

Key Considerations for a Multidisciplinary Team Approach to Creating a Lawfully Owed DNA Census

What is Lawfully Owed DNA?

In recent years, many jurisdictions around the country have begun to identify gaps in the process of collecting DNA from individuals with qualifying offenses for subsequent DNA profile upload into the Combined DNA Index System (CODIS). There are a variety of reasons for how these gaps in DNA sample collection may occur. The collection of lawfully owed DNA (LODNA) samples has been missed at various points within the criminal justice process, and these missed opportunities result in fewer DNA profiles in CODIS, leading to fewer hits to sexual assault kits, including cold case sexual assaults being addressed in the Bureau of Justice Assistance's (BJA's) National Sexual Assault Kit Initiative (SAKI) program (see [Collecting Lawfully Owed DNA](#)). Identifying individuals who lawfully owe DNA through a creation of a census is the first step to effectively supporting the successful application of CODIS to resolve cases and is a critical part of the comprehensive approach to addressing sexual assault response reform. While the testing of previously unsubmitted sexual assault kits is also an essential component, the importance of populating CODIS with DNA samples from individuals with qualifying arrests and convictions cannot be underestimated. Without a comprehensive DNA database containing legally required samples from as many individuals as possible, fewer investigative leads in the form of CODIS hits will be obtained from testing sexual assault kits. Addressing LODNA collection gaps has led to the resolution of unsolved violent crimes around the country.¹

Importance of a Multidisciplinary Team

A multidisciplinary team (MDT) approach offers a coordinated and systematic response to LODNA by incorporating ideas and input from professionals with different but relevant backgrounds. An MDT is a working group that meets regularly, has members from several

relevant disciplines, and is empowered to create improved strategies and implement policy. See [A Multidisciplinary Approach to Cold Case Sexual Assault: Guidance for Establishing an MDT or a SART](#) for additional information regarding the importance and establishment of an MDT model.

One primary goal of a LODNA MDT is to create a census of individuals who lawfully owe a DNA sample within a jurisdiction, as well as identify and address contributing factors that lead to the accumulation of high numbers of LODNA samples from qualifying individuals. The MDT should identify systemic, organizational, and individual factors contributing to circumstances that result in a failure to collect LODNA and propose solutions to these factors. Addressing the root causes associated with such missed opportunities assists with increasing public safety and preventing future recurrence.² Once the census is created, the LODNA MDT will work together to address the goals and objectives of closing the gaps with LODNA collection polices. See call-out box **Example MDT Members** for recommended representation in the LODNA MDT.

Collaboration

The LODNA MDT should work collaboratively to identify the best sources of data for a comprehensive census (see *Key Considerations for Creating a Lawfully Owed DNA Census*). Team members should identify ways to uniquely contribute to the creation of the census based on resources available from their respective agencies. The LODNA MDT should strategize where to look for LODNA data, the best approach for obtaining LODNA data, and how best to organize and track the census data once obtained. See *Key Considerations and Strategies to Collecting Lawfully Owed DNA* for specific information related to the collection phase of addressing LODNA.

¹ Wade, L. (2013). Cold hit. *Investigative Review*, 5(2), 6–7. https://www.lindseywade.org/files/ugd/c02435_8c66bcac4aa345a6b0a9a18ea4f30bed.pdf

² Bureau of Justice Assistance (2022). *National Sexual Assault Kit Initiative (SAKI): Overview*. Office of Justice Programs, U.S. Department of Justice. <https://bjao.gov/program/saki/overview>

Example MDT Members

Under the SAKI model, the individuals listed below are strongly encouraged to be a part of the LODNA MDT:

- ◆ **DNA Collection Coordinator (Required):** This person will manage all aspects of the LODNA project, including accessing criminal records and other law enforcement records, coordinating with investigators to prioritize LODNA collections, monitoring DNA testing and CODIS upload, monitoring law enforcement agencies' adherence to protocols related to victim notification, tracking the status of CODIS hits and resulting investigations and prosecutions, and reporting performance measures to BJA. It is recommended that someone other than the SAKI Site Coordinator is designated as the DNA Collection Coordinator.³
- ◆ **Legal Advisor:** This person should have a solid understanding of the DNA collection laws in your state.
- ◆ **State Information Technology (IT) Personnel:** This person should be familiar with state databases and criminal identification programs and can help manage the data.
- ◆ **State CODIS Representative:** This person can confirm which individuals from the census already have samples in the State DNA database and may be able to assist with identifying individuals who lawfully owe DNA.
- ◆ **Investigator:** This person should have Criminal Justice Information Services access and can assist with the collection of criminal history data.
- ◆ **Internal IT Personnel:** This person can help build/modify a database or system to manage and track census and collection information.
- ◆ **Sex Offense Registry Representative:** This person can query the database for registered individuals who owe a DNA sample.
- ◆ **Department of Corrections Representative:** This person can assist with census data compilation efforts
- ◆ **Clerk of the Court:** This person may be able to assist if there is a question on a conviction or a need for a certified judgment of conviction.
- ◆ **Intelligence Center/Fusion Center Analyst or Internal Crime Analyst:** This person may be able to gather information on identified individuals as requested. This person may also work with internal IT personnel to organize and manage the project data. If an analyst is not available, another designated team member with access to internal databases, law enforcement databases, or public records/open-source search tools may be able to assist with this.

Conclusion

Under the BJA National SAKI model, the MDT is a critical component of ensuring a comprehensive approach to addressing the systemic inadequacies that result in failure to effectively identify and collect LODNA. Through this MDT approach, root causes can be identified, and impactful sustainable solutions can be implemented.

³ Bureau of Justice Assistance (2022). *National Sexual Assault Kit Initiative (SAKI): Overview*. Office of Justice Programs, U.S. Department of Justice. <https://bja.ojp.gov/program/saki/overview>

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