

# Lawfully Owed DNA (LODNA) Collection Challenges

The collection of lawfully owed DNA (LODNA) samples is a critical component to solving and preventing violent crimes. Agencies around the country are working to improve the process of collecting legally required DNA from individuals with qualifying offenses whose DNA profiles are missing from the Combined DNA Index System (CODIS). Without a comprehensive DNA database containing samples from as many eligible individuals as possible, fewer investigative leads (i.e., CODIS hits) will be obtained from testing sexual assault kits and evidence from other violent crimes.

Collecting DNA samples that are lawfully owed but that slipped through the cracks might sound simple and straightforward: Make a list of qualifying individuals missing from CODIS, locate each person, and collect a buccal swab. However, the reality of this undertaking is much more complicated.

National Sexual Assault Kit Initiative (SAKI) sites face obstacles with LODNA at each phase of the census and collection process. During the initial census building, issues arise with identifying, accessing, and comparing the databases to capture who is likely to lawfully owe DNA. Then, once a census is built, the site must review each individual to filter out those who do not lawfully owe DNA, a time-consuming and laborious process. Throughout the project, additional difficulties arise when key partners are unable to participate as needed. Ultimately, only a small proportion of individuals on the original census may owe a sample (see “Reasons for the Census’s Small Collection Percentage” below).

This brief is an overview of what challenges a SAKI site might face throughout the LODNA census and collection process. Note that the census is not an exact representation of the number of DNA samples ultimately owed, but instead an estimate based on qualifying offenses and statutory requirements outlined within each jurisdiction.

## Possible Obstacles SAKI Sites Face When Building a Census

### Database Identification & Access

- ◆ SAKI sites may face difficulties identifying which databases they can use to build the census. Some of the common databases needed to compile and validate the census are

criminal history and corrections databases, sex offender registries, administrative offices of the courts’ records, and prosecutor or district attorney’s office records.

- ◆ SAKI sites may have difficulties getting access to those databases when the data holders are not readily available. Sites should include a representative from agencies that maintain required records and data on the site’s LODNA multidisciplinary team to build trust, establish relationships, and collaborate to achieve the project goals.

### Census Building & Review

- ◆ Often, a site will need to access and cross-reference multiple databases to compile a thorough census without redundancies and duplicates. Unfortunately, most SAKI sites have found that these databases typically cannot interface with each other, requiring manual comparisons between each list.
- ◆ The various databases do not necessarily use the same biometric information to identify an individual. The use of aliases, fictitious dates of birth, and fake social security numbers further complicates identifying an individual when comparing data from various sources.
- ◆ SAKI site staff must thoroughly review the individuals on the census to decide who lawfully owes a DNA sample. The site must therefore navigate their state’s statutory landscape, which may evolve over time and keep changing.

## Reasons for the Census’s Small Collection Percentage

A census contains individuals who are likely to lawfully owe a DNA sample, but many will not actually require a sample be collected by the SAKI site. SAKI site staff must thoroughly review the individuals in the census to decide who actually lawfully owes one.

SAKI sites report the following reasons why an individual might have been flagged but does not owe DNA or cannot have their DNA collected:

- ◆ A sample was previously collected.
- ◆ A sample is not owed (e.g., no qualifying offense).
- ◆ The individual cannot be located.

- ◆ The individual is no longer in the SAKI site’s jurisdiction (some exceptions).
- ◆ The individual is deceased (some exceptions).

## Possible Barriers to SAKI Sites Seeking to Collect LODNA

- ◆ Lack of statutory authority to compel a sample from those no longer incarcerated or under the supervision of the criminal legal system (varies by jurisdiction).
- ◆ Individuals with qualifying convictions and/or arrests having left the SAKI site’s jurisdiction; sites may not have the resources needed to collect samples from these individuals in other jurisdictions.
- ◆ Lack of assistance from criminal legal partners (e.g., law enforcement, corrections staff).
- ◆ Ambiguous DNA collection statutes.

## Resources to Improve Collections

- ◆ A SAKI site can request assistance from the National Center for Missing and Exploited Children’s Sex Offender Tracking Team to locate registered sex offenders who have absconded: email [NSOTC@ncmec.org](mailto:NSOTC@ncmec.org) and see the SOTT flyer and example request form attached to this brief.
- ◆ A SAKI site can request assistance with LODNA collections from other SAKI sites represented in the jurisdiction where the qualifying individual currently resides: see <https://www.sakitta.org/sakisites/>.
- ◆ Explore census batch searching options with TLOxp (<https://www.tlo.com/batch-and-api-solutions>) or Accurint® for Law Enforcement (<https://risk.lexisnexis.com/products/accurint-for-law-enforcement>).
- ◆ The SAKI site’s legal advisor and CODIS lab can help determine whether samples from qualifying individuals who are deceased can be entered into CODIS.
- ◆ A site can prepare for future work by identifying legislative solutions to close gaps and improve the SAKI site jurisdiction’s ability to collect LODNA samples. An example of relevant legislation is Jennifer and Michella’s Law in Washington State (2019) (<https://lawfilesexternal.wa.gov/biennium/2019-20/Pdf/Bills/Session%20Laws/House/1326-S.SL.pdf>).

## Conclusion

From census building through sample collection, SAKI sites may struggle to identify, track, and contact those who lawfully owe a DNA sample. The site’s project will greatly benefit from the cooperation and participation of key collaborators such as CODIS laboratory staff, law enforcement, and corrections officials. To improve the outcomes of a LODNA project, SAKI Training and Technical Assistance (TTA) recommends that SAKI sites first identify their biggest collection challenges and determine what resources they could use to improve collections. SAKI TTA is available to help identify solutions that meet the individual needs of SAKI sites around the country.

## Additional Resources

For information on the SOTT, the flyer and request form (a non-fillable example only) are attached to this brief, and you can also email [NSOTC@ncmec.org](mailto:NSOTC@ncmec.org)

[Dead Man Talking: DNA Secrets from the Grave by A. Schubert and C. Burke \(CDAA Prosecutor’s Brief\)](#)

[Key Considerations for the Creation of a Lawfully Owed DNA Census by SAKI TTA \(2023\)](#)

[Key Considerations and Strategies for Collecting Lawfully Owed DNA by SAKI TTA](#)

[Outcomes from Efforts to Swab Offenders Who Lawfully “Owe” DNA in Cuyahoga County by R. Lovell and J. Klingenstein, \(Begun Center for Violence Prevention Research and Education, 2019\)](#)

[Notes From the Field: Expanding the DNA Database to Solve Cold Cases by Lindsey Wade \(National Institute of Justice, 2019\)](#)

## Authors

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The National Center for Missing & Exploited Children's® (NCMEC) Sex Offender Tracking Team (SOTT) provides technical assistance to help locate noncompliant sex offenders.

### SOTT Analysts provide the following types of technical assistance:

- Conduct searches for noncompliant sex offenders through public record databases, online open-source sites and other internal and external systems
- Provide comprehensive analytical support to assist law enforcement efforts to locate noncompliant sex offenders
- Produce timelines of offenders' histories, including places of residence, employment and travel
- Examine data regarding attempted abductions, online child sexual exploitation and child abductions for potential links with noncompliant sex offenders

### In addition to SOTT's Technical Assistance Requests, analysts assist in NCMEC's clearinghouse role by providing the following resources:

- Act as a liaison among state registries, the U.S. Marshals Service, and other federal, state and local law enforcement agencies
- Conduct biannual surveys of state and territory sex offender registries to maintain a broad knowledge base of sex offender related issues

## Technical Assistance Requests

### ➤ Comprehensive Reports

Analysis of an individual offender containing all results found within several public records databases, NCIC, Nlets, NCIC Offline and open source internet sites. SOTT is also able to provide link analysis by comparing information found for the offender to NCMEC's cases of missing and exploited children.

### ➤ Quick-Hit Batch Requests

A list of offenders is received from law enforcement and then processed through one or more public records databases. Typical results for each offender include most recent name, DOB, SSN, address and sometimes a phone number. Results are based upon the most recent information known to these databases. Batch results also identify possible deceased and incarcerated offenders.

### ➤ Customized Hybrid Reports

SOTT can customize reports based on law enforcement's needs. SOTT analysts have experience assisting with compliance operations where quick-hit information is needed on an offender's location. At the conclusion of a compliance operation, SOTT will complete more in-depth comprehensive reports on the offenders deemed absconded.

The Sex Offender Tracking Team (SOTT) was created in 2006 to advance the National Center for Missing & Exploited Children's mission to help find missing children, reduce child sexual exploitation and prevent child victimization by attempting to link information about noncompliant sex offenders to unresolved cases of missing and sexually exploited children.

Contact us at [NSOTC@ncmec.org](mailto:NSOTC@ncmec.org) for more information



# National Sex Offender Targeting Center (NSOTC)



## Sex Offender Tracking Request Form

In an effort to streamline the process we ask that law enforcement fill out as much information as possible when making requests for assistance related to noncompliant sex offenders. Click on the grey fields below and they will expand as you type. Use the tab key to navigate forward to the next field. Save the attached form and email it as an attachment to [NSOTC@ncmec.org](mailto:NSOTC@ncmec.org). After completing their searches, the assigned analyst will email you a report containing all results found.

**Is this a time sensitive, Immediate request for assistance?**

**If yes, can you provide a target date or deadline?**

### Offender Information

First Name:  Middle Name:  Last Name:

Suffix:  Place of Birth:

Date of Birth:  SSN:  Email Address:

Gender:  Height:  Weight:  lbs Race:

Scars / Marks / Tattoos:

FBI Number:  State ID Number:  Passport:

**Please note if the offender's whereabouts are known or the offender is currently in custody and you are making this request to assist in building an Adam Walsh case.**

**Does the offender have a history of crimes against children and/or access to children?**

### Known Information

Please, provide any additional information about this offender below that you think might be useful:

**Narrative:**

**Addresses:**

**Associates / Relatives:**

**Social Networking Links / Online Identifiers:**

Social Networking Links / Online Identifiers

**Other:** (i.e. phone numbers, occupation, interests, driver’s licenses, known travel, etc.)

Other

**Current Vehicle Information:** Year: Year Make: Make Model: Model Color: Color  
State: State License Plate: License Plate VIN: VIN

**Previous Actions**

- Has a warrant been issued for this offender?
- If yes, has it been entered in NCIC?
- Have public record searches such as CLEAR by Thomson Reuters, Accurint®, or TLOxp™ already been conducted for this offender?

If yes, please indicate which: Public Records

**Targeted Search and Analysis Options**

- NCMEC’s Link Analysis: comparison for possible connections between an offender’s past locations and open unsolved missing child as well as attempted abduction cases known to NCMEC.
- In addition, law enforcement sensitive intelligence may be requested. This will be provided by U.S. Marshals Service personnel and other law enforcement agencies participating within the NSOTC. This intelligence includes, but is not limited to financial research via the Financial Crimes Enforcement Network (FinCEN); insurance claims research (ISO ClaimSearch); gang intelligence.

**Requestor Information**

Title: Title First Name: First Name Last Name: Last Name

Agency Name: Agency Name

Address: Address

City: City State/Territory: State / Territory Zip Code: Zip Code

Email: Email Telephone: Telephone

**Best method/time to contact:** Contact Method / Time

**Would you like the assigned SOTT Analyst to contact you prior to beginning the report regarding specific analytical needs?** Select Yes or No