



DNA Submission by SORNA Tribal Jurisdictions

The Sex Offender Registration and Notification Act (SORNA) requires DNA samples to be taken from sex offenders for purposes of analysis and entry into the Federal Bureau of Investigation's (FBI's) Combined DNA Index System (CODIS) during the registration process if DNA has not been taken and submitted previously. Some states are working with tribal jurisdictions that have elected to implement SORNA to help procure, preserve, and submit DNA samples from sex offenders for entry into CODIS and to complete all of the requisite follow-through that occurs on a match between an offender and a forensic profile, or "cold hit." Where such cooperation and coordination is possible, SORNA tribal jurisdictions should include memorandums of understanding, or cooperative agreements, regarding DNA submissions as part of their substantial implementation submission to the SMART Office. Tribes are encouraged to work with the states to establish procedures for this SORNA DNA requirement.

Some states, however, are precluded by state statute, regulation, or policy from accepting and processing DNA samples directly from tribal law enforcement entities. Because of this, the SMART Office has worked with the FBI DNA Database Unit to establish a federal "work around" wherein eligible tribal jurisdictions may submit DNA directly to the FBI DNA Database Unit. Tribal jurisdictions that choose to use this federal submission process must be able to take DNA samples according to the directions and standards set by the FBI and complete the required FBI form, which must include, among other items, data on each sex offender's conviction and personal information, two fingerprints, and valid and verifiable agency contact information. The procedures for taking the sample must be followed diligently and all submissions must be complete to ensure that the submissions can be tested and the data entered into CODIS. The FBI provides the DNA sample kits free of charge to SORNA tribal registration jurisdictions. The FBI has a manual on their website on how to take and submit a DNA sample with the supplied kits: <http://www.fbi.gov/about-us/lab/biometric-analysis/federal-dna-database/fddu-new-buccal-kit-october-23-2012>

Tribal agencies should be aware that a sex offender DNA submission could result in a cold hit and that follow-up, validation, investigation, and cooperation with other investigation agencies—including the FBI, U.S. Marshals Service, state and local law enforcement, and tribal police—may be necessary.

It should be noted that contracting with a private laboratory is not sufficient for DNA submission for sex offender registration because private laboratories cannot submit their DNA profiles to CODIS. Furthermore, there is no need to retain samples; samples should be taken and submitted for analysis.

For information on the requirements for utilizing the DNA system established by the FBI DNA Database Unit (FDDU) please contact Lisa Grossweiler at the FBI DNA Database Unit at 301-251-7324 or via email at lisa.grossweiler@ic.fbi.gov. For general inquiries please call the

U.S. Department of Justice

Office of Justice Programs

Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking (SMART)



FDDU main number (703) 632-7529. DNA kits can now be ordered from the FDDU website at <http://www.fbi.gov/about-us/lab/biometric-analysis/federal-dna-database>

For additional information on substantial implementation of SORNA, please contact the SMART Office at 202-514-4689 or via email at AskSMART@usdoj.gov