

Department of the Interior Law Enforcement Policy

Effective Date: January 15, 2016
Series: Law Enforcement and Security
Chapter 30: DNA Collection

Originating Office: Office of Law Enforcement and Security

30.1 Purpose. This chapter establishes policy for Deoxyribonucleic Acid (DNA) sample collection for bureaus with law enforcement programs.

30.2 Scope. This policy applies to all DOI bureaus/offices with law enforcement programs.

30.3 Authority. This policy is issued pursuant to 112 DM 17 and 212 DM 17.

30.4 Responsibilities.

A. Director, Office of Law Enforcement and Security (OLES) is responsible for policy development and provides program guidance and oversight of the Department's law enforcement programs.

B. Bureau Directors of Law Enforcement (BDLE) are responsible for promulgating and complying with this policy, and the corresponding *Law Enforcement Handbook*.

30.5 Policy. Bureaus/offices through bureau/office policy and procedures will collect DNA samples from all individuals who are arrested, facing charges, or convicted consistent with requirements outlined in 42 USC § 14135a and 28 CFR Part 28.12(b). Bureaus/offices must ensure that:

A. Collections are conducted consistent with the standards established by the Federal Bureau of Investigation (FBI) and its Federal DNA Database Unit (FDDU).

B. Bureaus/offices will develop procedures to restrain individuals if necessary to collect DNA samples, which are required by law.

30.6 Standards. Bureau/office law enforcement programs will establish and implement procedures that comply with this chapter and meet requirements specified in the corresponding *Law Enforcement Handbook*.

Law Enforcement Handbook

Chapter 30: DNA Sample Collection Policy

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30.1 What does this chapter do? This chapter establishes policy for Deoxyribonucleic Acid (DNA) sample collection for bureaus with law enforcement programs.

30.2 What is DNA? A nucleic acid containing the genetic instructions used in the development and functioning of all known living organisms.

30.3 How can DNA be used? Forensic scientists can compare and extract DNA evidence from blood, semen, skin cells, saliva or hair, bone marrow, urine, feces and other biological specimens found at a crime scene to identify a matching DNA of an individual, such as a perpetrator. For this reason, Congress has passed laws mandating the collection and preservation of DNA samples in certain circumstances.

30.4 Who is required to submit to DNA sample collection? Bureaus will collect DNA samples from all individuals who are arrested, facing charges, or convicted consistent with requirements outlined in 42 USC § 14135a and 28 CFR Part 28.12(b).

30.5 What are bureau/office responsibilities? Bureaus/offices will maintain a DNA Sample Collection SOP for their organization, which will include the following components:

(a) Collection procedures – collection of DNA sample from all persons that are arrested and fingerprinted if the offender is to be released without detention, or from any individual that will be transferred to a detention facility if that facility does not collect DNA samples in compliance with 28 CFR Part 28.12(b), 42 USC § 14135a and 42 USC § 14132;

(b) follow the Federal Bureau of Investigation - Laboratory Services FDDU Buccal Collection Kit instructions (see link below);

(c) procedures to restrain individuals if necessary to collect DNA samples which are required by law;

30.6 What are some important reference materials?

(a) 42 USC § 14135a – “Collection and use of DNA identification information from certain Federal offenders”

- (b) 18 USC § 3600 DNA Testing
- (c) 28 CFR Part 28, Subpart B – DNA Sample Collection, Analysis and Indexing
- (d) FDDU Buccal Collection Kit - October 23, 2012: <https://www.fbi.gov/about-us/lab/biometric-analysis/federal-dna-database/fddu-new-buccal-kit-october-23-2012>
- (e) Federal Convicted Offender Program DNA Analysis Unit I, FBI Laboratory
<https://www2.fbi.gov/hq/lab/html/instructions.htm>