will then occur.
NDEL	Not Delinquent: See Not Guilty; entered in juvenile court.
NF	No Finding
NG	Not guilty: finding by judge or jury that the evidence presented by the Commonwealth did not prove beyond a reasonable doubt that the defendant committed the crimes as charged.
NOB	No Bill: when the grand jury declines to indict, it returns a "no bill of indictment."
NOLO	Nolo contendere: Latin translation is "I do not wish to contend"; formerly used in the Commonwealth in which a defendant enters a plea in a criminal proceeding who does not admit guilt but states that he will offer no defense against the charges. The defendant may then be declared guilty, yet retain the right to deny the



	validity of the finding in related proceedings.
NOS	Notice of Surrender: defendant has been given written notice by the probation department that the probation officer intends to seek usually a revocation of probation and an imposition of a custodial sentence.
NP	Nolle Prosequi (or Nol Prossed): motion by the Commonwealth to dismiss charges as if they were never brought in the first place because of insufficient evidence.
NPC	No Probable Cause: finding by court that there is insufficient evidence to believe that a crime has occurred or that the defendant committed a crime.
PARD	Pardoned: conditional release under supervision by the parole board; a pardon can only be granted by the Governor with the advice and consent of the Executive Council.
PC	Probable Cause: Finding by a judge that there is sufficient evidence to believe that a crime has occurred or that the defendant has committed a crime, in order to bind a case over from the district court to superior court for hearing.
PD (or &PD)	Paid
PG	Plea of Guilty: admission by defendant to criminal charges and waiver of right to jury or bench trial.
PROB	Probation: the court may order the defendant to be supervised by the probation department with certain conditions and/or programs to be completed during a specific period of time; this may be following a period of incarceration, with a suspended sentence, or straight probation.
PROB EXTN	Probation Extended: court may extend the period of probation that the defendant has been ordered to complete; this may be in order to have additional time to complete community service, a program or upon a finding of a violation of probation, the court may extend the period of probation rather than order the defendant to serve a period of incarceration.
PROC ST	Proceedings Stayed
PROG	Program: usually refers to a condition of probation that the defendant has been ordered to complete, and may include completion of alcohol safety awareness program, anger management program or batterer's treatment program, for example.
PTP	Pre-Trial Probation: as a condition of bail or release, the court may order the defendant to report to probation prior to the case being resolved.
REM	Removed: usually refers to the term of removing a case from a lower court to a higher court.
REST	Restitution: amount of monies ordered by the court that the defendant has been ordered to pay as a condition of the sentence.
RMT (or REMIT)	Remitted: refers to when the court does not require the defendant to pay court costs or fines due to indigency or other reasons.
ROR	Released on Recognizance: defendant is not required to post monies to the court to ensure his/her return during the course of the proceedings and instead is released without the requirement of posting bail money.
R/R	Revise and Revoke Sentence: post-conviction remedy of defendant asking the court to change his/her original sentence; sentencing judge may upon certain findings, revoke original sentence and order new sentence or deny the motion.

RSVD	Revised: refers usually to sentencing at the appellate level.
SDP	Sexually Dangerous Person: formal adjudication as a sexually dangerous person. Pursuant to G.L. c. 123A, s. 14, if after a trial an individual is found to be a SDP, such person shall be committed to the treatment center for an indeterminate period of a minimum of one day and a maximum of such person's natural life until discharged pursuant to the provisions of section 9.
SENT	Sentence: after finding by judge of jury on criminal charges, or offer of plea by defendant, the court may sentence a defendant to a period of incarceration (either committed or suspended) and/or probation and other terms.
SF	Surfine: additional fine required by statute associated with specific crimes.
SFI	Surfine Included
SFN	Suspended Fine
SP	Supervised Probation
SPS*	<b>Split Sentence: After a finding of guilty or as part of a plea bargain, a defendant may be ordered to serve a period of incarceration and the balance on probation.</b>
SS*	<b>Suspended Sentence: when period of incarceration is not ordered to be served but "suspended" during the period of probation; if the defendant successfully completes the probationary period, he/she will not be ordered to serve the sentence (or period of incarceration).</b>
SS RVK	Suspended Sentence Revoked: see SS; this is when due to violation of probation or further criminal activity, a defendant may be ordered to serve the sentence that had not been imposed but suspended.
STAY	Stay of Order of Sentence: judicial order abeying the period of incarceration for a specific time.
SUMM	Summons: a mandate issued in lieu of arrest requiring the defendant's appearance in criminal court where he/she may be named to appear to answer to criminal charges; or as a mandate requiring an individual to appear as a witness at a trial or hearing.
SUP	Support: refers to entry of order of child support in cases of paternity or formerly illegitimacy in criminal court.
SURR	Surrendered: refers to having a defendant returned to court; usually refers to defendant on probation and having new criminal activity.
SURR DEF	Surrendered on Default: brought to court to answer to charges of having not appeared in court on date required.
TB	True Bill: return by the grand jury on one or more indictments holding the defendant on criminal charges; see indictment.
TBPD	To Be Paid: refers to court costs, fines or restitution.
TD (T&D)	Terminated and Discharged: refers to termination of supervised probation and defendant being discharged from probation.
TERM	Terminated: refers to termination of supervised probation.
VAC	Vacated: usually refers to the removal of default entered on an individual's criminal record.
VN	Violation of Probation Notice: written notice by probation of terms that defendant

	has allegedly violated; due process rights attach at hearing that will be scheduled.
VOP	Violation of Probation Finding: finding following a hearing before judge concerning whether the defendant has violated the terms of his probation. As a result of a finding, that a defendant is in violation, a judge may revoke a CWO/F and enter a guilty, impose committed time, or extend the term of probation.
VWF	Victim Witness Fund: statutory fund established. Depending upon whether the defendant is charged with a felony or misdemeanor, he is assessed certain fines that must be paid into the victim witness fund.
WAR	Warrant: issued by court or vested authority naming a person charged with a crime, and commanding their appearance before the court.
WAR/WD	Warrant Withdrawn/Recalled: when a defendant appears in court, the warrant will be recalled.
WD	Withdrawn: may refer to defendant's withdrawal of appeal to a higher court for review.
WKND	To Be Served Weekends: court has authority to order defendant to serve term of incarceration on weekends.
YO	Youthful Offender: a person who is subject to an adult or juvenile sentence for having committed, while between the ages of 14 and 17, an offense that if he/she were an adult would be punishable by imprisonment in the state prison, and (a) has previously been committed to DYS, or (b) has committed an offense which involves the infliction or threat of serious bodily harm, or (c) has committed a violation of G.L. c. 269, sections 10(a),(c), (d) or 10E.

## INTERPRETING STATUS CODES

C Case Closed

O Open or Pending Case

W Outstanding Warrant

VPH Violation of Probation Hearing

WPD If a warrant was issued to a particular police department, that police department name should follow the "WPD:".

If none appears, disregard the entry.

**NOTIFICATION LETTER  
MEMORANDUM**

TO: All Incarcerated Individuals

FROM: Shawn Jenkins, Commissioner of Correction

DATE: [Insert Date]

RE: **DNA Sampling**

M.G.L. c. 22E requires that any person who has been convicted or adjudicated as a youthful offender of any offense that is punishable by imprisonment in the state prison, must submit a DNA sample for inclusion in the Combined Offender DNA Information System (CODIS) database.

DNA collection consists of a simple, “pin prick” blood sample or buccal swab (swab of the inside of a person's cheek), as well as a simultaneous fingerprinting of all affected incarcerated individuals. All incarcerated individuals required to provide a buccal swab or blood sample and fingerprints will be told the time, date, and location to report for sampling. M.G.L. c. 22E, § 4 authorizes Department of Correction and other law enforcement personnel to employ reasonable force to assist in collecting DNA blood or buccal samples in cases where an individual fails to submit to such collection. Any person who is required to provide a DNA sample pursuant to this chapter and who, after notice, willfully fails to provide such DNA required by section 3 shall be subject to punishment by a fine of not more than \$2,000 or imprisonment in a jail or house of correction for not more than six (6) months or both.

See M.G.L. c. 22E, § 11. In addition, an incarcerated individual may be subject to a disciplinary report for failure to comply and may be returned to higher custody or denied a move from their current security level.

The \$110 DNA assessment will be collected once an incarcerated individual signs the consent form to signify their consent for the Department to withdraw funds from the incarcerated individual's account.

Copies of the amended DNA collection statute, as well as the Department of Correction 103 DOC 487, *DNA Sample Collection* policy, shall be made available in the institution's law libraries for review.

Thank you for your anticipated cooperation in this matter.

**NOTIFICATION LETTER**  
**MEMORÁNDUM**

Spanish Translation to be Inserted

**DNA REIMBURSEMENT CONSENT FORM**

- A. I, \_\_\_\_\_, hereby consent to the withdrawal of \$\_\_\_\_\_ from my personal account and \$\_\_\_\_\_ from my savings account by the Institutional Treasurer as reimbursement for DNA testing as required by M.G.L. c. 22E, § 4 (b). I further acknowledge that I have read this form and understand it fully, and that my consent to the above-indicated withdrawal(s) is given voluntarily and without duress.

Date: \_\_\_\_\_  
Incarcerated Individual or Civil Commitment Signature

- B. I, \_\_\_\_\_, acknowledge that I have read this form and refuse to consent to any withdrawal of funds for DNA testing as required by M.G.L. c. 22E, § 4 (b).

Date: \_\_\_\_\_  
Incarcerated Individual or Civil Commitment Signature

- C. Incarcerated Individual or Civil Commitment \_\_\_\_\_ was presented with this consent form and on this date refused to sign under either paragraph A or B.

\_\_\_\_\_  
Staff Name (please print)                      Staff Signature

\_\_\_\_\_  
Date                      Job Title

Incarcerated Individual's or Civil Commitment's Commitment Number: \_\_\_\_\_

Date Sample Taken: \_\_\_\_\_

**FORMULARIO CONSENTIMIENTO DE REEMBOLSO ADN**

Spanish Translation to be Inserted