

**Presentation to
Virginia State Crime Commission
June 25, 2009**

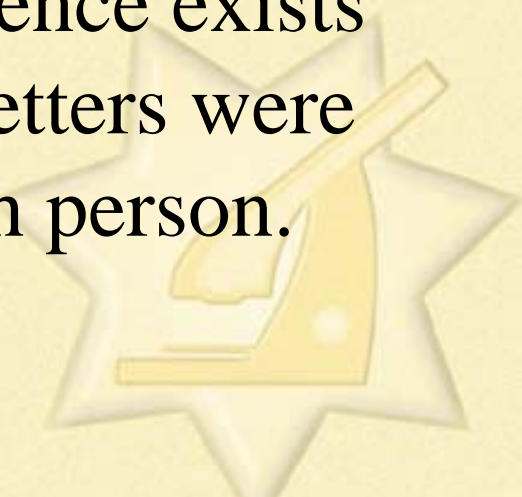
**Peter M. Marone
Director**

Virginia Department of Forensic Science



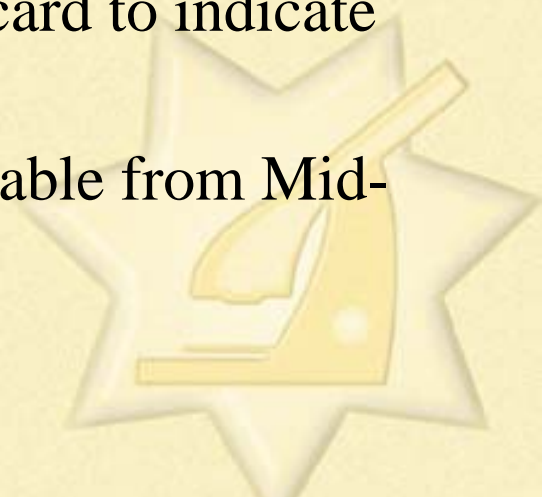
2008 Budget Bill required FSB to send Notifications

Item 408 B required the Forensic Science Board (FSB) to ensure that all individuals convicted due to criminal investigations for which case files from 1973 to 1988 were found to contain evidence possibly suitable for DNA testing, are informed that such evidence exists and is available for testing. Form letters were to be prepared and sent to each such person.



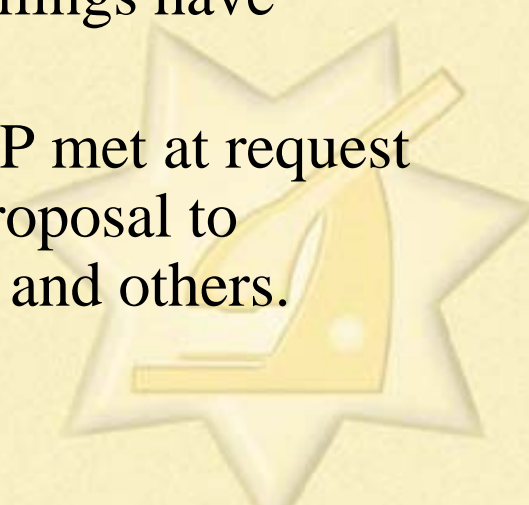
Notification Project Parameters

- Evidence in case file suitable for testing and a named suspect convicted of crime
- Suspect not deceased, according to state records
- Used best available, last known address provided by DOC and/or VSP
- Notification by both First Class and Certified Return Receipt USPS mail; hand-delivery to DOC inmates
 - ★ Requested return of enclosed stamped postcard to indicate receipt by correct/incorrect person
 - ★ Information included about assistance available from Mid-Atlantic Innocence Project (MAIP)



DNA Notification Update

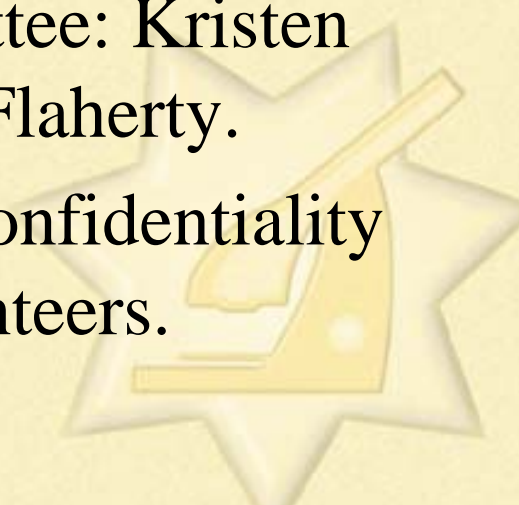
- By August 2008, DFS had identified >1,000 convicted suspects in cases with evidence suitable for DNA testing.
- Notification mailings began on September 9, 2008, as reported to VSCC at its October 14, 2008 meeting.
- By 11/1/08, 556 persons were sent letters; 182 addressees confirmed notification to correct person.
- VSP continued status and address research. Using new address information, another 528 notifications are mailed in December 2008. By 12/31/08, 314 addressees confirmed notification to correct person. Notification mailings have continued as updated addresses are obtained.
- VSCC Executive Director, DFS, OAG and VSP met at request of Crime Commission to develop legislative proposal to expedite notification using volunteer attorneys and others.



DNA Notification Update

Continued

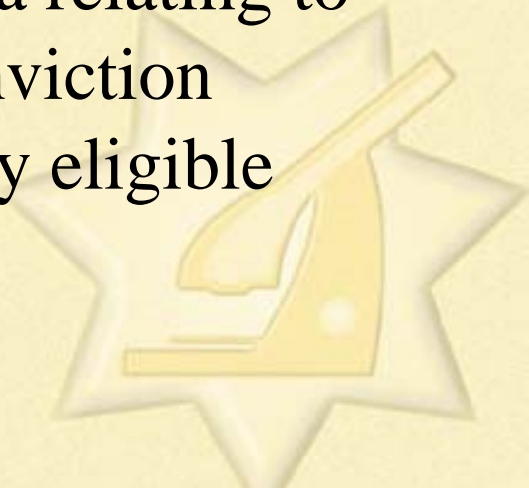
- 2009 General Assembly enacted SB 1391, emergency legislation authorizing the use of pro bono attorneys and volunteers to assist FSB in completing the notification effort.
- Workplan for implementing SB 1391, developed by DFS, VSP, OAG and MAIP, was presented to FSB at its May 13, 2009 meeting. FSB modified the plan and established Notification Subcommittee: Kristen Howard (Chair), Steve Benjamin, Col. Flaherty.
- OAG provided waiver of liability and confidentiality agreement forms to be required of volunteers.



DNA Notification Update

Continued

- DFS delivered to Ms. Howard June 12, 2009, an electronic spreadsheet relating to 3,053 old forensic case files found to contain evidence suitable for DNA testing.
 - ★ Excludes approximately 2,000 OCME cases unrelated to post-conviction testing project
 - ★ Information includes all available data relating to case suspects, crime investigated, conviction status, and efforts undertaken to notify eligible persons.



Notification Statistics to Date

Convicted Suspects Eligible to be Notified	1,088
Number of Suspects Determined to be Deceased	207
Living Convicted Suspects Entitled to Notification	881
Suspects Currently Incarcerated	194
Suspects, Not Incarcerated, Address found	598
Suspects, No Address Determined	89
Confirmed Notification Received	336
Hand-delivery to Incarcerated Suspects	172
Not Incarcerated, Post card Confirmation /confirmed by MAIP	164
<i>Additional Green Return Receipt cards signed by Addressee</i>	<i>106</i>
Undelivered and Unconfirmed Notifications	545



Summary

The database information that has been provided to the Board's Notification Subcommittee, chaired by Ms. Howard, is extensive. It contains more than 60 columns of data, some of it sensitive but required by SB 1391 to be made available. It includes information pertaining to both the investigated criminal cases and the efforts of the Department and the Board to identify and locate persons entitled to notification of the DNA testing being performed.

DFS stands ready to assist the Board in utilizing the information provided and successfully completing the notification project.

