

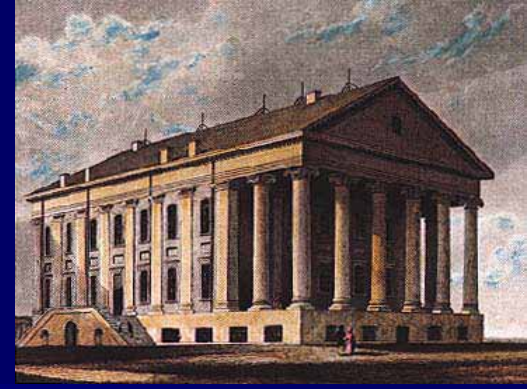
# Virginia State Crime Commission

Report of the  
DNA Notification Work Group

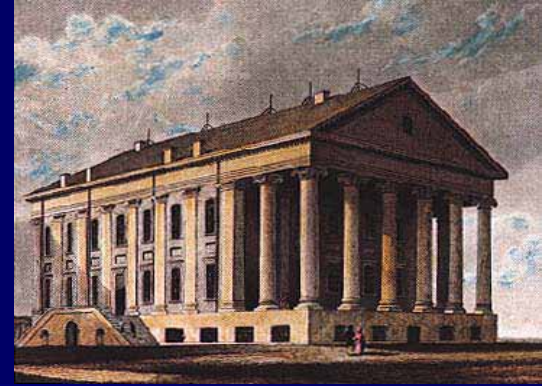
December 9, 2008

# Overview

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- Notification Update
- Legislative Proposal
- Discussion

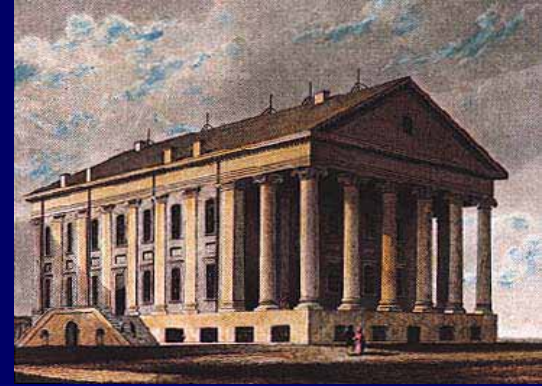


# Background



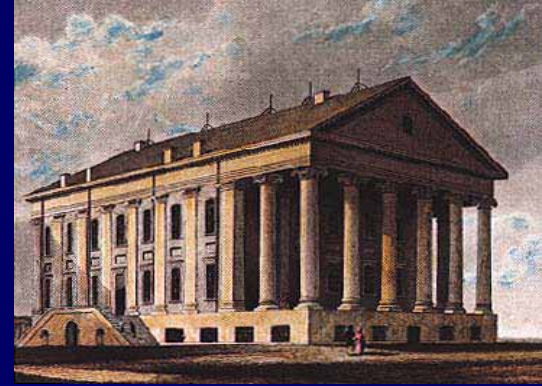
- Formed by the Commission at its Oct. 14<sup>th</sup> meeting.
- Commission approved motion for its Director, the DFS Director, VSP LTC. Kemmler, and the FSB Counsel “to determine how best we can utilize under the restrictions the data that we have so that we can involve those pro bono attorneys on whatever data ... to figure out how we can glean whatever information possible to glean without violating the NCIC regulations.”

# Project Update



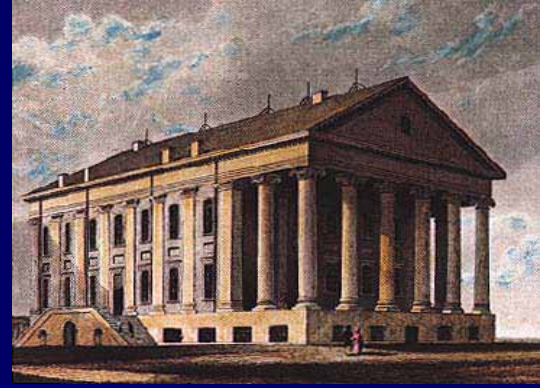
- Total case files found to contain evidence suitable for DNA testing = 3,022
  - 2,178 with a named suspect.
- Cases that resulted in conviction = 740
- Cases with convictions sent to contractor for testing = 592
- Sent for testing = 592
  - Preliminary testing results returned = 406
  - Defendant not indicated on evidence = 8
  - CA received report = 34
  - Defendant notified = ?
  - Defendant received results = ?

# Notification Update



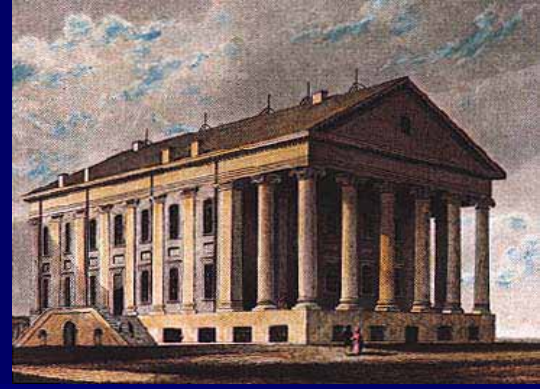
- Total individuals to be notified = 1,050 (845 are living)
- Individuals confirmed deceased by official records = 205
- Proper receipt of notification letter confirmed = 182 (of 556 in first mailing).
  - Hand delivered to current inmates = 106
  - White and green card (cert. mail) confirmation returned = 30
  - Enclosed white card confirmation returned = 134
  - Report from MAIP or counsel of contact by the intended recipient = 34
- Proper receipt of notification letter not confirmed = 374
  - Both first class and certified mail returned as undeliverable = 96
  - Nothing returned (i.e., letters, green card, enclosed white card) = 168
  - Only green card confirmation returned = 79
- 2<sup>nd</sup> mailing based on updated addresses from VSP (12/08) = 528
- Address currently unknown (letters not sent) = 61
- VSP currently researching addresses = about 40

# Legislative Proposal



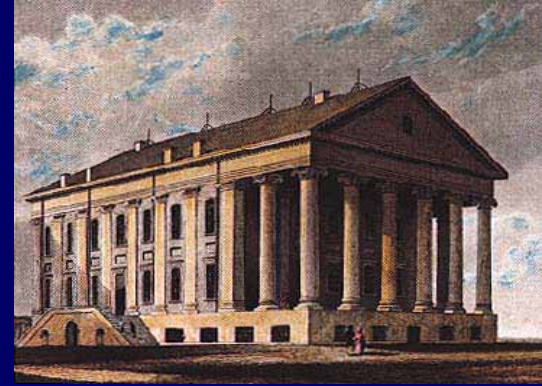
- To enable the effective use of pro bono attorneys and/or other volunteers in identification, location, and notification.
- Allows for the limited dissemination of criminal history record information.
- Requires training to be provided through the Virginia State Bar.
- Requires confidentiality and waiver of liability agreements to be designed by the OAG.
- Volunteers agree to report the results of the notification efforts to the FSB.
- Deadlines established for production of forms by OAG, availability of training through VSB, and report of the notification effort results.

# Legislative Proposal



- Two policy questions requiring attention:
- Policy Question # 1: What constitutes unconfirmed receipt of notification, in which case volunteer participation will be used?
- Policy Question # 2: What Virginia criminal history record information shall be disseminated to volunteers?

# Legislative Proposal



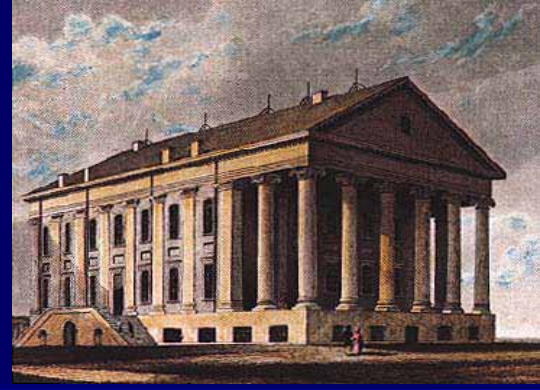
- Policy Question # 1: What constitutes unconfirmed receipt of notification, in which case volunteer participation will be used?
  
- **Work Group Consensus:**
  - Address unknown.
  - Both first class and certified mail returned as undeliverable.
  - Nothing returned.
  - Green card signed by person other than addressee and nothing more.
  
- **Work Group Disagreement:**
  - Green card signed by addressee and nothing more.

# Legislative Proposal



- Policy Question # 1 (cont.):
- Only green card signed by addressee is returned.
- Three Possible Alternatives:
  - 1) Treat as a confirmed notification;
  - 2) Treat as unconfirmed notification (volunteers to identify, locate, and notify); or,
  - 3) Volunteers to confirm validity of address used.
    - If volunteers can confirm that the address used was valid, no additional notification would be required.
    - If volunteer finds that the address used was invalid, notification would be required.

# Legislative Proposal



- Policy Question # 2: What Virginia criminal history record information shall be disseminated to volunteers?

# Discussion