

**Brief: United States v. Pool**

On Sept. 14, 2010, the Ninth Circuit Court upheld the policy of mandatory collection of DNA before commencement of a trial

The federal Bail Reform Act requires, as a condition of bail, that individuals charged with a federal felony give up (after a judicial finding of probable cause) a sample of their DNA as a condition of release. Jerry Pool, who had no criminal record, was charged with possession of child pornography in federal court and was released on a \$25,000 bond, with the condition that he submit a sample of his DNA -- via pinprick or cheek swab -- to federal authorities. He challenged this condition of release.

In a split decision, the Ninth Circuit held that the Bail Reform Act was constitutional, and does not violate a pretrial detainee's Fourth Amendment or other rights. The majority opinion was written by Judge Callahan, joined by Judge Lucero (sitting by designation from the Tenth Circuit). Judge Schroeder dissented.

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New Case Summaries, *United States v. Pool*