



# OVERVIEW: VIRGINIA POST-CONVICTION DNA TESTING PROGRAM AND NOTIFICATION PROJECT

## Project Timeline

June 2020

2001 to 2004

Biological evidence is located in archived case files at DFS. DNA testing leads to 3 exonerations.

2004

Governor directs DFS to conduct DNA testing on 10% of the archived case files for sex offenses, resulting in 3 more exonerations.

2005

Governor orders a full review and DNA testing of the remaining archived case files for all felony crimes against persons.

2008

General Assembly passes budget language requiring the Forensic Science Board to notify convicted individuals if biological evidence exists in a related archived case file. DFS begins notification efforts on behalf of the Forensic Science Board.

2009

General Assembly passes emergency legislation to facilitate the Project. Crime Commission staff begin assisting with notification efforts.

2014

Crime Commission provides guidance on notification efforts and screening misdemeanors for DNA testing.

2018

Additional eligible individuals requiring notification are identified during the Project case file review.

2020

Due diligence is met for notification efforts and the Project is completed.

## Purpose of the Project

The Virginia Post-Conviction DNA Testing Program and Notification Project ("Project") was a unique and unprecedented opportunity to address potentially wrongful convictions related to archived case files (1973 to 1988) at the Virginia Department of Forensic Science (DFS) by:

- performing post-conviction DNA testing of biological evidence retained in these archived case files because such testing was not available at DFS at the time of the original convictions; and,
- notifying convicted individuals that biological evidence relating to their conviction was retained in these archived case files and may be suitable for DNA testing.

## Notification of Eligible Individuals

In 2008, the General Assembly passed budget language requiring the Forensic Science Board to notify convicted individuals if biological evidence suitable for DNA testing was retained in their archived case files. DFS staff screened over 534,000 files and identified 3,051 that contained biological evidence. From these 3,051 files, DFS staff identified 2,204 Project case files with at least one named suspect. Ultimately, it was determined that 969 individuals were convicted and required notification. The notification status of these 969 eligible individuals is as follows:

- Notified: 436
- Deceased: 280
- Unable to Locate (all leads exhausted): 253

## Notification of Additional Eligible Individuals

During a final review of the 2,204 Project case files, Crime Commission and DFS staff identified additional named suspects who were originally classified as "ineligible" in the early phases of the Project. An additional 289 individuals who were convicted of an offense (122 felonies and 167 misdemeanors) were identified. The notification status of these 289 additional eligible individuals is as follows:

- Notified: 56
- Deceased: 88
- Unable to Locate (all leads exhausted): 145

## Wrongful Convictions

Post-conviction DNA testing was conducted on biological evidence from 860 DFS archived case files for suspects who were convicted of felony offense against a person. The post-conviction DNA testing and notification efforts stemming from this Project resulted in 13 wrongfully convicted individuals being exonerated. Additionally, there were at least 16 cases where DNA testing led to hits of DNA profiles in the Virginia DNA Databank of persons *not* named in the DFS archived case file.