

**Presentation of the**  
**Department of Forensic Science**  
**to the**  
**Senate Committee on Finance**  
**Public Safety Subcommittee**



**Gail D. Jaspen**  
**Chief Deputy Director**  
**Department of Forensic Science**

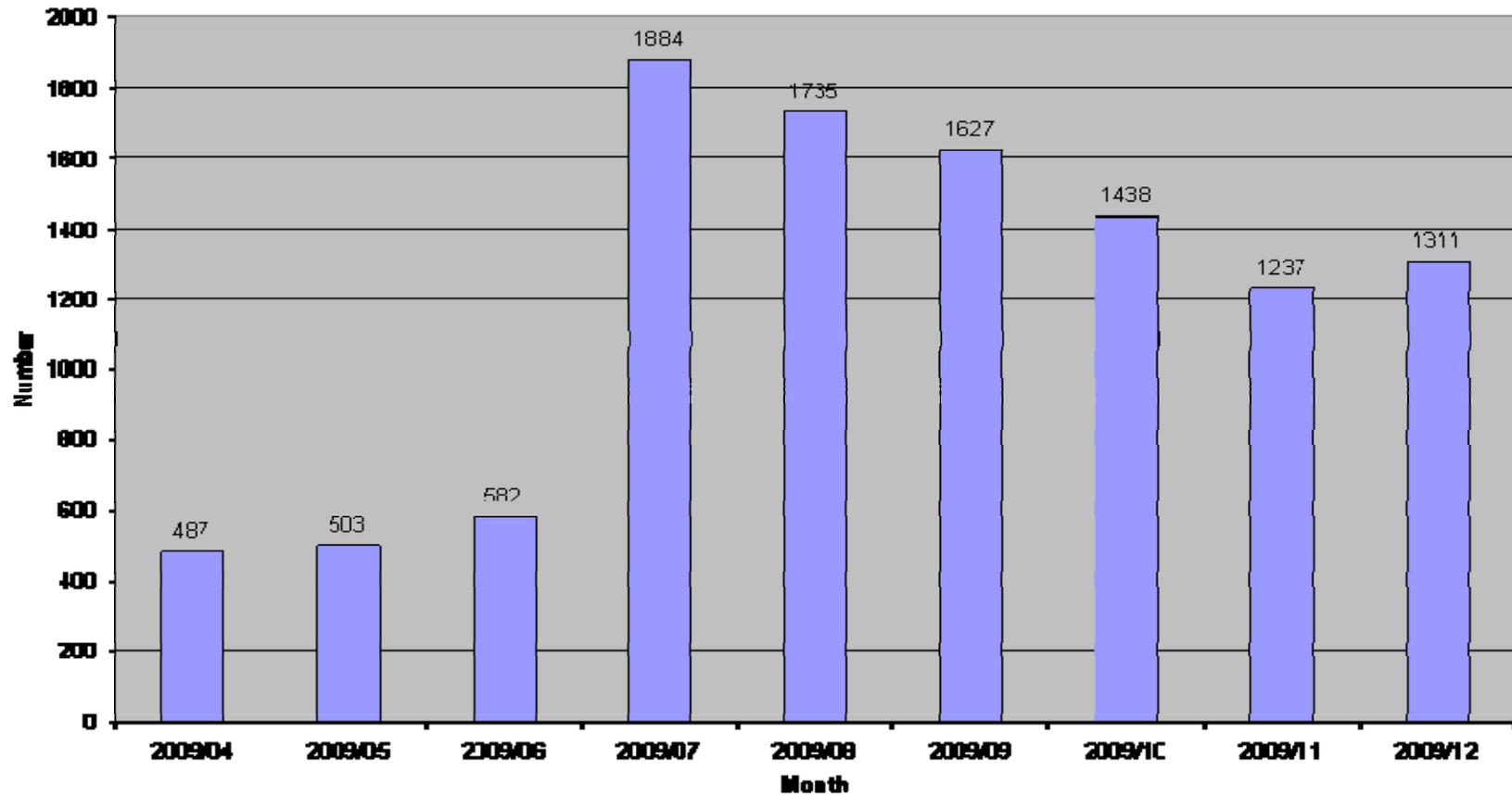
**January 22, 2010**

**Impact on DFS of the Decision of the  
Supreme Court of the United States in  
*Melendez-Diaz v. Massachusetts***

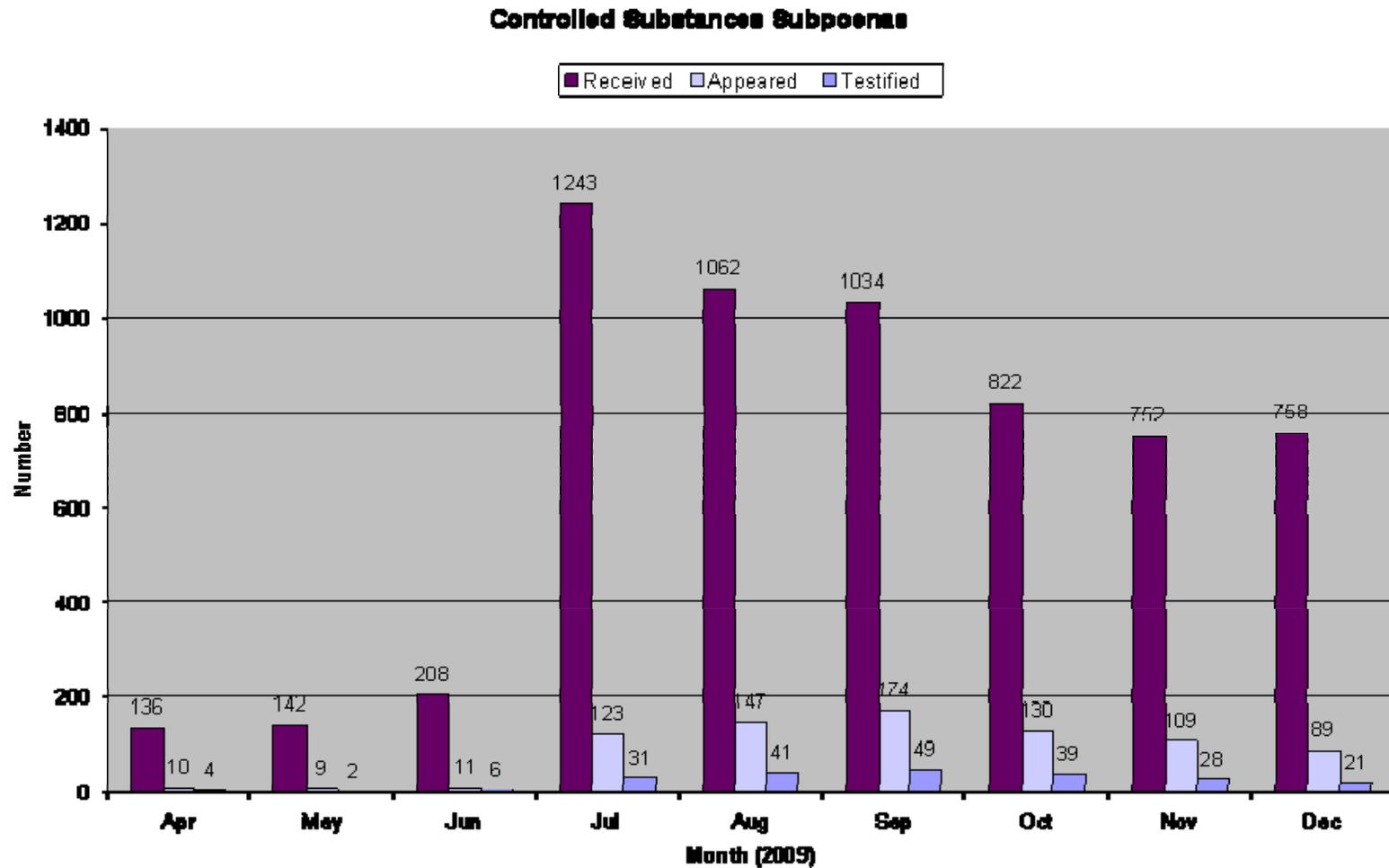


# Impact on DFS of the Supreme Court's decision in *Melendez-Diaz v. Massachusetts*

**Total Subpoenas Received (all sections)**

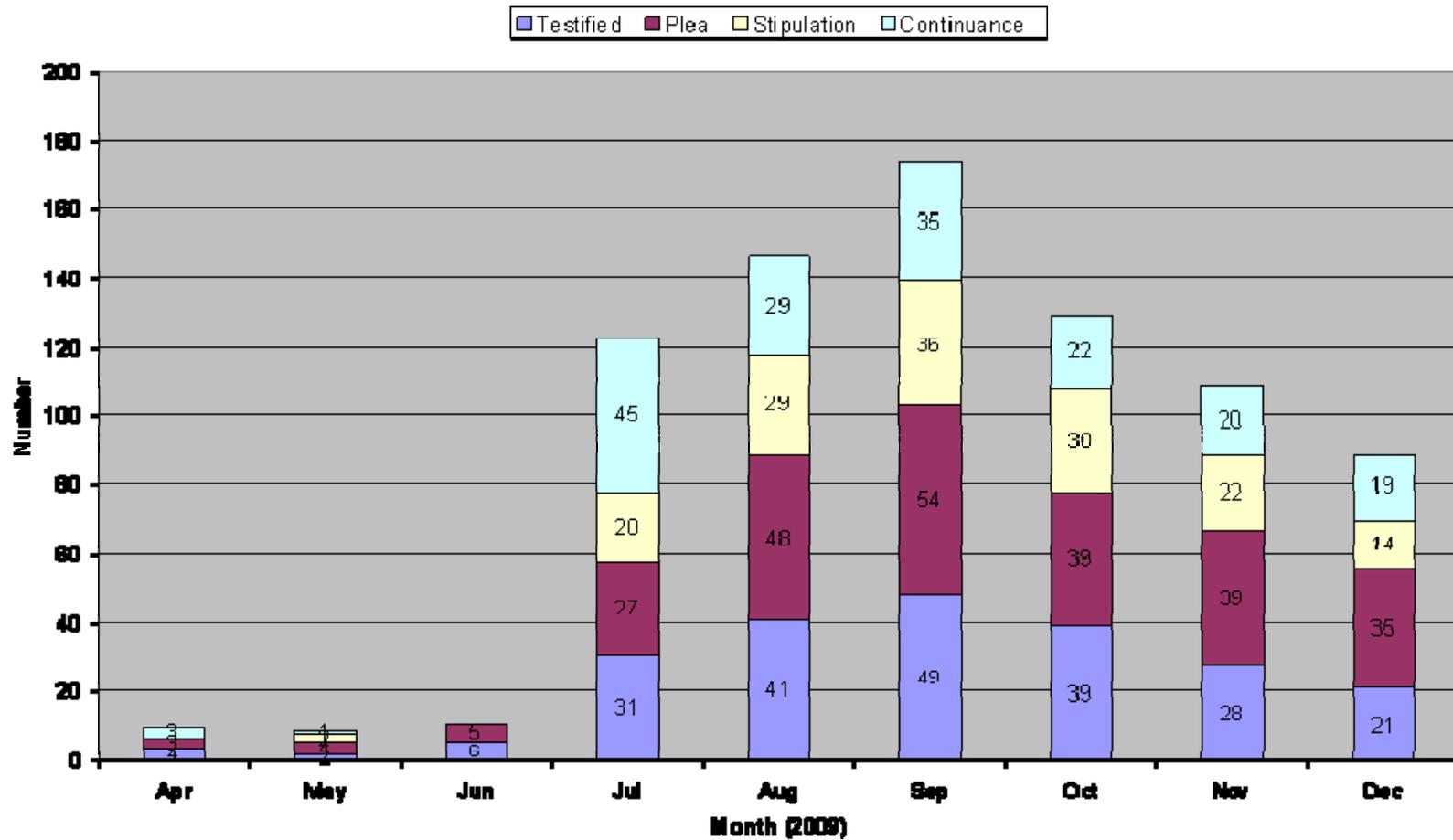


# Impact on DFS of the Supreme Court's decision in *Melendez-Diaz v. Massachusetts*



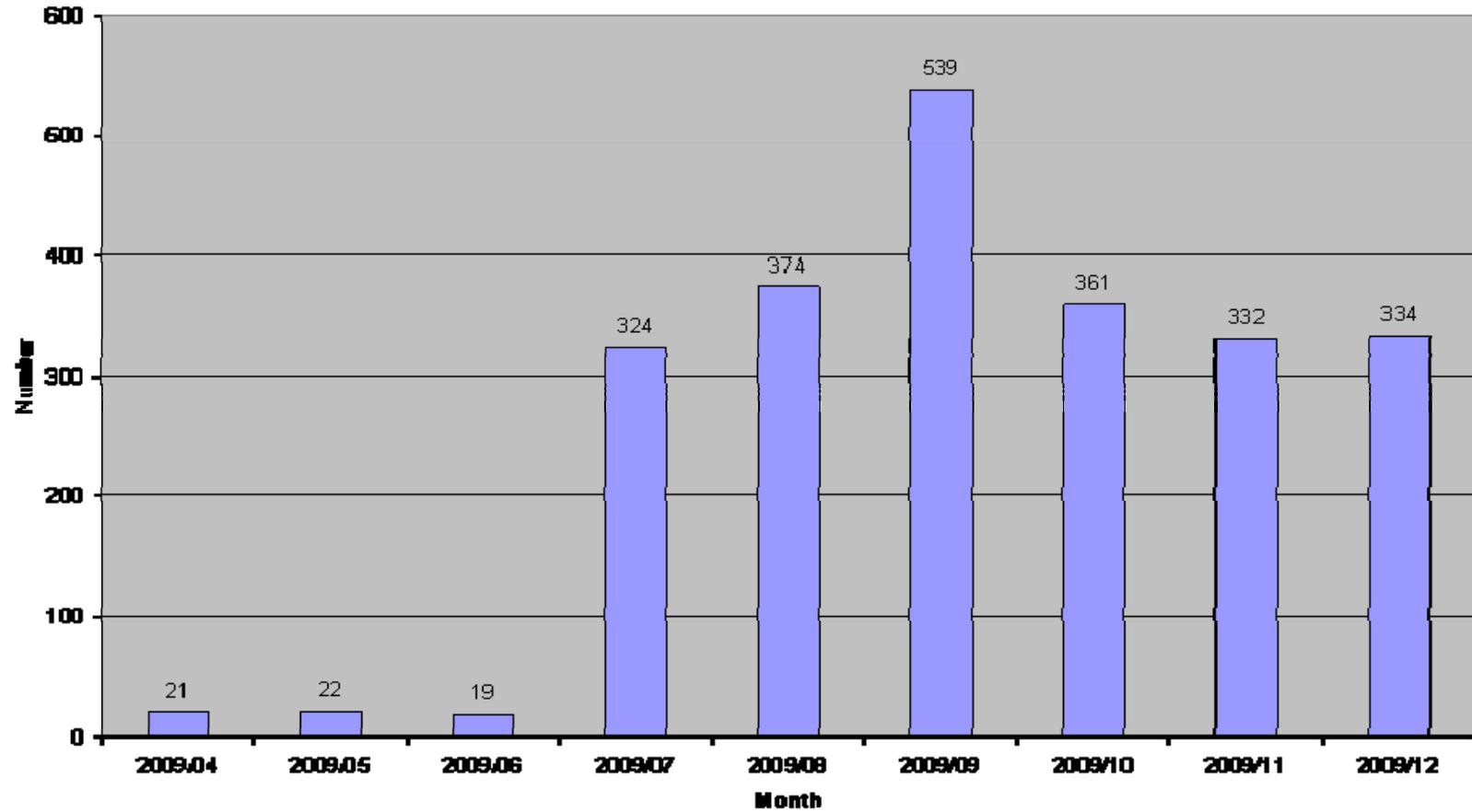
# Impact on DFS of the Supreme Court's decision in *Melendez-Diaz v. Massachusetts*

## Controlled Substances Appearance Outcomes

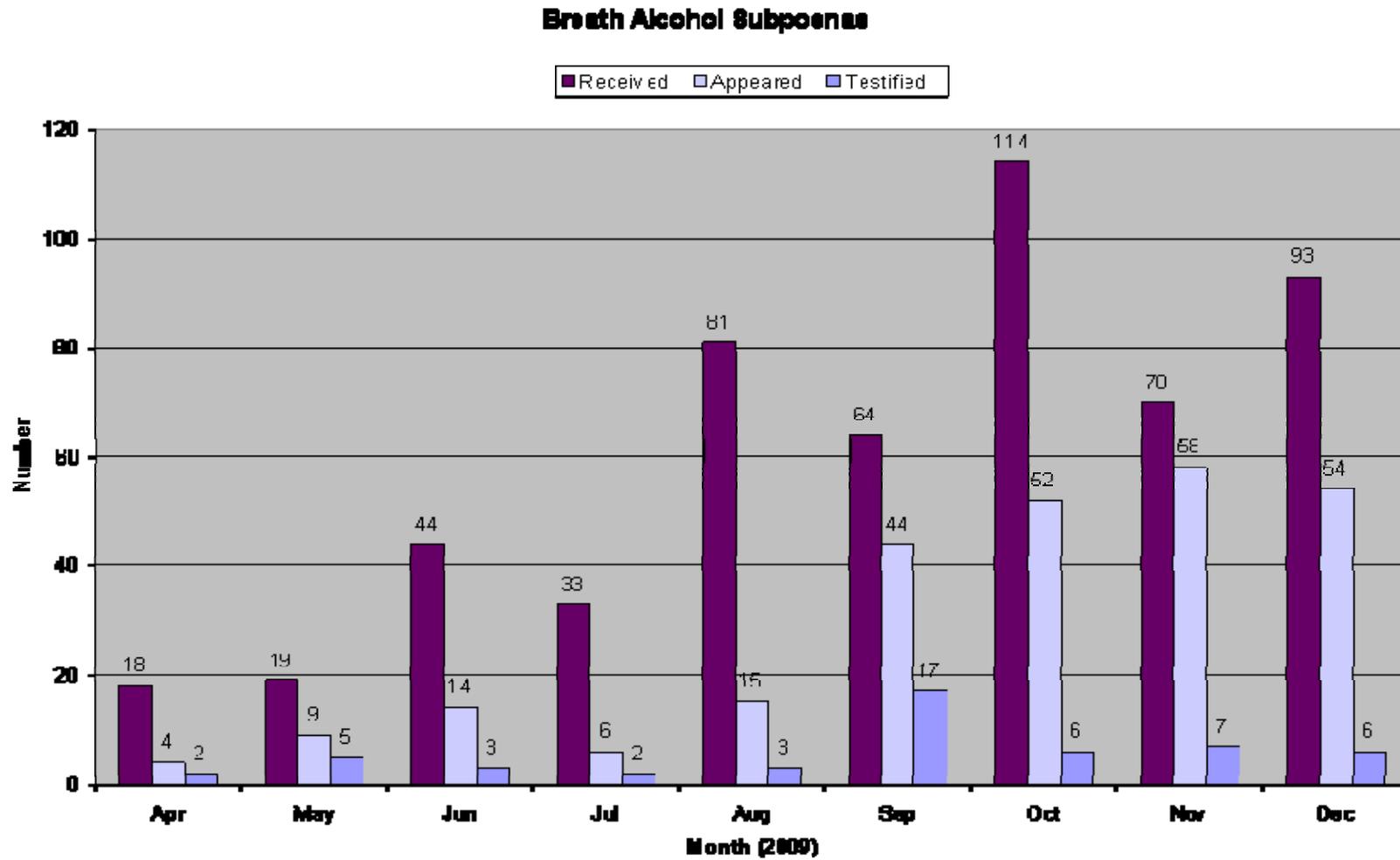


# Impact on DFS of the Supreme Court's decision in *Melendez-Diaz v. Massachusetts*

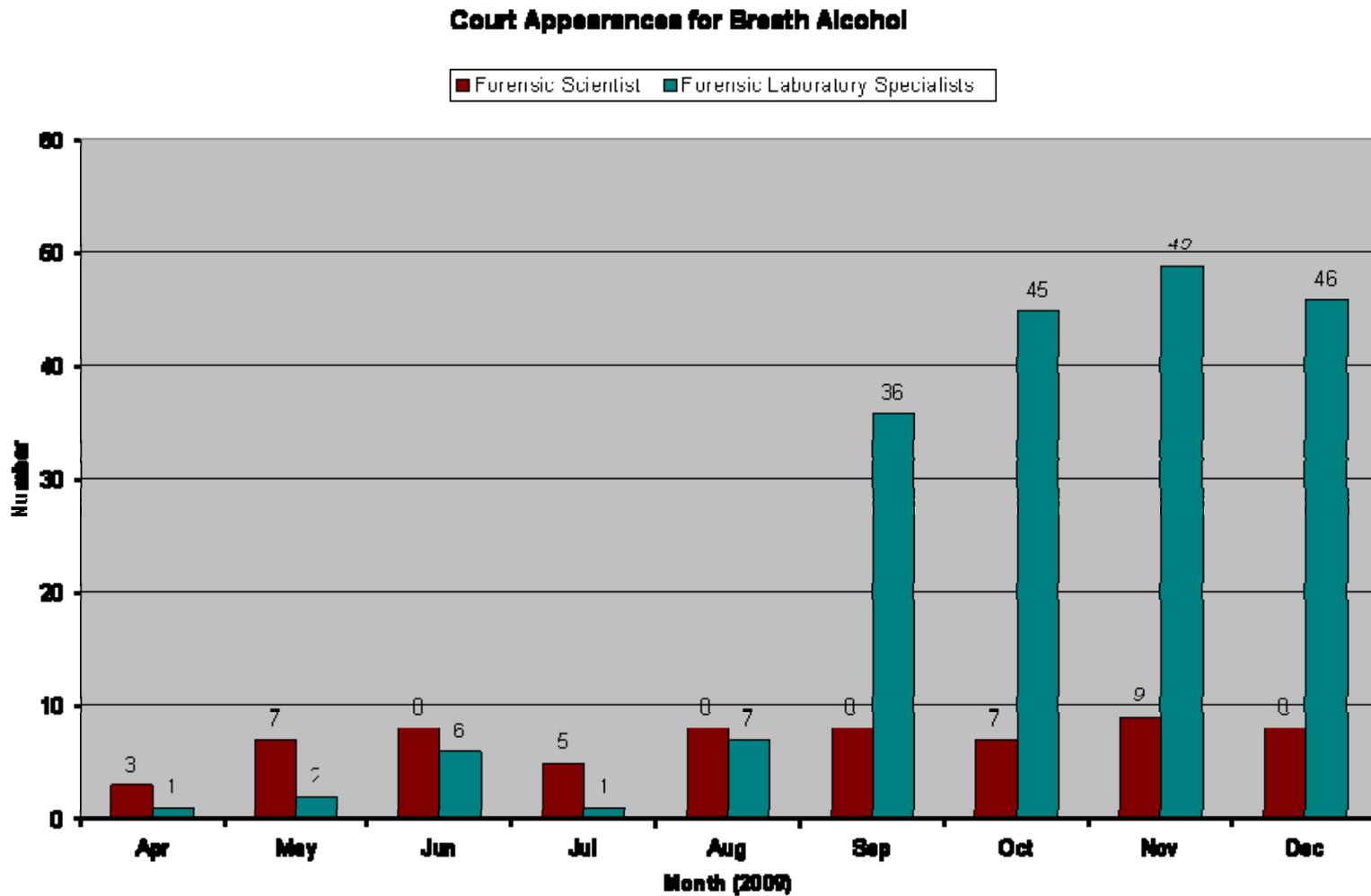
**Controlled Substances Hours Out of Laboratory**



# Impact on DFS of the Supreme Court's decision in *Melendez-Diaz v. Massachusetts*

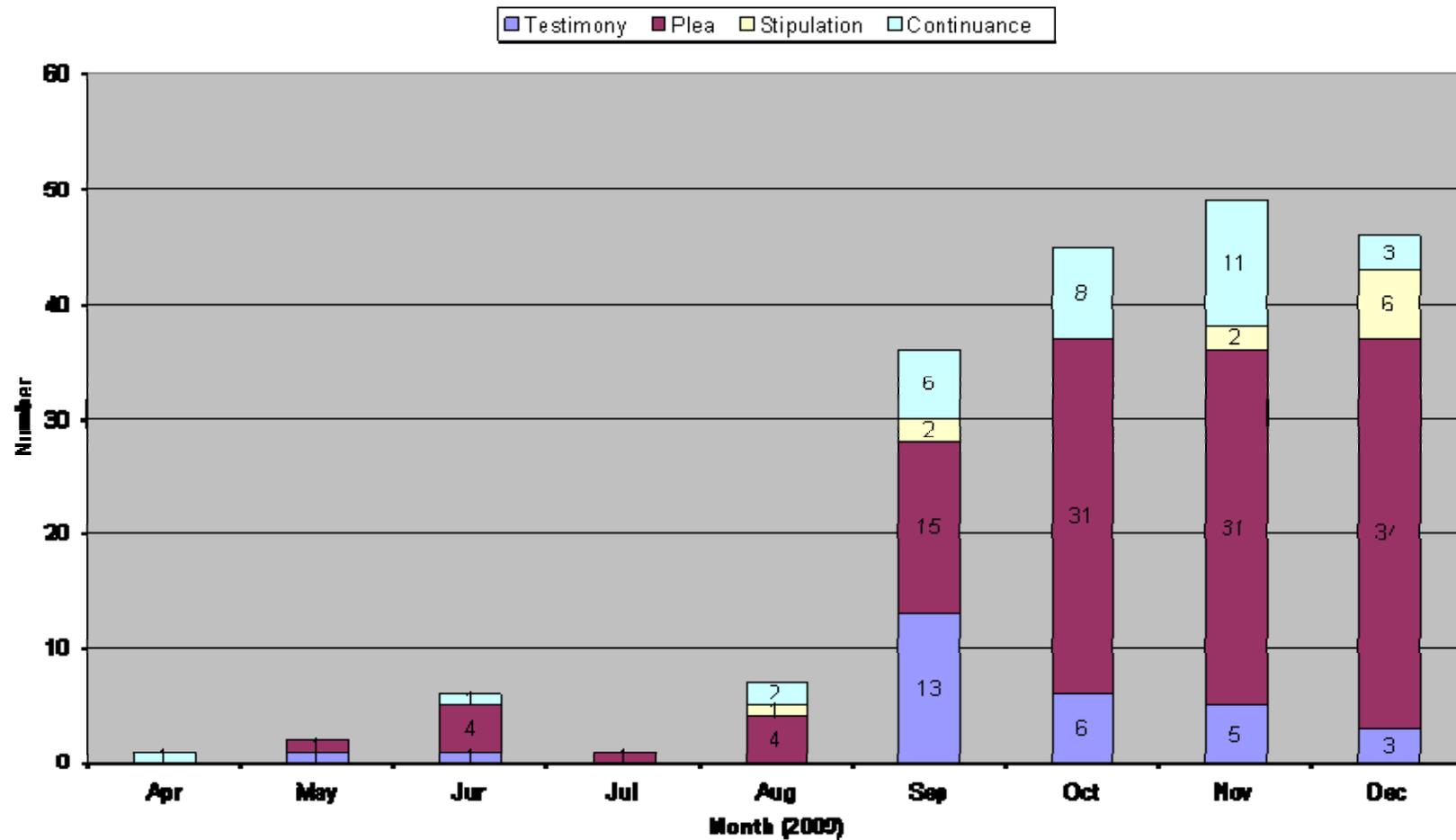


# Impact on DFS of the Supreme Court's decision in *Melendez-Diaz v. Massachusetts*



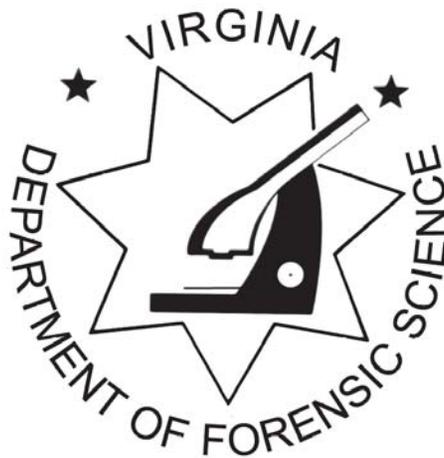
# Impact on DFS of the Supreme Court's decision in *Melendez-Diaz v. Massachusetts*

**Breath Alcohol Appearance Outcomes (Forensic Laboratory Specialists)**





# Post-Conviction DNA Testing Program and Notification Project Update



# POST-CONVICTION DNA NOTIFICATION PROJECT

## January 2010

|  |              |
|--|--------------|
| <b>Suspects Convicted of a Crime to be Notified Under 2008 Budget Language</b> | <b>1,089</b> |
| <b>Number of Convicted Suspects Determined to be Deceased</b>                  | <b>207</b>   |
| <b>Living Convicted Suspects Entitled to be Notified</b>                       | <b>882</b>   |
| <b>Suspects Entitled to be Notified -- Incarcerated</b>                        | <b>195</b>   |
| <b>Suspects Entitled to be Notified -- No Address Determined</b>               | <b>86</b>    |
| <b>Confirmation of Notification to Correct Person</b>                          | <b>335</b>   |
| <b>Hand-delivery to Suspects Incarcerated</b>                                  | <b>173</b>   |
| <b>Post card Confirmation from Non-incarcerated or confirmed by MAIP</b>       | <b>162</b>   |
| <b>Undelivered or Unconfirmed Notifications</b>                                | <b>547</b>   |

# POST-CONVICTION DNA NOTIFICATION “Pro Bono Attorney” PROJECT

- Forensic Science Board was authorized in SB 1391 (2009) to use assistance of pro bono attorneys and other volunteers
- FSB member and VSCC Executive Director Kristen Howard chairs FSB Notification Committee. VSCC has lent the assistance of its staff to coordinate the efforts of volunteer attorneys and others.
- Mid-Atlantic Innocence Project conducted training in locations across Virginia.
- Approximately 90 attorneys and other volunteers have been trained to assist and signed required confidentiality and waiver of liability agreements.
- DFS provided VSCC its database of records relating to eligible cases and suspects to be notified. DFS continues to work with VSCC to refine, review and update data.
- Approximately 140 case assignments have been made recently to about 40 attorneys around the state, and results of their efforts to locate and notify persons not previously notified are due back in late March.

# POST-CONVICTION DNA TESTING PROGRAM

## January 2010

|   |              |
|---|--------------|
| <b>Total Number of Case Files found with Evidence Suitable for DNA Testing</b>  | <b>3,048</b> |
| <b>Cases with Evidence <u>and</u> Named Suspect</b>   | <b>2,208</b> |
| <b>Cases with Evidence and Named Suspect known to have been Convicted</b>   | <b>800</b>   |
| <b>Cases Sent for Testing meeting NIJ grant criteria</b><br><i>(murder, forcible rape and non-negligent manslaughter)</i> | <b>638</b>   |
| <b>Additional Cases Sent for Testing meeting State criteria</b><br><i>(other violent crimes against a person)</i>         | <b>105</b>   |
| <b>Final Completed Case Results Returned</b>  | <b>353</b>   |
| <b>Preliminary Case Results Returned</b>  | <b>249</b>   |
| <b>Cases awaiting Contractor Testing</b>  | <b>306</b>   |
| <b>Cases in which Certificates of Analysis have been issued</b>   | <b>228</b>   |

# POST-CONVICTION DNA TESTING PROGRAM

## January 2010

### Listed Suspects Meeting NIJ Criteria

- Number of Convicted Suspects Not Indicated / Eliminated 37
- Number of Convicted Suspects Not Eliminated 92
- Number of Convicted Suspects For Whom Known Samples are Needed 19
- Number of Convicted Suspects Whose Cases have Insufficient Scientific Data Upon Which to Draw a Conclusion 85

### Listed Suspects Who Don't Meet NIJ Criteria

- Number of Ineligible Suspects Not Indicated/ Eliminated 15
- Number of Ineligible Suspects Not Eliminated 8
- Number of Ineligible Suspects For Whom Known Samples are Needed 46
- Number of Ineligible Suspects Whose Cases have Insufficient Scientific Data Upon Which to Draw a Conclusion 23



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