

**United States Senate**  
WASHINGTON, DC 20510

November 1, 2023

**VIA ELECTRONIC TRANSMISSION**

The Honorable Alejandro Mayorkas  
Secretary  
Department of Homeland Security

Mr. Troy A. Miller  
Senior Official Performing the Duties of the Commissioner  
Customs and Border Protection

Dear Secretary Mayorkas and Mr. Miller:

On November 20, 2018, I wrote a letter to the Department of Homeland Security (DHS) with respect to the Department's failure to collect DNA as required by the DNA Fingerprint Act of 2005.<sup>1</sup> In that letter, I noted that DNA analysis allows law enforcement officials to better identify subjects and victims of crimes using unique identifiers without disclosing an individual's personal traits. Notably, in March 2020, the Justice Department removed an exemption that, as described in a May 24, 2023, U.S. Government Accountability Office (GAO) report, "had allowed DHS to not collect DNA samples from certain noncitizens for whom such collection is not feasible due to operational exigencies or resource limitations."<sup>2</sup> According to legally protected whistleblower disclosures relating to the U.S. Customs and Border Protection's (CBP) DNA collection practices, it is not collecting DNA from all illegal immigrants apprehended at the border. This demands immediate explanation.

These whistleblower disclosures are substantiated in the aforementioned GAO report titled, *DNA Collections: CBP is Collecting Samples from Individuals in Custody, But Needs Better Data for Program Oversight*.<sup>3</sup> According to the report, "[i]n fiscal year 2022, of the nearly 1.7 million individuals encountered by [Office of Field Operations]<sup>4</sup> and Border Patrol under their immigration enforcement authority, the agencies collected DNA samples from about

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<sup>1</sup> Letter from Sen. Charles E. Grassley, Chairman, Judiciary Committee to the Honorable Kirstjen Nielsen, Secretary, Department of Homeland Security (Nov. 20, 2018).

<sup>2</sup> On March 9, 2020, the Department of Justice (DOJ) finalized a rule that removed 28 CFR 28.12(b)(4), which authorized the Secretary of DHS to exempt certain detained aliens from the DNA-sample collection requirement. The Federal Register states, "As a result, the rule restores the Attorney General's plenary authority to authorize and direct all relevant Federal agencies, including the Department of Homeland Security, to collect DNA samples from such individuals." DNA – Sample Collection From Immigration Detainees, 85 Fed. Reg. 13,483-13,484 (Mar. 9, 2020) (codified at 28 C.F.R. pt. 28), <https://www.govinfo.gov/content/pkg/FR-2020-03-09/pdf/2020-04256.pdf>.

<sup>3</sup> U.S. Gov't Accountability Office, GAO-23-106252 *DNA Collections: CBP is Collecting Samples from Individuals in Custody, but Needs Better Data for Program Oversight* (May 24, 2023) at 10, <https://www.gao.gov/assets/gao-23-106252.pdf>.

<sup>4</sup> Office of Field Operations (OFO) is the largest component in CBP and is responsible for border security—including anti-terrorism, immigration, anti-smuggling, trade compliance, and agriculture protection—while simultaneously facilitating the lawful trade and travel at 328 U.S. ports of entry that is critical to our nation's economy.

634,000 of these individuals or 37 percent.”<sup>5</sup> After collection, the DNA is sent to the [Federal Bureau of Investigation] DNA Database Unit (FDDU) to produce a DNA profile for each individual and uploaded into the National DNA Index System (NDIS). The NDIS is part of the Combined DNA Index System (CODIS), which contains DNA samples from crime scenes.

According to CBP’s statistics, in FY20 and FY21, it also performed a low percentage of DNA sampling on illegal immigrants apprehended at the border:

Fiscal Year	Nationwide Encounters <sup>6,7</sup>	DNA Samples FBI Received <sup>8</sup>	% FBI Received
FY20	440,039	5,000	1.14%
FY21	885,444	320,000	36.14%
FY22	1,662,616	601,000	36.15%

With respect to the DNA analysis for FY20, FY21, and FY22, the GAO report notes that “...CBP’s DNA samples have led to 227 confirmed hits in CODIS...”<sup>9</sup> If just FY22 data is extrapolated to all encounters being subject to DNA sampling, the number of CODIS hits would increase by 288, from 163 to 451.<sup>10</sup>

Further, my office has received FBI DNA Database Unit (FDDU) quarterly reports from FY17 through FY19 that show examples of crimes illegal immigrants have been connected to via DNA matches in CODIS, including unsolved cases.<sup>11</sup> The types of criminal conduct illegal immigrants have been connected to include:

- Fraud
- Sexual assaults (to include sexual assault of minors)
- Homicides
- Burglaries
- Assault on federal officers

Clearly, collecting even minimal DNA samples of illegal immigrants has resulted in further investigative leads and potentially solving cold case crimes against American citizens. CBP’s low percentage of DNA collection on illegal immigrants will undermine the

<sup>5</sup> GAO-23-106252, *supra* note 3.

<sup>6</sup> U.S. CUSTOMS AND BORDER PROTECTION, *Nationwide Encounters*, NEWSROOM, (last modified Sept. 22, 2023) <https://www.cbp.gov/newsroom/stats/nationwide-encounters>.

<sup>7</sup> According to the GAO report, CBP officials explained that only individuals subject to CBP’s immigration enforcement authority may have their DNA collected and CBP did not collect DNA from individuals it expelled from the country under Title 42 public health authority, which expired on May 11, 2023. GAO-23-106252, *supra* note 3.

<sup>8</sup> The GAO report states that the FBI received approximately the following number of DNA samples from CBP by fiscal year (FY): 5,000 in FY20, 320,000 in FY21 and 601,000 in FY22. According to GAO, the number of samples FBI data show as received from CBP may differ from the numbers of samples CBP collected for various reasons including timing of when FBI records the samples as received, in addition to time required for the FBI lab to process the samples and upload data into CODIS. FBI maintains data on the number of samples that have been rejected or are pending rejection. Reasons for rejection include a broken or missing seal on the kit package, an undecipherable name on the DNA sample, or a mismatched barcode between the DNA sample and the collection device form in the kit, among other reasons. As of January 2023, FBI data showed that of the samples they received from CBP, 3.5 percent of samples in fiscal year 2020, 2.7 percent in 2021, and 3.5 percent in 2022 were rejected or pending rejection. *Id.*

<sup>9</sup> CBP’s DNA samples led to five confirmed hits in CODIS during fiscal year 2020, 59 in fiscal year 2021, and 163 in fiscal year 2022. *Id.*

<sup>10</sup> Extrapolated numbers based on GAO data for FY 21 & FY22 are 163 hits in FY21 and 451 hits in FY22. *Id.*

<sup>11</sup> Documents on file with committee staff. FY18 Q1 and FY19 Q4 reports are not included due to availability. *Id.*

service of justice and allow criminals to enter the United States to commit more crimes and threatens the safety of Americans. So that Congress may conduct objective and independent oversight concerning DHS and CBP's lack of DNA collection and submittal to the FBI, please provide answers to the following no later than November 15, 2023.

1. Why isn't CBP collecting DNA samples from all illegal immigrants? Please explain CBP's policy and provide all records.
2. Why didn't CBP collect DNA from illegal immigrants when Title 42 was in force from FY20-FY22? Provide all records.
3. Provide the number of illegal immigrants that CBP collected DNA samples from in FY23. Of that number, (a) how many were submitted to the FBI and (b) how many resulted in CODIS hits for potential criminal activity? Provide all records including a list of potential crimes.
4. Please provide the status of the two CBP recommendations given by GAO report, GAO-23-106252.<sup>12</sup> If not fully implemented, please provide a proposed timeline as to when these recommendations will be implemented.

If you have any questions, please contact Julian Wilson of my committee staff at (202) 224-0642.

Sincerely,



Charles E. Grassley  
Ranking Member  
Committee on the Budget

Enclosures: FBI DNA Database Unit quarterly reports

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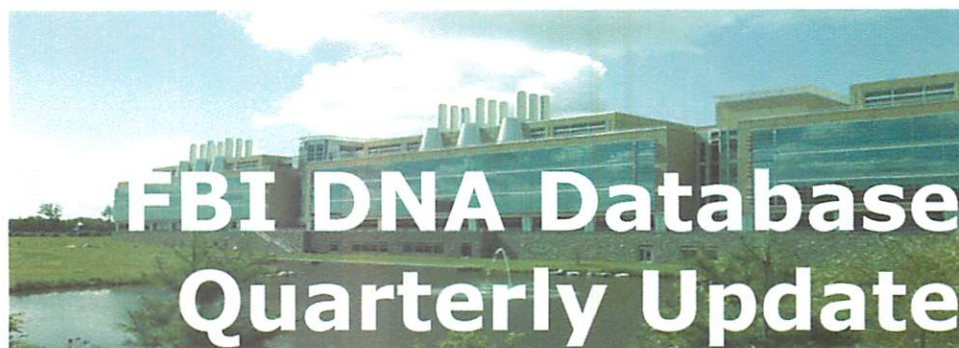
<sup>12</sup> (1) The Executive Assistant Commissioner of OFO should develop and implement a mechanism to systematically collect data on the reasons why officers are not collecting DNA from individuals arrested on federal criminal charges or certain noncitizens detained for immigration violations. (2) The Chief of the Border Patrol should develop and implement a mechanism to systematically collect data on the reasons why agents are not collecting DNA from individuals arrested on federal criminal charges or certain noncitizens detained for immigration violations. *Id.*





FY2017

Quarter 1



The FBI Laboratory's Federal DNA Database Unit provides quarterly CODIS success stories to DHS in order to emphasize the importance of timely DNA collection for the law enforcement community and highlight the impact it has on solving and deterring future crimes. The individuals discussed below represent a selection of CODIS hits in which the subject is a non-US citizen that was apprehended, had a DNA sample collected, and a subsequent hit occurred within the National DNA Database.

DHS Sample Submission Statistics	
Submitting Agency: CBP	13
Submitting Agency: USCG	5
Submitting Agency: ICE	970
Submitting Agency: DHS	56
Submitting Agency: USSS	99
<b>Total DHS Submissions</b>	<b>1,143</b>
<b>Total Upload to CODIS</b>	<b>915</b>

#### FDDU CODIS Hits Quick Facts

- FDDU issued **197** Hit Confirmation letters.
- **43** of these hits were to **non-US citizens**
- **28** of the **non-US** citizens had their DNA sample collected pursuant to an immigration violation
- **23** of the **non-US** citizen DNA profiles hit to a casework offense of sexual assault

### ATM Fraud

In December of 2015, ICE Miami arrested a subject with Romanian citizenship for illegal entry. The subject had a DNA sample collected while awaiting possible deportation at FDC Miami. This sample was sent to the FDDU where it was processed and the resulting profile was uploaded to CODIS in January 2016. **This DNA profile immediately hit to 4 separate fraud and ATM skimming cases spread across 4 states between June 2014 and April 2015.** The subject had installed skimming devices that would fit over ATM card slots and record encoded data while a pin hole camera captured PIN numbers from the unsuspecting customers. FDDU provided the subjects name and last known whereabouts to

agencies in South Carolina, Texas, Kansas and Maryland. On 07/22/2016, the subject pled guilty to conspiracy to defraud a financial institution and was sentenced to 70 months in prison followed by 3 years of supervised release and ordered to pay restitution in the amount of \$905,901.00. The subject had previously been convicted and imprisoned for four years in Ireland for similar charges.



Romanian National, Sorin Condache

### Houston Assault

On 7/1/2016, CBP Laredo arrested a subject for felony a charge of Alien Smuggling. The subject was subsequently convicted and sentenced to 90 days in a BOP facility. While the subject was incarcerated, a DNA sample was collected by FDC Houston and sent to the FDDU. This sample was processed and the resulting DNA profile was uploaded to CODIS on 9/20/2016. Two days later, on 9/22/2016, the subject's DNA profile hit to a forensic profile associated with an **unsolved 2014 sexual assault of a child**, out of Houston, TX. FDDU issued the name and last known whereabouts of the subject to the casework laboratory on 10/7/2016.

### ICE DNA Collection Hits to 2011 Sexual Assault

In October 2016, ICE Buffalo arrested a subject from Honduras for Illegal Entry and collected a DNA sample. This DNA sample was sent to the FDDU where it was processed and a DNA profile was developed. This DNA profile was

uploaded to CODIS on 11/2/2016. The next day, there was a hit in the DNA database to a unsolved sexual assault out of Missouri from 2011. The subject had prior Illegal Entry offenses from 2009, 2011 and 2014. FDDU

issued the subject's name and personal information to the casework laboratory who relayed it to investigators. **Prior to the DNA hit, there had been no leads in this 5 year old sexual assault case.** A court date is set for May 2017.

#### FDDU Quarterly Sample Submission Statistics FY17 Q1

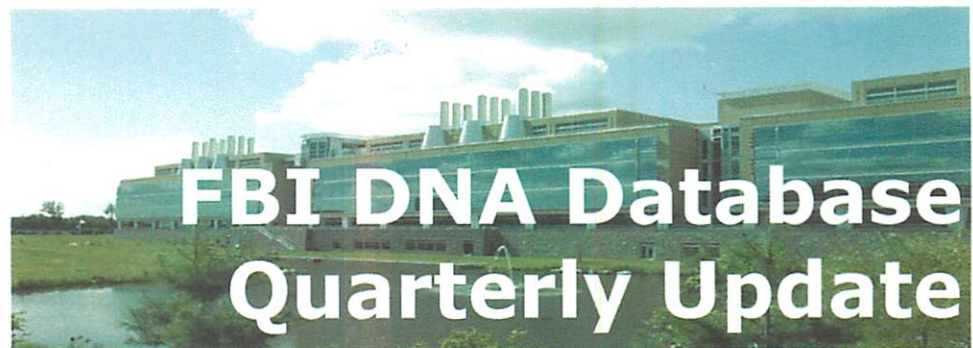
Total Samples Submitted to FDDU	22,060
Total Samples Uploaded to CODIS	13,523
Average TAT for Sample Processing	13 days





FY2017

Quarter 2



The FBI Laboratory's Federal DNA Database Unit provides quarterly CODIS success stories to DHS in order to emphasize the importance of timely DNA collection for the law enforcement community and highlight the impact it has on solving and deterring future crimes. The individuals discussed below represent a selection of CODIS hits in which the offender is a non-US citizen that was apprehended, had a DNA sample collected, and a subsequent hit occurred within the National DNA Database.

## Providence Homicide

In August of 2004 a home invasion in Providence, RI resulted in a homicide. A swabbing of blood from a stairwell was processed and the resulting DNA profile was uploaded to CODIS. There were no leads until 2/14/2017 when DEA New Bedford arrested a subject for selling heroine and cocaine. The subject's DNA sample was sent to FDDU and the DNA profile was uploaded to CODIS on 3/15/2017. The next day the subject's profile hit to the unsolved 2004 homicide. The subject had previously been arrested by ICE Boston in 2012 and was deported. On 3/31/2017 FDDU provided the subject's name to the casework laboratory.

## Smuggler Suspected in Homicide

In November of 2010 ICE Sells, AZ arrested a subject for bulk cash smuggling. The subject was sentenced to 24 months in prison. While serving time in the Federal Correctional Center in Tucson, his DNA sample was collected and sent to FDDU for processing. This DNA profile was uploaded to CODIS on 11/2/2012. The subject was released from prison in 2014. On 10/26/2016, a man was gunned down in a drive by shooting in Wichita, KS. Evidence from the crime included a handgun, a set of keys and an inhaler. The casework laboratory was able to develop a DNA profile from the inhaler and this unknown profile was uploaded

to CODIS. On 2/27/2017 the DNA profile from the subject arrested for bulk cash smuggling hit to the DNA profile from the inhaler found at the shooting scene. FDDU issued the subject's name to casework laboratory as an investigative lead on 3/7/2017. The name that was released, confirmed one of the two suspects that law enforcement had already been investigating, however it was believed that the subject had recently fled the country. Law enforcement is hopeful the warrant they were able to obtain for the subject's arrest, because of the CODIS hit, will assist in returning the subject back to the United States to stand trial.

DHS Sample Submission Statistics	
Submitting Agency: CBP	9
Submitting Agency:	1
Submitting Agency: ICE	1,001
Submitting Agency: DHS	33
Submitting Agency: USSS	132
Total DHS Submissions	1,176
Total Upload to CODIS	956

## FDDU Hit Q2 Hit Quick Facts

- FDDU issued **198** Hit Confirmation letters.
- 33** of these hits were to **non-US citizens**
- 22** of these **non-US** citizens had been collected pursuant to an immigration violation
- 14** of these **non-US** citizen DNA profiles hit to a casework offense of sexual assault

## Night Club Shooting

On New Years Day, 2009, a shooting occurred outside of a night club in Denver, CO, which resulted in the death of a security guard. Evidence from the scene was processed and a resulting unknown DNA profile was uploaded to CODIS. On 2/5/2017, after being arrested by CBP Laredo for illegal entry, a subject was con-

victed and sentenced to 45 days in federal prison. During that incarceration the subject's DNA sample was collected and sent to FDDU. This sample was processed and uploaded to CODIS on 2/28/2017. On 3/2/2017, this subjects profile hit to the unknown profile developed from the 2009 homicide in Denver, CO.

This individual had been arrested several times before his incarceration to include an arrest by ICE Denver just 4 days after the homicide and a 2014 arrest by CBP, Grand Forks. On 4/5/2017, FDDU issued the subject's name to the casework laboratory as an investigative lead.

## FDDU Quarterly Sample Submission Statistics FY17 Q2

Total Samples Submitted to FDDU	22,677
Total Samples Uploaded to CODIS	15,172
Average TAT for Sample Processing	11 days



FY2017

Quarter 3



The FBI Laboratory's Federal DNA Database Unit (FDDU) provides quarterly CODIS success stories to DHS in order to emphasize the importance of timely DNA collection for the law enforcement community and highlight the impact it has on solving and deterring future crimes. The individuals discussed below represent a selection of CODIS hits in which the offender is a non-US citizen that was apprehended, had a DNA sample collected, and a subsequent hit occurred within the National DNA Database.

### DHS Sample Submission Statistics

Submitting Agency: CBP	23
Submitting Agency: USCG	0
Submitting Agency: ICE	1,638
Submitting Agency: DHS	37
Submitting Agency: USSS	186
<b>Total DHS Submissions</b>	<b>1,884</b>
<b>Total Upload to CODIS</b>	<b>1,445</b>

### Houston sex assault

In March of 2017, a Federal Transfer Center in Oklahoma, OK collected a DNA sample from a subject pursuant to an illegal re-entry conviction. The subject's DNA sample was sent to the FBI Laboratory for processing. The resulting DNA profile was uploaded to CODIS on April 27, 2017 and four days later there was a match in the database to an unsolved 2008, sexual assault. The subject had multiple previous interactions with law enforcement to include a two 2013 arrests, one by ICE and one by CBP and three 2014 interactions with CBP. DNA was not collected during these interactions. The FBI was able to issue the subjects' information as an investigative lead in May, 2017.

### ICE ERO helps to shift homicide investigation

In March of 2017, ICE ERO Phoenix collected a DNA sample from a subject arrested for illegal entry. The subject had been apprehended and deported in the past for attempting to illegally enter the U.S, but had managed to stay off U.S. law enforcements' radar since 1999. The sample collected by ICE ERO was sent to the FBI Laboratory's Federal DNA Database Unit where it was processed and the resulting DNA profile was uploaded to CODIS. On April 17, 2017, the subject's DNA profile matched to a DNA profile developed from evidence associated with a 1996 unsolved homicide out of Los Angeles, CA. The homicide occurred on January 12, 1996 when a robbery

turned deadly after an assailant shot two victims at the scene. One of the victims managed to survive the attack and provided information to the police. During the course of the original investigation, police had developed a suspect in the case, however, no charges were ever filed. Nineteen years later, FDDU was able to provide the name of the subject to the caseworking laboratory one week after the database match. This information was passed on to the LAPD and law enforcement is currently pursuing this lead because the subject associated with the DNA match turned out to not be the same suspect that had been developed during the original 1996 investigation.

### FDDU Hit Q3 Hit Quick Facts

- FDDU issued **182** Hit Confirmation letters.
- **28** of these hits were to **non-US citizens**
- **23** of these **non-US** citizens had been collected pursuant to an immigration violation
- **19** of these **non-US** citizen DNA profiles hit to a casework offense of sexual assault

### Denver homicide

In February of 2017, the Federal Detention Center in Houston TX, collected a DNA sample from a subject incarcerated for illegal entry. The DNA sample was sent to the FBI Laboratory and processed by the Federal DNA Database Unit. The resulting DNA profile was uploaded to CODIS

on 2/28/2017. Two days later, on 3/2/2017, a match occurred in the database that linked the subject to a 2009 homicide out of Denver, CO. The subject had several previous interactions with law enforcement to include an arrest by ICE Denver in 2009 for re-entry of removed aliens and an

arrest in 2014 by CBP Grand Forks for illegal entry. Had a DNA sample been collected during either of these interactions, this case could have likely been solved several years earlier. FDDU was able to issue the name of the subject to the casework laboratory in March of 2017.

### FDDU Quarterly Sample Submission Statistics FY17 Q3

Total Samples Submitted to FDDU	24,076
Total Samples Uploaded to CODIS	15,378
Average TAT for Sample Processing	11 days





FY2017

Quarter 4



The FBI Laboratory's Federal DNA Database Unit (FDDU) provides quarterly CODIS success stories to DHS in order to emphasize the importance of timely DNA collection for the law enforcement community and highlight the impact it has on solving and deterring future crimes. The individuals discussed below represent a selection of CODIS hits in which the offender is a non-US citizen that was apprehended, had a DNA sample collected, and a subsequent hit occurred within the National DNA Database.

### DHS Sample Submission Statistics

Submitting Agency: CBP	23
Submitting Agency: USCG	1
Submitting Agency: ICE	1,554
Submitting Agency: DHS	40
Submitting Agency: USSS	219
<b>Total DHS Submissions</b>	<b>1,837</b>
<b>Total Upload to CODIS</b>	<b>1,456</b>

### Houston sex assault

In June of 2017, ICE Houston collected a DNA sample from a subject that had been arrested for illegal entry. The sample was submitted to FDDU where it was processed and the resulting profile was uploaded to the National DNA Database on June 22, 2017. Four days later there was a match between the subject's profile and a DNA profile recovered from evidence from a 2011 sexual assault out of Houston, TX. The subject had been arrested in 2013 by ICE Houston for a separate illegal entry charge, however DNA was not collected. The FDDU was able to issue out the subject's name and information as an investigative lead in July, 2017.

### Multi-state burglar

In June of 2017, the Federal Correctional Complex in Bruceton Mills, WV collected a DNA sample from a subject that had been arrested for illegal re-entry after a felony conviction. The sample was sent to FDDU where it was processed and the resulting DNA profile was uploaded to CODIS on July 19, 2017. The next day, the subject's DNA profile matched to DNA recovered from blood stains associate with two separate burglaries, one from Michigan in 2012 and one from Virginia in 2014. The subject had a previous robbery conviction and had been apprehended and deported in the past for attempting to illegally enter the

U.S. One of these attempts occurred in 2016 when the subject was caught trying to enter the U.S. via Canada by way of the St. Clair River. CBP authorities worked with the Royal Canadian Mounted Police to track the boat on which the subject was travelling and they were arrested at the U.S. border. During the subject's previous interactions with law enforcement, a DNA sample had never been collected. It was not until August of 2017, after the match occurred, that FDDU was able to issue the subject's name and identifying information to the two casework laboratories as an investigative lead.

### FDDU Hit Q4 Hit Quick Facts

- FDDU issued **226** Hit Confirmation letters.
- **40** of these hits were to **non-US citizens**
- **32** of these **non-US** citizens had been collected pursuant to an immigration violation
- **20** of these **non-US** citizen DNA profiles hit to a casework offense of sexual assault

### DNA links repeat offender to an assault on federal officers

In June of 2017, the Federal Correctional Institution in Tucson, AZ, collected a DNA sample from a subject incarcerated for illegal entry. The DNA sample was sent to the FBI Laboratory and processed by the Federal DNA Database Unit. The resulting DNA profile was uploaded to CODIS

on 7/14/2017. That same day, a match occurred in the database that linked the subject to a DNA profile recovered from evidence from an assault of federal officers in 2009. The subject had several previous interactions with law enforcement to include arrests in 2012 and 2014 by CBP Tucson for

illegal entry. DNA was not collected from the subject during either of these interactions. Because of the DNA collection by the prison facility in 2017, FDDU was able to issue the name and identifying information of the subject to the casework laboratory eight years after the assault had occurred.

### FDDU Quarterly Sample Submission Statistics FY17 Q4

Total Samples Submitted to FDDU	22,884
Total Samples Uploaded to CODIS	15,414
Average TAT for Sample Processing	11 days



FY2018

Quarter 2



The FBI Laboratory's Federal DNA Database Unit (FDDU) provides quarterly CODIS success stories to DHS in order to emphasize the importance of timely DNA collection for the law enforcement community and highlight the impact it has on solving and deterring future crimes. The individuals discussed below represent a selection of CODIS hits in which the offender is a non-US citizen that was apprehended, had a DNA sample collected, and a subsequent hit occurred within the National DNA Database.

## DHS Sample Submissions

CBP	13
DHS	29
ICE	1,534
USCG	4
USSS	163
<b>Total DHS Submissions</b>	<b>1,743</b>
<b>Total Upload</b>	<b>1,420</b>

## Virginia sex assault

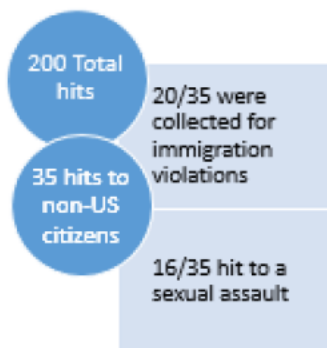
In February of 2010, a sexual assault occurred in Fairfax County, VA. The trail went cold until a subject was arrested by CBP Rio Grande in September of 2017. The subject was convicted of illegal entry and a DNA sample was collected by the prison and sent to the FDDU where the DNA profile was uploaded to CODIS. Once uploaded, the subjects profile matched to a DNA profile from evidence in the 2010 sexual assault. Though the subject had been arrested by ICE in 2010 and came in contact with CBP three times in 2013, it wasn't until seven years later that the subjects name was able to be passed to investigators as a lead.

## Arizona homicide

In February of 2018, the Federal Correctional Institution in Taft, CA collected a DNA sample from a subject that had been arrested by ICE Tucson and convicted of a re-entry of removed aliens charge. The DNA sample was sent to the FDDU where it was processed and the resulting DNA profile was analyzed and uploaded to the National DNA Index System on February 28, 2018. The next day, the subject's DNA profile matched to a DNA profile recovered from evidence from an October 2006 homicide out of Tucson, Arizona. Prior to the 2018 incarceration, the subject had come in contact with law en-

forcement several times to include a 2011 arrest by CBP Tucson for an illegal entry charge which resulted in a two day federal prison sentence, as well as a 2014 and 2017 arrest by ICE ERO Tucson for illegal entry charges. The subject's DNA sample was not collected during any of the previous interactions, therefore it was not until March 12, 2018, twelve years after the homicide occurred, that FDDU was able to release the name of the subject to investigators as a lead. Had a DNA sample been collected during any of the subjects previous arrests, it is likely this case could have been solved years earlier.

## FDDU Q2 Hit Facts



## ICE DNA collection links subject to 2006 sexual assault

In December of 2017, ICE Dallas collected a DNA sample from a subject that had been arrested for Illegal Entry. The sample was submitted to FDDU where it was processed and the resulting DNA profile was uploaded to the National DNA Index System on December 28, 2017. The next day,

there was a match in the database between the subject's DNA profile and a DNA profile developed from evidence recovered from a sexual assault that occurred in January of 2006 in Fort Worth, TX. The subject had previously been arrested by ICE Dallas in 2014 for entry without inspection

and by CBP El Paso in 2015 for illegal entry for which he was sentenced to 6 months in prison and 24 months supervised release. DNA was not collected during either of these encounters. It was the 2017 ICE collection that allowed FDDU to issue the subject's information to investigators.

FDDU Sample Submission Statistics	Total Samples Submitted to FDDU	21,749
FY18 Q2	Total Samples Uploaded to CODIS	14,485
	Average TAT for Sample Processing	9 days





## Federal DNA Database Unit Quarterly Update

### FY18 Q3

The FBI laboratory's Federal DNA Database Unit (FDDU) provides quarterly CODIS success stories to DHS in order to emphasize the importance of timely DNA collections. The individuals discussed below represent a selection of CODIS hits linked to non-US citizens.

*281 total hits*

*42 hits to non-US  
citizens*

*32 of the 42 hits  
to non-US citizens,  
hit to sex assaults*

### *ICE aids in unsolved sexual assault of a minor*

In the early morning hours of 1/9/2017, a man entered a Mesa, AZ home through a window and sexually assaulted a 4 year old girl. A sexual assault kit was taken from the victim and the profile was uploaded to CODIS. At the time there were no hits,

no suspects, and this quiet community was shaken. In March of 2018, ICE Phoenix, pursuant to an illegal entry charge, collected a DNA sample from a subject and sent it to FDDU. The profile was uploaded to CODIS and immediately hit to the 2017 sex

assault. Had DNA been collected during the subject's three previous arrests by ICE or CBP in 2010, 2011 and 2015, a hit would have occurred at the time of the crime, instead of a year later.

### *Missing person turned homicide investigation*

What started out as a missing persons case in the spring of 2009 in Columbia, South Carolina, quickly turned to a homicide investigation when the victim's remains were discovered in the woods near their home. Upon investigation, drugs were found in the home. Law enforcement theorized that there were other individuals present who pan-

icked upon the victim's death and moved the victim's body and victim's moped into the wooded area near the home. A swabbing was taken from a stain on the moped and the profile was uploaded to CODIS. That case remained cold until 2018 when an Oklahoma Federal Transfer Center collected a DNA sample from a subject and sent it to

the FDDU where it was processed and uploaded to CODIS. The subject's profile immediately hit to the DNA profile from the moped. Though the subject had been arrested by ICE four times between 2012 and 2018, DNA was never collected. It wasn't until 9 years later that the subject's name was able to be provided as a lead.

### *DHS SAMPLE SUBMISSIONS*

<i>CBP</i>	<i>12</i>
<i>DHS</i>	<i>19</i>
<i>ICE</i>	<i>1,782</i>
<i>USCG</i>	<i>2</i>
<i>USSS</i>	<i>190</i>
<i>Total DHS Submissions</i>	<i>2,005</i>
<i>Total DHS Uploads</i>	<i>1,572</i>

### FDDU Sample Stats

Total Samples Submitted	24,399
Total CODIS Uploads	15,512
Avg Sample Turn Around Time	8 days

### *Arizona triple sex assault*

In March of 2018, ICE Phoenix collected a DNA sample from a subject arrested for illegal entry and sent it to FDDU where it was processed and the profile was uploaded to CODIS. The next

day, the profile hit to three unsolved sexual assaults that occurred between 2002 and 2006. Had DNA been collected during a 2014 ICE arrest, these crimes could have been solved 4 years earlier.



## Federal DNA Database Unit Quarterly Update

### FY18 Q4 and FY19 Q1

The FBI laboratory's Federal DNA Database Unit (FDDU) provides quarterly CODIS success stories to DHS in order to emphasize the importance of timely DNA collections. The individuals discussed below represent a selection of CODIS hits linked to non-US citizens.

*489 total hits*

*94 hits to non-US  
citizens*

*55 of the 94 hits  
to non-US citizens,  
hit to sex assaults*

### *Arrest in Texas links to sexual assault in Virginia*

In August, 2018 the DNA sample of a subject incarcerated for Illegal Entry was collected at a federal prison facility in Dallas, TX. The DNA sample was sent to the FBI Laboratory for processing and the resulting DNA profile was uploaded to CODIS. The

next day, the subject's DNA profile hit to a 2012 Virginia sexual assault. FDDU was able to issue the subject's name and information to the casework lab as a lead for investigators in Virginia. This subject had come in contact with DHS entities on six

other occasions to include an arrest by ICE just 2 months after the 2012 sexual assault. Had DNA been collected during any one of the six interactions, this crime could have been solved years earlier.

### *Subject arrested for Illegal entry links to LA homicide*

Long Beach, CA Police were investigating a murder in the fall of 2010. The investigators submitted several items of evidence to their local laboratory to include a possible hair or fiber from a bed sheet near where the victim was found. A DNA profile was developed from this evidence and uploaded to CODIS. In 2018, a subject was arrested

by ICE Los Angeles for illegal entry. ICE LA collected a DNA sample from this subject and submitted to the FBI laboratory. The sample was processed and uploaded to CODIS by FDDU. The profile hit to the unsolved, 2010 murder case out of Long Beach on June 26, 2018 and six days later FDDU issued the subject's personally

identifying information for distribution to investigators. The subject had previously come in contact with law enforcement on several occasions to include a 2012 arrest by ICE and a 2013 apprehension by CBP. Had DNA been collected during either one of these interactions, this murder could have been solved over 5 years earlier.

### *DHS SAMPLE SUBMISSIONS*

<i>CBP</i>	<i>59</i>
<i>DHS</i>	<i>37</i>
<i>ICE</i>	<i>3,786</i>
<i>USCG</i>	<i>9</i>
<i>USSS</i>	<i>360</i>
<i>Total DHS Submissions</i>	<i>4,251</i>
<i>Total DHS Uploads</i>	<i>3,570</i>

## FDDU Sample Stats

Total Samples Submitted	46,199
Total CODIS Uploads	32,346
Avg Sample Turn Around Time	7 days

### *ICE collection aids cold case*

In August, 2011, three victims were found shot in an apartment. Two of the three died from their injuries. An unknown DNA profile was developed from the crime scene evidence and was

uploaded to CODIS. In 2018 a subject was arrested for identity theft by ICE Boston. The subjects DNA sample was processed by FDDU and the DNA profile immediately hit to the double homicide.





## Federal DNA Database Unit Quarterly Update

### FY19 Q2

The FBI Laboratory's Federal DNA Database Unit (FDDU) provides quarterly CODIS success stories to DHS in order to emphasize the importance of timely DNA collections. The individuals discussed below represent a selection of CODIS hits linked to non-US citizens.

*268 total hits*

*56 hits to non-US  
citizens*

*25 of the 56 hits  
to non-US citizens,  
hit to sex assaults*

### *California offender hits to Arizona homicide*

Law enforcement in Tucson, AZ was investigating a homicide in the Spring of 2014. With no suspects in the case, the laboratory uploaded a DNA profile to CODIS that was recovered from evidence at the crime scene. It wasn't until four years later that

a match was finally made to this DNA profile. In December of 2018, a DNA sample had been collected from a subject that was federally incarcerated for Illegal Entry. The subject's sample was sent to the FBI Laboratory, processed and uploaded to

CODIS. Within days, the subject's name and identifying information was released as a lead for AZ law enforcement. Had the subject's DNA sample been collected during a 2011 arrest and deportation by CBP, this investigation could have been aided immediately.

### *Subject, "nine-times removed", hits to 20 year old sexual assaults*

In September 1997, a 22 year old woman was sexually assaulted in a local park after being approached by a man on a bicycle. Ten days later an 18 year old woman was raped in her home by an intruder. Chandler, Arizona police described these assaults as particularly brutal. At the time, the crime laboratory was able to determine

that the same subject had committed both rapes, however, no suspects had been identified and both cases went cold. It wasn't until January, 2019 when a DNA sample was provided to the FBI Laboratory from a subject who was currently being housed in a federal prison facility for unlawful entry in the United States, that there

was any movement in these investigations. This sample was processed by FDDU and the resulting DNA profile was uploaded to CODIS. This subject's DNA profile hit to both of the 1997 sexual assaults on March 19, 2019. Seven days later FDDU issued the subject's name and other identifying information for distribution to law enforcement.

The police department acted quickly and was able to arrest the subject just 4 days before he was set to be released from federal custody. The subject was described as a "nine-time previously removed criminal alien" to include multiple arrests in 2009, 2013 and 2014 by CBP and ICE entities as well as several deportations.

## FDDU Q2 Statistics

Total Samples Submitted	22,928
Total CODIS Uploads	16,051
Average Sample Turn Around Time	7 days

### DHS Q2 SUBMISSIONS

CBP	59	Total DHS	
DHS	90	Submissions	2,014
ICE	1,704	Total DHS	1,676
USSS	195	Uploads	





## Federal DNA Database Unit Quarterly Update

### FY19 Q3

The FBI laboratory's Federal DNA Database Unit (FDDU) provides quarterly CODIS success stories to DHS in order to emphasize the importance of timely DNA collections. The individuals discussed below represent a selection of CODIS hits linked to non-US citizens.

*237 total hits*

*38 hits to non-US  
citizens*

*18 of the 38 hits  
to non-US citizens,  
hit to sex assaults*

### *First time border arrest sheds light on 2015 rape*

In May of 2019, ICE ERO agents out of the Chicago Field Office executed an arrest based on an alien being present without admission or parole. This was the subject's first federal arrest for immigration type charges according to their criminal

history. A DNA sample was collected from the subject by the Chicago Diplomatic Security Service and was provided to the FBI Laboratory. The DNA sample was processed by the Federal DNA Database Unit and the resulting DNA profile was uploaded to

CODIS. This DNA profile immediately matched to a DNA profile from a 2015 unsolved sexual assault out of Illinois. Because of this arrest and DNA collection, FDDU was able to release the subject's PII as an investigative lead for law enforcement.

### *ICE DNA collection aids in 11 year old homicide case*

In May of 2019, a subject was arrested by a tribal police department for multiple charges including possession and use of a weapon as well as drug possession and sale. After being discovered as a non-US citizen, the subject was turned over to ICE ERO out of Phoenix, AZ. The ICE agents collected a DNA sample from the subject and

provided it to the FBI Laboratory for processing. The resulting DNA profile was uploaded to CODIS and the subsequent database search yielded an immediate hit to a DNA profile that had been developed from the swab of a water bottle from the scene of a 2008 homicide out of Phoenix. Within a week, the Federal DNA Database Unit

was able to issue out the name and PII of the subject for dissemination to law enforcement. The subject associated with the DNA profile had multiple encounters with law enforcement dating back to 1991 to include several deportations. It was not until the 2019 encounter that DNA was collected and the connection was able to be made.

#### DHS SAMPLE SUBMISSIONS

<b>CBP</b>	<b>33</b>
<b>DHS</b>	<b>10</b>
<b>ICE</b>	<b>1,936</b>
<b>USCG</b>	<b>6</b>
<b>USSS</b>	<b>188</b>
<b>Total DHS Submissions</b>	<b>2,173</b>
<b>Total DHS Uploads</b>	<b>1,838</b>

## FDDU Sample Stats

Total Samples Submitted	25,254
Total CODIS Uploads	16,324
Avg Sample Turn Around Time	7 days

### *Removed alien linked to 2014 rape*

In April of 2019, ICE Centennial, CO collected a DNA sample from a subject arrested for illegal entry and sent it to FDDU where it was processed and the profile was uploaded to CODIS. The next

day, the profile hit to a DNA profile from a 2014 rape out of Waco, TX. Had DNA been collected during the subject's 2015 and 2017 removals by ICE, this crime could have been solved years earlier.