



**Court Services and Offender Supervision Agency**  
**For the District of Columbia**  
Office of the Director

# **POLICY STATEMENT**

Offender DNA Sample Collection  
Number:4002  
Effective Date: 2/28/2022  
Review Due Date: 2/28/2024

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Director

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## Overview

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### Background

*The DNA Analysis Backlog Elimination Act of 2000* requires the collection of DNA samples from persons convicted of certain qualifying District of Columbia (D.C.) offenses who are on supervised release, parole, or probation and under the supervision of Court Services and Offender Supervision Agency (CSOSA or Agency). The D.C. Council determined qualifying D.C. offenses in the *DNA Sample Collection Act of 2001*, the *DNA Sample Collection Emergency Act of 2001*, and the *DNA Sample Collection Congressional Review Emergency Act of 2001*. The D.C. Council expanded qualifying D.C. offenses to include all felonies and certain misdemeanors under the [Omnibus Public Safety and Justice Amendment Act of 2009](#). The Federal Bureau of Investigation (FBI) maintains the Combined DNA Index System (CODIS) for DNA samples.

This policy statement affirms the Agency's commitment to:

- Comply with the DNA Analysis Backlog Elimination Act of 2000;
  - Collect and submit offender DNA samples for qualifying D.C. offenses as amended in the Omnibus Public Safety and Justice Amendment Act of 2009; and
  - Comply with the FBI DNA collection requirements.
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### Summary of Changes

- Adds definitions of terms.
  - Outlines roles and responsibilities.
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### Coverage

This Policy Statement applies to CSOSA staff authorized to provide community supervision and intervention services to individuals serving a period of community supervision.

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## Overview, Continued

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- Authorities**
- 34 U.S.C. § 40702; Pub. L. 106-546; 114 Stat. 2728.
  - 34 U.S.C. § 40703; Pub. L. 106-546; 114 Stat. 2726
  - D.C. Official Code § 22-4151 (2001 ed.)
  - D.C. Law 18-88, § 218, 56 DCR 7413.
  - D.C. Code §§ 24-132 (b) and 24-133 (b) (2). Sections 11232 and 11233 of the National Capital Revitalization and Self-Government Improvement Act of 1997 (“Revitalization Act”), Pub. Law 105-33, 111 Stat.251
  - 28 C.F.R. § 812.
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**Disclaimer** The contents of this guidance do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

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**Supersedes** This Policy Statement supersedes *PS 4002 Offender DNA Sample Collection*, dated 6/27/2019.

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**References** Omnibus Public Safety and Justice Amendment Act of 2009

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**Administrator** The Office of Community Supervision and Intervention Services (OCSIS) is responsible for the content of this policy.

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## Policy

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### Policy

- The Agency collects DNA samples from offenders who are:
  - Convicted of a qualifying federal or D.C. offense and are placed under CSOSA’s supervision on parole, supervised release, or probation;
  - In Monitored-Unsupervised Probation if they have a qualifying federal or D.C. offense; or
  - Supervised on a Civil Protection Order (CPO) case **and** have another supervision case with a qualifying federal or D.C. offense.
  
- The Agency requires the contractor submitting DNA data to the FBI’s National DNA Index System (NDIS) on behalf of the Agency to:
  - Comply with the Quality Assurance Standards issued by the FBI Director;
  - Be accredited by a nonprofit professional association of persons actively engaged in forensic science that is nationally recognized within the forensic science community; and
  - Undergo an external audit every two (2) years to demonstrate compliance with the FBI Director’s Quality Assurance Standards.
  
- The Agency abides by the DNA Identification Act requirements and FBI standards for record-keeping, uploading of DNA data, expungements, CODIS users, audits, and other FBI requirements.

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### Exceptions

The Agency collects DNA samples from offenders if they are under supervision on a current qualifying federal or D.C. offense, and/or are under supervision on a non-qualifying federal or D.C. offense and have a prior conviction for a qualifying federal or D.C. offense, with the following exceptions:

- Supervisees who **only** have a CPO case are not subject to DNA collection.
  - Cases transferred to CSOSA from other jurisdictions through the interstate compact process.
  - A DNA sample has been collected by the Bureau of Prison (BOP), and it is in the CODIS law enforcement databases.
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**Definitions**

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**Biological material**

The contents of a sexual assault examination kit, bodily fluids (including, but not limited to, blood, semen, saliva, and vaginal fluid), hair, skin tissue, fingernail scrapings, bone, or other human DNA source matter which apparently derived from the perpetrator of a crime or, under circumstances that may be probative of the perpetrator's identity, apparently derived from the victim of a crime. This definition applies equally to material that is present on other evidence, including, but not limited to, clothing, ligatures, bedding or other household material, drinking cups, or cigarettes, and to material that is recovered from evidence and thereafter maintained separately from that evidence, including, but not limited to, on a slide, on a swab, in cuttings, or in scrapings.

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**Civil Protection Order (CPO)**

A court order in which a judge can require a person to follow certain requirements, including but not limited to, staying away from, not contacting, or committing any offense against the person requesting the CPO.

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**Combined DNA Index System (CODIS)**

The generic term used to describe the FBI's program of support for criminal justice DNA databases as well as the software used to run these databases. NDIS is considered one part of CODIS.

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**Crime of violence**

Crimes proscribed in D.C. Code [§ 23-1331\(4\)](#).

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**DNA**

Deoxyribonucleic Acid.

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**DNA analysis**

Analysis of the DNA identification information in a bodily sample.

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**DNA sample**

A tissue, fluid, or other bodily sample of an individual on which a DNA analysis can be carried out.

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**DNA testing**

Forensic DNA analysis of biological material.

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**Definitions, Continued**

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**Law enforcement agencies**

The Metropolitan Police Department, the Office of the Attorney General for the District of Columbia, prosecutors, or any other governmental agency that has the authority to investigate, make arrests for, prosecute or adjudicate District of Columbia criminal or delinquency offenses. The term “law enforcement agencies” include law enforcement agencies that have entered into cooperative agreements with the Metropolitan Police Department pursuant to D.C. Code [§ 5-133.17](#), to the extent the law enforcement agency is acting pursuant to such a cooperative agreement.

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**Qualifying D.C. offenses**

1. Any felony;
  2. Any offense for which the penalty is greater than one-year imprisonment;
  3. Section 9(b) of an act for the preservation of the public peace and the protection of property within the District of Columbia, approved July 29, 1892 (27 Stat. 324; D.C. Code § 22-1312(b)) (lewd, indecent, or obscene acts (knowingly in the presence of a child under the age of 16 years));
  4. Section 872 of an act to establish a code of law for the District of Columbia, approved March 3, 1901 (31 Stat. 1189; D.C. Code § 22-2201) (certain obscene activities involving minors);
  5. Section 3 of the District of Columbia Protection of Minors Act of 1982, effective March 9, 1983 (D.C. Law 4-173; D.C. Code § 22-3102) (sexual performances using minors);
  6. Section 205 of the Anti-Sexual Abuse Act of 1994, effective May 23, 1995 (D.C. Law 10-257; D.C. Code § 22-3006) (misdemeanor sexual abuse);
  7. Section 209a of the Anti-Sexual Abuse Act of 1994, effective April 24, 2007 (D.C. Law 16-306; D.C. Code § 22-3010.01) (misdemeanor sexual abuse of a child or minor); and
  8. Attempt or conspiracy to commit any of the offenses listed in paragraphs 1 through 7.
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**Rapid DNA instruments**

Instrumentation that carries out a fully automated process to derive a DNA analysis from a DNA sample.

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## Roles and Responsibilities

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### Reception and Processing Unit (RAP)

- At intake, the RAP staff:
    - Reviews incoming cases to determine whether any conviction(s) is flagged as a qualifying offense that requires submission of a DNA sample;
    - Reviews BOP documents and law enforcement databases to determine if a DNA sample has already been collected from the offender; and
    - Refers offenders with the qualifying offenses and no prior sample on file to the Agency's DNA sample collection contractor.
  - Maintains close communication with the offender DNA sample collection contractor regarding offender compliance with sample requirements and the timely and complete submission of samples to CODIS; and
  - Communicates offender's refusal to provide a DNA sample to the supervising CSO.
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### Community Supervision Officers (CSO)

- At case assignment, the assigned CSO must:
    - Review RAP data entries to determine if offenders were referred for DNA collection;
    - Determine if an offender submitted a DNA sample as referred by RAP at the time of intake;
    - Review previous and current convictions of assigned cases to determine DNA sample collection requirements; and
    - In cases with DNA sample collection requirements with no record of DNA Sample Collection referral, ensure that DNA referral packets are submitted to the Agency's DNA collection contractor and instruct the offenders to report for DNA collection.
  - Respond to all non-compliance with the DNA sample collection requirements per Agency procedures by:
    - Submitting required reports and documentation to the releasing authorities concerning an offender's non-compliance with DNA sample collection; and
    - Preparing and submitting offender DNA sample collection refusal packets to the assigned SCSO.
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## Roles and Responsibilities, Continued

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**Supervisory  
Community  
Supervision  
Officers (SCSO)**

- Provide oversight of the DNA sample collection process on assigned cases, where required.
  - Review and submit offender DNA sample collection refusal packets to OGC for legal review and submission to the USAO-DC for a prosecution determination.
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**Office of  
Procurement  
(OP)**

- Manages and oversees the DNA sample collection contract solicitation and award.
  - Assists the Contracting Officer Representative to ensure that the DNA sample collection contractor performs the services in compliance with the contract terms and requirements.
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**Office of  
Information  
Technology  
(OIT)**

Creates a mechanism within SMART to compare the court records to identify and flag those cases that meet the federal and D.C. qualifying offenses that are furnished by OGC.

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**Office of the  
General Counsel  
(OGC)**

- Reviews and makes the sample collection determination on misdemeanor cases flagged by RAP or CSOs for offender DNA sample collection.
  - Reviews and forwards offender DNA sample collection refusal packets to the United States Attorney's Office for the District of Columbia (USAO-DC) for possible prosecution.
  - Maintains a log of all offenders referred to the USAO-DC for prosecution, including referral status and disposition.
  - Maintains communication with the USAO-DC until a prosecution determination is reached, or if prosecuted, until a verdict is reached.
  - Notifies the CSO and the SCSO of the USAO-DC's prosecution determination or the case outcome.
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**Agency Director**

Sets the Agency's offender DNA sample collection policy.

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