



DEPARTMENT OF THE NAVY
BUREAU OF NAVAL PERSONNEL
5720 INTEGRITY DRIVE
MILLINGTON, TN 38055-0000

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BUPERSNOTE 1640
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BUPERS NOTICE 1640

From: Chief of Naval Personnel

Subj: DEOXYRIBONUCLEIC ACID COLLECTION REQUIREMENTS FOR
CRIMINAL INVESTIGATIONS

Ref: (a) DoD Instruction 5505.14 of 27 May 10
(b) OPNAVINST 5800.9
(c) Manual for Courts-Martial, United States, 2008

Encl: (1) Privacy Act Statement for DNA Sampling

1. Purpose. To establish Deoxyribonucleic Acid (DNA) sample collection requirements per reference (a) within the Navy shore corrections system. Hereafter, the term "shore brig" refers to both pretrial and post-trial military correctional facilities (MCF).

2. Applicability. This notice is applicable only to Navy shore brigs.

3. Background

a. Reference (a) establishes policy, assigns responsibilities, and provides instructions for DNA collection requirements for criminal investigations per authority in DoD Directive 5106.01 and guidance in 10 U.S.C., section 1565; title 28, Code of Federal Regulations, section 28.12(b); and 42 U.S.C., sections 14132, 14135, and 14135a.

b. Reference (a) significantly expands DNA sample collection requirements beyond those contained within reference (b) by implementing procedures similar for taking fingerprints from members by law enforcement and investigative authorities.

c. This notice implements reference (a) within the Navy shore corrections system on an interim basis until higher policy (Secretary of the Navy/Chief of Naval Operations) is published.

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4. Policy

a. Shore brig commanding officers (COs), officers in charge (OICs), and chief petty officers in charge (CPOICs) shall collect DNA samples, regardless of Service affiliation, as soon as possible under the following conditions:

(1) A member is ordered into pretrial confinement by a competent military authority after the completion of the commander's 72-hour memorandum required by reference (c), RCM 305(h)(2)(C), if a DNA sample has not already been submitted by appropriate approving authorities as identified within reference (a).

(2) A member is confined to a MCF as a result of ANY general or special court-martial conviction if a DNA sample has not already been submitted by appropriate approving authorities as identified within reference (a).

b. Collection of DNA samples from civilians, pursuant to reference (a), enclosure (3), paragraph 6, shall be by law enforcement/investigative officials.

5. Procedures

a. The mouth swab DNA sample collection kit provided by the U.S. Army Criminal Investigation Laboratory (USACIL) shall be used for collecting DNA samples.

b. All brig staff collecting samples must be trained in collection procedures prior to using the DNA collection kit. The DNA sample collection kit training program is available on the USACIL Web portal at:

<https://usacil.forscom.army.mil/CODIS/default.aspx>. The training program is also available on CD and may be obtained upon request to codislab@conus.army.mil with the subject "Request Training Program CD."

c. USACIL DNA collection kits may be requested from USACIL through its Combined DNA Index System (CODIS) branch at Comm: (404) 469-7258/DSN 797, or codislab@conus.army.mil.

d. Navy shore brig COs/OICs/CPOICs shall collect and expeditiously forward DNA samples from all qualifying members unless determined that a DNA sample has already been submitted

by appropriate approving authorities. If unclear as to whether a previous DNA sample has been collected and submitted, verification shall be first obtained from USACIL prior to collection. If a member from whom a sample is authorized to be taken is to be released from confinement before USACIL verification is received, collection of a sample is authorized and shall be held in storage awaiting verification by USACIL. Navy Personnel Command, Office of Corrections and Programs (PERS-00D), shall coordinate with USACIL to implement a verification process and inform Navy shore briggs thereof under separate letter or e-mail.

e. USACIL mailing address for DNA kit forwarding and point of contact information follow:

U.S. Army Criminal Investigation Laboratory (USACIL)
Attn: CODIS Lab
4930 N 31st Street
Forest Park, GA 30297-5122
(404) 469-7023/7258/DSN 797
Codislab@conus.army.mil

f. When preparing the USACIL DNA collection kit for submission:

(1) The member's full social security number (SSN) will be written on the sample card contained within the collection device as well as on the data card. In addition, the member's right index print shall be placed on the data card. Failure to include the SSN and fingerprint as instructed may cause the sample to be rejected. Upon collection of the DNA sample, enclosure (1) along with the notice of the general rights for requesting expungement (included in/with the USACIL kit) shall be provided to the member. A completed copy of enclosure (1) shall be uploaded into the prisoner's record of the Corrections Information Management System (CORMIS) to document this transaction.

(2) An administrative entry using NAVPERS 1070/613, Administrative Remarks, shall document the collection and read as follows: "DNA sample taken this date pursuant to DoD Instruction 5505.14 and forwarded to U.S. Army Criminal Investigation Laboratory (UCACIL) on (date)." Applicable DNA sample information shall be entered into the prisoner's record of the CORMIS to document the transaction.

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g. Reference (a) provides additional guidance to have DNA records expunged for Service members from whom samples are taken and forwarded to USACIL, but who are not convicted of any offense by general or special courts-martial. These expungement procedures are also applicable to members who have a conviction completely overturned or reversed upon appellate review.

6. Effective Date. Collection of DNA samples per this notice is effective immediately, though recognizes reference (a) authorization precedes this publication date.

7. Records Management. Records created as a result of this instruction, regardless of media and format, shall be managed per Secretary of the Navy Manual 5210.1 of September 2009.

8. Form. NAVPERS 1070/613 (Rev. 07-06) Administrative Remarks, is available at <https://navalforms.daps.dla.mil>.

9. Cancellation Contingency. This notice will remain in effect until publication of a related BUPERS instruction or for 1 year, whichever occurs first. This notice may be retained for reference purposes only.



D. P. QUINN
Rear Admiral, U.S. Navy
Deputy Chief of Naval Personnel

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PRIVACY ACT STATEMENT FOR DNA SAMPLING

This statement is provided in compliance with the provisions of the Privacy Act of 1974, 5 U.S.C. § 552a, which requires that Federal agencies inform individuals who are requested to furnish personal information about themselves as to certain facts regarding the information requested.

The collection of a sample of an individual's deoxyribonucleic acid (DNA) by the U.S. Department of Defense is authorized by and conducted pursuant to 10 U.S.C. § 1565; 42 U.S.C. § 14135a et seq.; and 28 C.F.R. § 28.12. Collection is authorized for all offenses investigated pursuant to 42 U.S.C. § 14135a(a)(1)(A) and for all qualifying military offenses, as defined in 10 U.S.C. § 1565(d), including offenses which constitute a felony under the United States Code and offenses for which a sentence of confinement for more than one year may be imposed under the Uniform Code of Military Justice.

The purpose of the Department of Defense's collection of a sample of an individual's DNA is to allow for positive identification and to provide or generate evidence to solve crimes through database searches of potentially matching samples.

It is mandatory that United States persons who are arrested, facing charges, or convicted and non-United States persons who are detained by the Department of Defense or Coast Guard in non-combat or operational activities, cooperate in the collection of a sample of his or her DNA. Failure to do so may result in samples taken by the minimum force necessary and / or in disciplinary action for a violation of Article 92, Uniform Code of Military Justice, or a determination that the individual is guilty of a class A misdemeanor and punishment in accordance with title 18 (Crimes and Criminal Procedure), United States Code.

Analysis conducted on DNA samples collected by the Department of Defense will be forwarded by the U.S. Army Criminal Investigation Laboratory (USACIL) to the Federal Bureau of Investigation for entry into the Combined DNA Index System (CODIS).

Pursuant to 42 U.S.C. § 14132(d) and 10 U.S.C. § 1565(e), an individual whose DNA is collected and analyzed in the above manner may request that his or her DNA analysis be expunged from USACIL records and CODIS if the individual is (i) not convicted of an offense in a federal court, or in the case of a current or former service member, not convicted of an offense by general or special courts-martial (including action generally inconsistent with such a conviction, such as administration of non-judicial punishment, administrative separation, or referral to a summary court), and (ii) meets certain conditions set forth in DoD Instruction 5505.14, "Deoxyribonucleic Acid (DNA) Collection Requirements for Criminal Investigations."

Prisoner's Signature and Date

Staff Signature and Date

Enclosure (1)