



DNA Notification Project Update

December 3, 2015

Overview



- Background
- Inconclusive Case Review Results
- Next of Kin Notification
- Status of Notification Project

Background



- In 2001, old files that contained biological evidence from cases between 1973-1988 were discovered by DFS.
- About 534,000 old case files were found that contained portions of swabs with the biological evidence affixed to worksheets.
 - Over 3,000 contained evidence suitable for DNA testing.

Background



- DNA testing of biological evidence may result in the following outcomes:
 - **Indicated:** Person was a contributor to the DNA profile.
 - **Eliminated:** Person was not a contributor to the DNA profile.
 - **Need known:** A reference sample is needed to reach a conclusion.
 - **Inconclusive:** Insufficient evidence to reach a conclusion.

Background



- At the September 23, 2014, Commission meeting, staff was directed to:
 - Re-examine all inconclusive cases to determine if additional testing with newer technology would yield more sufficient scientific data upon which to draw a conclusion.
 - Notify family members of the deceased defendants, whose test results were “eliminated.”

Inconclusive Case Review Results



- Inconclusive case testing was prioritized as follows:
 - 1) Cases where sperm or seminal fluid is present and the defendant is still incarcerated;
 - 2) Cases where the defendant is still incarcerated;
 - 3) Cases where sperm or seminal fluid is present and the defendant is not still incarcerated; and,
 - 4) All other cases.

Inconclusive Case Review Results



- A review process was created by the DNA Notification Subcommittee and approved by the Forensic Science Board for Crime Commission, Indigent Defense Commission, and Mid-Atlantic Innocence Project staff to jointly review all 421 inconclusive case files.

Inconclusive Case Review Results



- Results of inconclusive case file review:
 - 61 of the cases had evidence containing sperm/seminal fluid.
 - 34 cases were recommended for additional testing.
 - 7 of those cases involve defendants who are currently incarcerated.
 - 360 of the cases did not have evidence containing sperm/seminal fluid.
- A total of 34 of the 421 cases were recommended for additional testing.

Inconclusive Case Review Results



- DFS contracted with an independent lab to test the 34 inconclusive cases.
- The first batch included evidence from 15 cases and was sent on Nov. 23, 2015.
- The second batch will include evidence from the remaining 19 cases and will be sent out next week.
- Testing is being prioritized based on incarceration status.

Inconclusive Case Review Results



- The General Assembly allocated \$150,000 to DFS to outsource testing of inconclusive cases.
- Testing expenses will be at least \$68,000.
 - \$895 x 46 evidence samples (miniSTR/Y-STR).
 - \$595 x 44 reference samples (buccal swab).
- Costs will increase if re-testing is needed.
- Unable to predict final costs because they are using a new testing method.
- Anticipated time for test results: 6-8 weeks.

Next of Kin Notification



- Crime Commission staff was directed to notify family members of deceased defendants whose test results were “eliminated.”
- The AG’s Office researched the deceased defendants and attempted to find the best contact information for next of kin using various research tools.
 - Located 9 of 13 next of kin.
- Letters will be mailed within a month.

Status of Notification Project



- As part of the overall project to ensure notification to all eligible individuals, staff is recreating the entire database to verify that the final notification status of each named defendant who was convicted is up-to-date and accurate.
 - Notification efforts, whether successful or not, will be documented in detail.
- An update will be provided on the status next year.



Discussion
