

Detainee DNA Collection for CODIS

The Combined DNA Index System (CODIS) was created by the FBI to enable law enforcement forensic laboratories to compare DNA data from individuals in the database to DNA data from samples obtained from crime scenes or unidentified human remains

ICE does not have direct access to CODIS
CODIS is not currently used to detect repeat border crossers

Information accurate as of February 2021

Detainee DNA Collection

- A detainee is a person legally held under federal authority who is not a U.S. citizen or legal resident
- Federal law requires DNA be collected for CODIS from all detainees who are charged with a crime (with certain exceptions)
- DNA collection is currently limited by ICE policy to detainees from whom fingerprints are taken (ages 14 and over)
- DNA collection for CODIS does not involve an informed consent process
- ICE/CBP officers collect mouth swabs from detainees and send them to the FBI

DNA Data Analysis

- In CODIS, DNA data is organized into different categories. DNA data from detainees (held in the detainee offender index) can be compared to DNA data from crime scenes (in the forensic index) or unidentified human remains to look for matches
- The FBI laboratory analyzes mouth swabs for a set of 20 DNA markers that are not linked to traits or medical conditions
- Mouth swabs from detainees are kept by the FBI for quality control purposes for as long as legally permissible

What is in CODIS?

- At this time, no genetic information beyond the 20 DNA markers is stored and searchable in CODIS
- Identifying information about the detainee is not stored in CODIS

Policies

- The law for detainee DNA collection was enacted in 2006 (Pub. L. 109-162)
- Because of an agency waiver, until 2020 DNA collection from detainees was limited to 1,500-3,000 individuals per year
- The DNA collection policy changed in 2020 when the waiver was lifted to enable DNA collection from all detainees charged with a crime (85 FR 13483)
- Collection from all detainees was phased into use by Dec 31, 2020
- Before 2020, detainees made up 0.16% of the offender categories in CODIS. Now the CODIS detainee index could grow by hundreds of thousands each year

For more information contact: borderdnaproject@gmail.com

References

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CBP Enforcement Statistics Fiscal Year 2021. <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics>
Department of Homeland Security. Privacy impact assessment for the CBP and ICE DNA collection. 2020

Acronyms

DHS – Department of Homeland Security
ICE – U.S. Immigration & Customs Enforcement
CBP – U.S. Customs and Border Protection

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