

**National Rapid DNA Booking  
Operational Procedures Manual**

FBI Laboratory  
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## **1 Introduction**

Rapid DNA is a term used to describe the fully automated (hands free) process of developing a DNA profile from a reference sample buccal (cheek) swab without human intervention. These Procedures outline the requirements to integrate Rapid DNA in the booking environment, allowing for immediate searching of qualifying Arrestee DNA profiles against unsolved crimes of special concern (sexual assault/rape, homicide, kidnapping and terrorism cases), while a qualifying Arrestee is in police custody during the booking process. Modified Rapid DNA analysis (requires analyst interpretation) of Arrestee DNA samples is subject to laboratory accreditation, compliance with the FBI Quality Assurance Standards, and the NDIS Operational Procedures Manual.

This process also enrolls the qualifying Arrestee DNA profiles in the Combined DNA Index System (CODIS) at the state and national levels for continual searching against all forensic profiles in CODIS. The unsolved crimes of special concern are stored in CODIS in the DNA Index of Special Concern (DISC). CODIS laboratories across the country are expending significant effort identifying DISC-qualifying cases and collecting the required information for enrollment into DISC.

The State CODIS Agency is the primary agency for the implementation of Rapid DNA in booking environments for a state. It is critical for the Booking Agency to work in conjunction with their State CODIS Agency to incorporate Rapid DNA in the booking process as the State CODIS Agency is responsible for all of the DNA data developed from the qualifying Arrestee. State database laws generally designate the State CODIS Agency with responsibility for the state database program, including ownership of the DNA samples collected in that State, as well as the resulting DNA profiles and DNA data. The booking agency conducting the Arrestee's booking station processing shall be responsible for providing the resulting DNA profile and DNA data, as applicable, to the State CODIS Agency. Only the State CODIS Agency shall have access to and ownership of the DNA samples, the DNA profiles and DNA data uploaded into any of the levels of CODIS by the booking agency. The booking agency shall not file, maintain, store or database CODIS eligible DNA profiles in a separate database or any other type of file.

## **2 Roles and Responsibilities for Agencies and Parties**

It is the responsibility of all agencies covered under these Procedures to ensure Rapid DNA is used in a manner that maintains the quality and integrity of the state and national DNA databases. The following figure provides an abstract representation of the strategic functions and roles such as governance and operations.

| Governance                 | Operations                |                                  | Standards & Procedures Structure |
|----------------------------|---------------------------|----------------------------------|----------------------------------|
| FBI Director               | State                     | Booking                          | Rapid DNA Act of 2017            |
| SWGDM                      | State CODIS Agency        | Law Enforcement Booking Agencies | Applicable State laws            |
| NDIS Procedures Board      | State CODIS Administrator | Rapid DNA Lead Operators         | Rapid DNA Booking Standards      |
| CJIS Advisory Policy Board |                           |                                  | Rapid DNA Booking Procedures     |

**Figure 1 - Overview Diagram of Strategic Functions and Components**

**2.1 Governance**

The FBI Laboratory Division worked with the FBI Criminal Justice Information Services (CJIS) Division and the CJIS Advisory Policy Board (CJIS APB) Rapid DNA Task Force to plan the effective integration of Rapid DNA into the Law Enforcement Booking Agency (Booking Agency) process (see [Rapid DNA Requirements](#)). Upon passage of the Federal Rapid DNA Act of 2017 (Public Law 115-50), the Scientific Working Group on DNA Analysis Methods (SWGDM) began development of standards for the use of Rapid DNA Systems during the law enforcement booking process. Working with the National DNA Index System (NDIS) Procedures Board, the FBI has developed these Procedures to specify the roles and responsibilities of the FBI, the State CODIS Agency and the Booking Agency in the operation of Rapid DNA Systems for generating CODIS eligible DNA profiles for searching at NDIS.

The original Rapid DNA Requirements have been incorporated into the FBI’s *Standards for the Operation of Rapid DNA Booking Systems by Law Enforcement Booking Agencies* and these Procedures, which now supersede those Rapid DNA Requirements.

The FBI recognizes that NDIS approval of the Rapid DNA Booking Systems and training of Booking Agency personnel using NDIS approved Rapid DNA Booking Systems are integral to ensuring that Rapid DNA is used in a manner that maintains the quality and integrity of CODIS and NDIS.

**2.2 Operations**

The FBI is responsible for identifying the communications infrastructure and developing the standards and procedures necessary to operate a Rapid DNA Booking

program resulting in eligible DNA profiles that are searched in NDIS. The State CODIS Agency is responsible for all DNA profiles stored and searched at the State DNA Index System (SDIS) and uploaded to NDIS. The State CODIS Agency and the State CODIS Administrator have an important role and responsibility for the operation of Rapid DNA Booking Systems at booking agencies in their State. Booking Agencies are responsible for the DNA sample collection of qualifying Arrestees within a State. The Rapid DNA Lead Operator is the individual designated by the Booking Agency, who oversees the operation of a Rapid DNA Booking System(s) for their agency and serves as the central point of contact with the State CODIS Agency for Rapid DNA operations.

### **2.3 Standards and Procedures**

The Rapid DNA Act of 2017 authorizes the FBI Director to “issue standards and procedures for the use of Rapid DNA instruments and resulting DNA analyses.” The FBI’s *Standards for the Operation of Rapid DNA Booking Systems by Law Enforcement Booking Agencies* and the FBI’s *National Rapid DNA Booking Operational Procedures Manual* provide structure and instructions for States to apply applicable state laws, policies and procedures to the implementation of Rapid DNA within their State.

## **3 Law Enforcement Booking Agencies**

### **3.1 Requirements for participation**

The Booking Agency shall consult and work in conjunction with their State CODIS Agency to implement Rapid DNA into the booking process as the State CODIS Agency is responsible for the resulting DNA data developed from the qualifying Arrestee. The Booking Agency shall have and implement policies and procedures that address all aspects of Rapid DNA operation in the Booking Agency.

- 3.1.1 The Booking Agency shall have a signed Memorandum of Understanding (MOU) or other Agreement with the State CODIS Agency.
- 3.1.2 The Booking Agency shall submit documentation to the State CODIS Agency that demonstrates compliance with all State level requirements, policies, and procedures including, but not limited to, policies/procedures relating to the following:
  - 3.1.2.1 DNA Indicator information associated with computerized criminal history (CCH) records to indicate if Arrestee already has a DNA profile in the State DNA Index System (SDIS)
  - 3.1.2.2 Format and numbering scheme for the Arrestee sample specimen ID number (CODIS Spec ID)
  - 3.1.2.3 The number of swabs to be collected from each Arrestee
  - 3.1.2.4 Identification and resolution of Rapid DNA swab and instrument failures
  - 3.1.2.5 Authorized only for use for Arrestee DNA analysis
  - 3.1.2.6 Use of NDIS approved Rapid DNA Booking Systems

- 3.1.2.7 Certified Operators of the Rapid DNA Booking System
- 3.1.2.8 Documented training of certified Operators
- 3.1.3 The Booking Agency shall be integrated with an automated electronic fingerprint process to ensure only qualifying Arrestees are processed to generate the Arrestee Enrollment Format (AEF) information for submission to CODIS. This integration shall incorporate the following elements:
  - Recording of the Qualifying Arrest Offense(s);
  - Electronic fingerprint-based identification (or comparable biometric identification) of the Arrestee at the time of DNA sample collection; and
  - Linkage of AEF information to the DNA swab prior to placement in the Rapid DNA Booking System in a manner that prevents sample switches.
- 3.1.4 The Booking Agency shall ensure secure transfer of the AEF information in a manner that maintains the continuity of the swab, the State Identification Number (SID), and the Specimen ID number. The secure transfer of information shall be in compliance with the CJIS Security Policy.
- 3.1.5 The Booking Agency shall ensure that their information technology (IT) environment has the capability to execute the FBI-provided CODIS Rapid DNA Enrollment application software (CRE) required for processing the Rapid Common Message Format (Rapid CMF) message and support two-way communication with the State Identification Bureau (SIB)/CJIS Systems Agency (CSA) that is in compliance with the CJIS Security Policy.
  - 3.1.5.1 Alternative electronic data integration and transfer processes that result in a Rapid CMF message may be employed at the Booking Agency if such alternative process can be demonstrated to meet the requirements above.

### **3.2 Booking Agency Application and Approval for Participation**

Booking Agencies planning to perform Rapid DNA analysis on qualifying Arrestees shall contact their State CODIS Agency to determine the State level requirements for participation, including if their State is authorized by the FBI for a Rapid DNA Program (see section 4.2 for additional details on the Rapid DNA Authority to Operate (ATO)).

Booking Agencies in states with an FBI-approved ATO shall apply to the State CODIS Agency with documentation demonstrating their readiness to perform Rapid DNA in the Booking Agency. This documentation shall include participation in testing of the network communications and operational readiness of the Rapid DNA Booking System in conjunction with the State CODIS Agency. If approved by the State CODIS Agency, the Booking Agency is authorized to implement Rapid DNA analysis using an NDIS approved Rapid DNA Booking System. Only Rapid DNA Arrestee profiles generated by the authorized Booking Agencies using an NDIS

approved Rapid DNA Booking System shall be eligible for enrollment and searching in CODIS.

### **3.3 Changing information about a Booking Agency**

The Booking Agency is responsible for notifying the State CODIS Agency of any changes in the information submitted with their original application, such as address, name of contact, etc.

### **3.4 Rapid DNA Booking Systems**

The Booking Agency shall only use an NDIS approved Rapid DNA Booking System to perform Rapid DNA analysis on qualifying Arrestee cheek swabs (see table below).

Please see Section 5.3 and <https://www.fbi.gov/services/laboratory/biometric-analysis/codis/rapid-dna> for the most current listing of NDIS approved Rapid DNA Booking Systems.

### **3.5 Rapid DNA Lead Operators**

A Rapid DNA Lead Operator (Lead Operator) is an Operator designated by the Booking Agency who oversees the operation of Rapid DNA Booking Systems for their agency and is the central point of contact with the State CODIS Agency.

A Booking Agency shall designate a Lead Operator and a back-up Lead Operator.

The Lead Operator shall meet the training and certification requirements specified in the *Standards for the Operation of Rapid DNA Booking Systems by Law Enforcement Booking Agencies*.

#### **3.5.1 Lead Operator - General Responsibilities**

The Lead Operator is the central point of contact in the Booking Agency for the State CODIS Agency and is responsible for the Rapid DNA operations at the Booking Agency. The Lead Operator is responsible for performing, or overseeing the performance of, the following, as applicable:

- Notify State CODIS Agency of Add/Remove/Update Lead Operator and Rapid DNA Operator Information
- Compliance with the CJIS Security Policy requirements
- Compliance with *Standards for the Operation of Rapid DNA Booking Systems by Law Enforcement Booking Agencies*
- Compliance with policies and procedures of the State CODIS Agency
- All Lead Operator duties as outlined in the *Standards for the Operation of Rapid DNA Booking Systems by Law Enforcement Booking Agencies*

### **3.6 Rapid DNA Operators**

A Rapid DNA Operator (Operator) is an employee of the agency who is certified and authorized to operate a Rapid DNA Booking System for that agency.

The Operator shall meet the training and certification requirements listed in the *Standards for the Operation of Rapid DNA Booking Systems by Law Enforcement Booking Agencies*.

### **3.7 Confidentiality of Data**

The DNA sample, DNA profile and DNA data resulting from the Rapid DNA analysis are personally identifiable information subject to Federal and State confidentiality requirements. The State CODIS Agency has ultimate responsibility for, and ownership of, the DNA sample, DNA data and resulting DNA profile entered into CODIS by the Booking Agency.

The Booking Agency conducting the Arrestee's processing shall be responsible for providing the resulting DNA profile and DNA data, as applicable, to the State CODIS Agency. The Booking Agency shall not file, maintain, store or database CODIS-eligible DNA profiles in a separate database or any other type of file.

### **3.8 CODIS Rapid Enrollment Application Software (CRE)**

The Booking Agency is not authorized to distribute or sublicense the CRE, and shall not copy the CRE for purposes of distribution or distribute the CRE software to any person or agency outside the Booking Agency without the written approval of the FBI. The Booking Agency shall not publish or publicly disclose information obtained from or included in the CRE, including, but not limited to: CRE guidance material, screen shots of CRE, or instructional and/or training materials without the prior written approval of the FBI. The Booking Agency shall use the CRE in a manner that is authorized by the FBI.

### **3.9 Communications and Notice Required**

The Booking Agency shall notify the State CODIS Agency within 5 calendar days if there is a vacancy in the Lead Operator position, or if the Booking Agency's Rapid DNA operations are suspended.

### **3.10 Unsolicited DNA Notification Follow-up**

The Booking Agency shall comply with the statewide policy for responding to Unsolicited DNA Notifications (UDN) resulting from Rapid DNA Arrestee hits to crime scene profiles in the DISC. If the search of DISC results in a hit between the enrolled Arrestee to an unsolved crime, a hit message called the UDN will be

generated and automatically transmitted to the investigative agency submitting that crime scene sample, the Booking Agency, and the arresting agency (if applicable). This UDN message will be routed via the National Law Enforcement Telecommunications System (Nlets) in the same manner as wants and warrants are currently distributed.

For UDN messages involving an investigating agency in another state, it is the responsibility of both the Booking Agency and the Investigating Agency to immediately contact each other to resolve the UDN.

### **3.11 Booking Agency Standards**

The Booking Agency shall demonstrate compliance with the FBI's *Standards for the Operation of Rapid DNA Booking Systems by Law Enforcement Booking Agencies* through participation in required audits. The Booking Agency shall meet or exceed the *Standards* to ensure the quality and integrity of the DNA data generated by the Rapid DNA Booking System.

### **3.12 Records**

The Booking Agency shall maintain records of their Rapid DNA Program in accordance with the retention period required by applicable State and local laws or regulations. Documentation shall include but is not limited to the following:

- MOU or other agreement with State CODIS Agency;
- Booking Agency Policies and Procedures;
- Booking Agency audits and corrective actions;
- Training, refresher training and certification records for Lead Operators and Operators;
- Rapid DNA Booking System records, including, but not limited to, performance checks, maintenance and relocation, user, and run logs

### **3.13 Audits**

The Booking Agency shall be audited annually by the State CODIS Agency to ensure compliance with State policies and the FBI's *Standards for the Operation of Rapid DNA Booking Systems by Law Enforcement Booking Agencies*. Corrective action for any findings shall be submitted in writing to the State CODIS Agency for review and approval.

## **4 State CODIS Agency**

### **4.1 Requirements for participation**

The State CODIS Agency is responsible for the DNA data developed from qualifying Arrestees in the State, therefore the State CODIS Agency is the primary agency for

the implementation of Rapid DNA in booking environments for a state. The State CODIS Agency shall have and implement policies and procedures that address all aspects of Rapid DNA operation in their State.

- 4.1.1 The State shall have implemented an Arrestee DNA sample collection law that authorizes DNA sample collection from a person arrested for a specified offense at the time of arrest and, for which there are no additional requirements (i.e., determination of probable cause) for the analysis of that Arrestee DNA sample.
- 4.1.2 The State CODIS Agency shall ensure that the Booking Agency(ies) complies with all requirements specified in Section 2.1 and its subsections of this Procedure.
- 4.1.3 The State CODIS Agency shall execute a Memorandum of Understanding (MOU) or other Agreement defining roles and responsibilities with each Booking Agency planning to establish Rapid DNA Booking Agency enrollment of Arrestees.
- 4.1.4 The State CODIS Agency shall adopt and implement Rapid DNA policies and procedures that address the following elements:
  - 4.1.4.1 Qualifying Arrest Offenses for the State
  - 4.1.4.2 DNA Indicator information associated with computerized criminal history (CCH) records to determine if the Arrestee has a DNA profile in the State DNA Index System (SDIS)
  - 4.1.4.3 Coordination with Booking Agencies regarding the format and numbering scheme for the Arrestee sample specimen ID number (CODIS Spec ID)
  - 4.1.4.4 The number of swabs to be collected and the agency responsible for the collection, use, storage, consumption, retention and destruction of the swab(s) from each Arrestee
  - 4.1.4.5 Identification and resolution of Rapid DNA swab and instrument failures
  - 4.1.4.6 Authorized use of the NDIS approved Rapid DNA Booking System(s)
  - 4.1.4.7 Certified Operators of the Rapid DNA Booking System
  - 4.1.4.8 Submission of Arrestee Rapid DNA data to SDIS
  - 4.1.4.9 Statewide policy for responding to Unsolicited DNA Notifications (UDNs) resulting from Rapid DNA hits to crime of special concern
  - 4.1.4.10 Statewide policies and procedures for DNA Index of Special Concern (DISC) hit follow up with the Investigating Agency.
  - 4.1.4.11 Statewide policy for enrollment of Forensic Unknowns into the DISC.
  - 4.1.4.12 Statewide policies and procedures for the approval of new Booking Agency locations, configuration and compliance with the *Standards for the Operation of Rapid DNA Booking Systems by Law Enforcement Booking Agencies*.

## **4.2 Obtaining a Rapid DNA Authority to Operate for the State**

The State CODIS Agency shall be approved to conduct Rapid DNA operations by receiving a Rapid DNA Authority to Operate (ATO) from the FBI prior to

implementing a Rapid DNA program within their State. To receive the Rapid DNA ATO the State CODIS Agency shall submit the following documentation to the FBI CODIS Unit demonstrating the State CODIS Agency's readiness to operate Rapid DNA in Booking Agencies within their State. The FBI reserves the right to request additional information and documentation as necessary in order to conduct a thorough review and evaluation.

- 4.2.1 **Legal authority to operate Rapid DNA:** Documentation of the relevant Arrestee DNA law in the State shall be required for States seeking approval for the use of Rapid DNA analysis in a booking environment. The documentation shall include the relevant section(s) of the State database law and any applicable administrative policy or legal opinions addressing Rapid DNA operation in a booking environment.
- 4.2.2 **Ability to store identification number at SDIS:** Documentation of the ability to store State Identification Number (SID) number at SDIS, including that the storage of criminal history record information is not prohibited by the State DNA database law.
- 4.2.3 **MOU between the FBI and State CODIS Agency:** Documentation of the MOU between the FBI and the State CODIS Agency for participation in the Rapid DNA program.
- 4.2.4 **MOU between the State CODIS Agency and Booking Agency:** Documentation of the MOU or other Agreement between the State CODIS Agency and each Booking Agency(ies) that will operate an NDIS approved Rapid DNA Booking System is required. The MOU or Agreement shall address, at a minimum, the following elements:
  - 4.2.4.1 Roles and responsibilities of the State CODIS Agency and Booking Agency
  - 4.2.4.2 Roles and responsibilities of the Lead Operators and Operators
  - 4.2.4.3 Agreement to comply with the FBI *Standards for the Operation of Rapid DNA Booking Systems by Law Enforcement Booking Agencies, FBI National Rapid DNA Booking Agency Operational Procedures* and all relevant State Rapid DNA policies and procedures
  - 4.2.4.4 Data deletion and data security requirements
  - 4.2.4.5 Confidentiality of DNA data in accordance with State and Federal laws and policies
  - 4.2.4.6 Use of only NDIS approved Rapid DNA Booking Systems
- 4.2.5 **Training of Booking Agency Lead Operators and Operators:** Statewide training program requirements that ensure competency and qualifications of Rapid DNA Lead Operators and Operators shall be documented. Documentation shall also include refresher training requirements. Training shall address, at a minimum, the following: Rapid DNA sample collection, use of personal protective equipment (PPE), instrument operation, instrument troubleshooting,

quality control, performance checks of instrument, integration of Rapid DNA into booking workflow, CODIS Rapid Enrollment application software (CRE), and responding to UDNs. A State CODIS Agency may approve a manufacturer-provided training for some or all of the minimum requirements described above.

- 4.2.6 **Statewide Policy and Procedures for Rapid DNA:** Documentation is required of Statewide policies and procedures for Rapid DNA operation at the Booking Agency that addresses the following elements:
  - 4.2.6.1 Qualifying Arrest Offenses for the State
  - 4.2.6.2 DNA indicator associated with the State's CCH records to determine if the Arrestee has a DNA profile in SDIS
  - 4.2.6.3 Coordination with Booking Agencies regarding the format and numbering scheme for the Arrestee DNA profile specimen ID number (CODIS Spec ID)
  - 4.2.6.4 The number of swabs to be collected and the agency responsible for the collection, use, storage, consumption, retention and destruction of the swab(s) from each Arrestee
  - 4.2.6.5 Identification and resolution of Rapid DNA swab and instrument failures
  - 4.2.6.6 Authorized use of the NDIS approved Rapid DNA Booking System
  - 4.2.6.7 Certified Operators of the Rapid DNA Booking System
  - 4.2.6.8 Submission of Arrestee Rapid DNA data to SDIS
  - 4.2.6.9 Enrollment of Forensic Unknowns into the DISC
  - 4.2.6.10 DISC hit follow-up with the Investigation Agency.
  - 4.2.6.11 Operation schematic of Rapid DNA message flow and data flow on criminal justice information network
- 4.2.7 **Procedure for approval of a new Booking Agency:** Documentation of Statewide criteria and procedures used for the evaluation of a new Booking Agency and approval of Rapid DNA analysis operation for all Booking Agencies in the State. Documentation is required for the Rapid DNA Booking System configuration, Booking Agency Rapid DNA Procedures and compliance with the *Standards for the Operation of Rapid DNA Booking Systems by Law Enforcement Booking Agencies* is required. For approval of a new Booking Agency, such documentation shall also include participation in testing of the network communications and operational readiness of the Rapid DNA Booking System in conjunction with the State CODIS Agency.
- 4.2.8 **State level requirements for the Booking Agency:** Documentation is required for Statewide policies and procedures that demonstrate the following criteria at all Booking Agency Rapid DNA locations:
  - 4.2.8.1 Transfer of the Arrestee Enrollment Format (AEF) information in a manner that maintains the continuity of the swab, the State Identification Number, and the Specimen ID number.

- 4.2.8.2 IT environment to support the FBI-provided CRE and the Rapid Common Message Format (Rapid CMF) message that follows the CJIS Security Policy. Support is defined as allowing two-way CODIS message communication between the Booking Agency and the State Identification Bureau (SIB)/CJIS Systems Agency (CSA).
- 4.2.8.3 Integration with the automated fingerprint process to ensure only qualifying Arrestees are processed to generate the AEF message for submission to CODIS. The integration shall include recording of the Qualifying Arrest Offense(s), electronic fingerprint-based identification of the Arrestee at the time of sample collection, and linkage of AEF message to the DNA swab prior to placement in the Rapid DNA Booking System in a manner that prevents sample switches.
- 4.2.8.4 Alternative electronic data integration and transfer processes that result in a Rapid CMF message may be employed at the Booking Agency if such process can be demonstrated to meet the requirements in this section.
- 4.2.9 **Statewide policy for responding to UDNs resulting from DISC hits:**  
Documentation is required of the Statewide policy for responding to UDNs resulting from Rapid DNA Arrestee hits to crime scene DNA profiles in the DISC.
- 4.2.10 **Rapid DNA Booking Agency Standards (RBAS) Audit Program:**  
Documentation is required of the Statewide audit program in compliance with the *Standards for the Operation of Rapid DNA Booking Systems by Law Enforcement Booking Agencies*. The audit program shall include the schedule and criteria for Booking Agency audits by a team designated by the State CODIS Agency.

The FBI reserves the right to request additional documentation as needed.

### 4.3 Rapid DNA Booking Systems

The State CODIS Agency shall ensure that Booking Agencies only use an NDIS approved Rapid DNA Booking System(s) to perform Rapid DNA analysis on qualifying Arrestee cheek swabs.

Please see Section 5.3 and <https://www.fbi.gov/services/laboratory/biometric-analysis/codis/rapid-dna> for most current listing of NDIS approved Rapid DNA Booking Systems.

### 4.4 Add or Change Information about a Booking Agency

Once a State receives an ATO for the operation of Rapid DNA within their State and wishes to add another Booking Agency, the State CODIS Agency shall request the addition of another Booking Agency to the FBI's CODIS Unit. It is the responsibility of the State CODIS Agency to ensure the Booking Agency meets all the requirements specified in these Procedures and any State level requirements for participation. The

State CODIS Agency shall provide documentation for the Booking Agency, including the verification that the Booking Agency is in compliance with all of the requirements of these Procedures as well as the State CODIS Agency's requirements to initiate operations for a new Booking Agency within their State. The FBI's CODIS Unit shall review the request and if approved, enter the Booking Agency information into CODIS.

The Booking Agency is responsible for notifying the State CODIS Agency of any changes in the information submitted with their original application, such as address, name of contact, etc. The State CODIS Agency shall provide the FBI's CODIS Unit with updated information, as needed.

#### **4.5 Add or Change information about Lead Operators and Operators**

The State CODIS Agency shall provide the FBI's CODIS Unit with updated information on Lead Operators and Operators, as needed.

#### **4.6 Confidentiality of Data**

The DNA sample, DNA profile and DNA data resulting from the Rapid DNA analysis are personally identifiable information subject to Federal and State confidentiality requirements.

Legal requirements designate the State CODIS Agency with responsibility for the State database program and ownership of the Arrestee DNA samples, resulting DNA profiles and data. Accordingly, only the State CODIS Agency shall have access to and ownership of the DNA samples, the DNA profiles and DNA data uploaded into any of the levels of CODIS by that agency.

The Booking Agency conducting the Arrestee's processing shall be responsible for providing the resulting DNA profile and DNA data, as applicable, to the State CODIS Agency. The Booking Agency shall not file, maintain, store or database CODIS eligible DNA profiles in a separate database or any other type of file.

The Federal DNA Act provides that the National DNA Index System "shall include only information on DNA identification records and DNA analyses that are maintained by Federal, State, and local criminal justice agencies (or the Secretary of Defense in accordance with section 1565 of title 10, United States Code) pursuant to rules that allow disclosure of stored DNA samples and DNA analyses only-- (A) to criminal justice agencies for law enforcement identification purposes; (B) in judicial proceedings, if otherwise admissible pursuant to applicable statutes or rules;

(C) for criminal defense purposes, to a defendant, who shall have access to samples and analyses performed in connection with the case in which such defendant is charged; or

(D) if personally identifiable information is removed, for a population statistics database, for identification research and protocol development purposes, or for quality control purposes.” [34 U.S.C. §12592(b)(3)]

The unauthorized disclosure of individually identifiable DNA information stored in NDIS is punishable by a fine not to exceed \$100,000 (34 U.S.C. §12593(c)(1)). Obtaining DNA samples or DNA information, without authorization, is punishable by a maximum fine of \$250,000 or imprisonment for not more than one year or both fine and imprisonment (34 U.S.C. §12593(c)(2)). A State CODIS Agency’s access to NDIS is subject to cancellation for noncompliance with these privacy requirements. The privacy requirements are applicable to State CODIS Agencies by Federal law [34 U.S.C. §12592] and through the agreement with the FBI for participation in NDIS.

Participation in NDIS requires adherence to the Federal DNA Act, which requires that access to and disclosure of stored DNA samples and analyses be limited to the authorized purposes expressed in that law. Accordingly, a State CODIS Agency shall not provide access to or disclosure of DNA records that have been uploaded to NDIS to an individual, entity, agency, or laboratory that is not a criminal justice agency nor authorized to access such DNA records under the Federal DNA Act. If the State CODIS Agency disseminates, provides, or releases any or all of its DNA records that have been uploaded to NDIS for purposes not authorized under the Federal DNA Act or to an individual, entity, or agency, or laboratory other than an NDIS participating laboratory, the State CODIS Agency shall notify the FBI and remove those DNA records from NDIS. Additionally, the generation of DNA data and/or a DNA database consisting of such DNA data for dissemination to individuals, entities, agencies or laboratories other than NDIS participating laboratories shall be considered an unauthorized use of the CODIS software and work products.

The State CODIS Agency is responsible for compliance with the limited access and disclosure of DNA samples and DNA analyses required by the Federal DNA Act. While States may have DNA database laws that appear to permit more access to the DNA data, if that State is a participant in NDIS, the State agrees to abide by, and comply with, the more restrictive provisions contained in the Federal DNA Act by agreeing to the agreement with the FBI for participation in NDIS.

#### **4.7 Communications**

The State CODIS Agency is responsible for ensuring the integrity and accuracy of the DNA records in CODIS. The State CODIS Agency shall notify the FBI’s CODIS

Unit within five calendar days in the event the State CODIS Agency suspends approval for a Booking Agency's Rapid DNA operations.

#### **4.8 Unsolicited DNA Notification follow up**

If the search of the DISC results in a hit between the enrolled Arrestee to an unsolved crime, a hit message called the UDN will be generated and automatically transmitted to the Investigating Agency submitting that crime scene sample, the Booking Agency, and the arresting agency (if applicable). The State CODIS Agency shall have a Statewide policy for responding to UDN messages resulting from Rapid DNA Arrestee hits to crime scene profiles in the DISC. This UDN message will be routed via the Nlets in the same manner as wants and warrants are currently distributed.

For UDN messages involving an investigating agency in another state, it is the responsibility of both the Booking Agency and the Investigating Agency to immediately contact each other to resolve the UDN.

#### **4.9 Booking Agency Standards**

The State CODIS Agency is responsible for ensuring that Booking Agency(ies) within their State demonstrate compliance with the FBI's *Standards for the Operation of Rapid DNA Booking Systems by Law Enforcement Booking Agencies* through participation in required audits.

#### **4.10 Records**

The State CODIS Agency shall maintain records of their Rapid DNA Program in accordance with the retention periods required by applicable State laws or regulations. Documentation shall include but is not limited to the following:

- MOU or other agreement with Booking Agencies
- ATO and all supporting documentation to obtain the ATO
- State Policies and Procedures
- Certified Lead Operators and Operators
- Booking Agency audits corrective actions

#### **4.11 Audits**

The State CODIS Agency is responsible for ensuring each Booking Agency participating in the State's Rapid DNA Program is audited annually in accordance with the FBI's *Standards for the Operation of Rapid DNA Booking Systems by Law Enforcement Booking Agencies*.

The State CODIS Agency's Rapid DNA Program shall undergo inspection by the FBI within the first year of operation under an ATO, and a minimum of once every three years thereafter.

## **5 Rapid DNA Booking Systems**

### **5.1 Approval of Rapid DNA Booking Systems**

A State CODIS Agency that will be submitting a request for approval for a Rapid DNA Booking System shall contact the NDIS Custodian early in the validation process for that System. Developmental validation shall be conducted on all Rapid DNA Booking Systems where either the Rapid DNA instruments, PCR STR typing kits/Rapid DNA cartridges and/or Expert Systems were not previously approved for use at NDIS. Generally, if the Expert System and PCR STR typing kit/Rapid DNA cartridge have not been previously approved for use at NDIS, the validation of such a Rapid DNA Booking System shall include the criteria for validation/approval of an Expert System as described in Section 4.5 of the NDIS Operational Procedures Manual and for validation/approval of a PCR STR typing kit as described in Appendix F of the NDIS Operational Procedures Manual.

A State CODIS Agency shall submit a written request for the approval of a Rapid DNA Booking System to the NDIS Custodian. Requests for approval of a Rapid DNA Booking System shall be reviewed and evaluated by a panel designated by the FBI who shall consider criteria contained in Section 5.2 and Appendix B, to the extent practicable and appropriate. The NDIS Custodian may request additional information and documentation, as necessary, to ensure a thorough review and evaluation.

### **5.2 Process for Previously Approved Rapid DNA System for Use in an Accredited Laboratory Setting**

Manufacturers of a previously approved Rapid DNA System for use in an accredited laboratory and seeking approval of that System as a Rapid DNA Booking System shall contact the NDIS Custodian.

Manufacturers should review the criteria in Appendix B for the general requirements of a Rapid DNA Booking System.

### **5.3 NDIS Approved Rapid DNA Booking Systems**

Rapid DNA Booking Systems approved for use at NDIS on Arrestee cheek swabs by Booking Agencies are posted on the FBI's web site at <https://www.fbi.gov/services/laboratory/biometric-analysis/codis/rapid-dna>. Once a Rapid DNA Booking System has been approved for use at NDIS, there shall be no

changes or modifications to the following: (1) Rapid DNA instrument; (2) the chemistries and/or concentrations of the PCR STR typing kit/Rapid DNA cartridge; (3) the settings of the Expert System; or (4) any other software parameters. A manufacturer seeking to change any component of an NDIS approved Rapid DNA Booking System shall contact the NDIS Custodian to discuss the changes and the documentation needed to submit such request to the NDIS Custodian for approval.

#### **5.4 Authorized Use of NDIS Approved Rapid DNA Booking Systems**

Booking Agencies shall use only an NDIS approved Rapid DNA Booking System(s) to perform Rapid DNA analysis on qualifying Arrestee cheek swabs.

For purposes of uploading and/or searching CODIS, Rapid DNA Booking Systems are **not** authorized for use on crime scene samples and any resulting DNA records generated from the use of an NDIS approved Rapid DNA Booking System with crime scene samples are **not** eligible for upload to, and/or search at, any level of CODIS.

## Appendix A

### Terms and Definitions

**Arrestee** is an individual who is subject to arrest, either with or without a warrant, and required, by an applicable State or Federal law, to provide a DNA sample for law enforcement identification and databasing purposes.

**Arrestee DNA sample collection law** is a Federal or State law that authorizes the collection of a DNA sample from a person arrested for a specific offense at the time of arrest and, for which there are no additional requirements (i.e., determination of probable cause) for the analysis of that Arrestee DNA sample.

**Criminal Justice Information Services (CJIS) Security Policy** contains the minimum security requirements for safeguarding criminal justice information; compliance with which is required by criminal justice agencies seeking to access the Federal Bureau of Investigation's systems and information. Available at <https://www.fbi.gov/services/cjis/cjis-security-policy-resource-center>.

**Investigating Agency** is the law enforcement agency investigating a criminal offense for which a forensic unknown DNA profile was developed and submitted to the DNA Index of Special Concern.

**Qualifying Arrest Offense** is the offense for which the DNA sample is being collected at the time of arrest in accordance with applicable Federal or State law.

## Appendix B

### General Requirements for a Rapid DNA Booking System

A Rapid DNA Booking System has additional requirements to meet the *Standards for the Operation of Rapid DNA Booking Systems by Law Enforcement Booking Agencies (Standards)*. For Rapid DNA Booking Systems that are not based on a previously NDIS approved Rapid DNA System for use in an accredited laboratory, please refer to Section 5.1 of these Procedures for additional guidance.

For Rapid DNA Booking System approval, manufacturers shall provide detailed documentation of the following:

1. User manuals and any other documentation provided to the booking agency
2. Simplified naming convention of the Rapid DNA Booking System being submitted for approval
3. Mechanism for preventing the run of non-NDIS approved Rapid DNA cartridges (Standard 3.1)
4. Mechanism for ensuring Rapid DNA cartridges and reagents are not used beyond their manufacturer specified expiration dates (Standard 3.4.1)
5. Mechanism for documenting the lot numbers, to include the expiration date, of the Rapid DNA cartridge and other reagents used for each Rapid DNA Booking System run, and if the documentation is generated by the Rapid DNA Booking System or by the Booking Agency (Standard 3.4.2)
6. Mechanism for evaluating positive and negative controls, to include the loci and pass criteria for performance checks (Standard 3.5)
7. Mechanism for documenting performance checks conducted on a Rapid DNA Booking System and if the documentation is generated by the Rapid DNA Booking System or by the Booking Agency (Standard 3.6)
8. Mechanism for creating and documenting Operator user accounts with different access rights on the Rapid DNA Booking System, and if the documentation is generated by the Rapid DNA Booking System or by the Booking Agency (Standard 4)
9. Mechanism for safeguarding the confidentiality of the DNA data in accordance with Federal and State laws, and if the mechanism is automatically performed by the Rapid DNA Booking System or is the responsibility of the Booking Agency (Standard 5.1)
10. Mechanism for requiring advanced authentication to log into a Rapid DNA Booking System (Standard 5.1.2)
11. Mechanism for ensuring secure data transmission to/from the Rapid DNA Booking System (Standard 5.2)
12. Mechanism for ensuring the deletion of DNA data at regular intervals so that data is not used or stored in an unauthorized manner, and if the mechanism is automatically performed by the Rapid DNA Booking System or is the responsibility of the Booking Agency (Standard 5.3)
13. Confirmation of which loci are evaluated by the Rapid DNA Booking System and which loci are included in the Rapid CMF message

The FBI reserves the right to request additional information and documentation, as necessary, to conduct a thorough review and evaluation.