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**Draft- Minutes**  
**DNA Notification Subcommittee of the**  
**Forensic Science Board**  
**October 2, 2013**  
**Department of Forensic Science, Central Laboratory, Classroom 1**

**Subcommittee Members Present**

Kristen Howard, Chair (Designee of Del. Robert Bell, Chair, Virginia State Crime Commission)  
David A. C. Long  
Lt. Col. Robert Northern (Designee of Colonel W. Steven Flaherty, Virginia State Police)

**Staff Members Present**

Gail Jaspen, Chief Deputy Director  
Stephanie Merritt, Department Counsel  
Carisa Studer, Legal Assistant

**Call to Order by Subcommittee Chair Kristen Howard**

Ms. Howard called the meeting of the DNA Notification Subcommittee (“Subcommittee”) to order at 10:00 a.m. She welcomed the Subcommittee members and Department of Forensic Science (“DFS or the Department”) Staff. Ms. Howard introduced Virginia State Crime Commission (“VSCC”) Staff, who is assisting the Board with the notification and conviction portions of the Post-Conviction DNA Program & Notification Project, to the Subcommittee. Ms. Howard also introduced Ms. Shawn Armbrust, Executive Director of the Mid-Atlantic Innocence Project (MAIP).

**Discussion**

Ms. Howard gave a brief overview of the history of the Post-Conviction DNA Testing Program (the PC DNA Program) & Notification Project. Because the Notification Project was the intended focus of the meeting, Ms. Howard further explained that the Board was tasked with notifying all convicted persons who have cases in the PC DNA Program. The Notification Subcommittee was created to develop the process by which the Notification Project would be conducted.

During the August 14, 2013 Forensic Science Board meeting, the Subcommittee decided to meet to consider and discuss the need to prioritize the search for the 140 individuals for whom known DNA samples are needed to complete testing, revisions to the initial notification letter to reflect the needs of the individual submitting a DNA sample and a proposal by the MAIP to assist in reaching out to the individuals for whom known samples are needed and providing guidance to them.

Ms. Howard asked the VSCC staff to give an overview of the work they have put into the research of confirming conviction information and locating correct address for the suspects.

47 VSCC staff has gone out to many courthouses and with the assistance of Court Clerks has been  
48 able to locate conviction information. VSCC staff has begun contacting the last remaining Courts  
49 to complete the conviction information portion of the PC DNA Program.  
50

51 Ms. Howard briefed the Subcommittee on the difficulties of using different databases in  
52 researching contact information of suspects. One database that the VSCC staff was able to use  
53 was very effective, but the cost to buy the database services is not in the VSCC budget.  
54

55 Ms. Howard suggested that the Board determine a long term strategy on how to complete the  
56 Project. The focus at this time is a plan to notify all the individual suspects for whom known  
57 samples are needed. Making case assignments to *pro bono* attorneys was tried in the past, but  
58 was ineffective and slow. Therefore, *pro bono* attorneys are not a long-term solution.  
59

60 Ms. Howard then shared the proposed MAIP work plan , which suggests dividing up the cases of  
61 the suspects for whom known samples are needed among four Innocence Projects. Each case  
62 would be thoroughly researched and prioritized according to type of offense. MAIP would  
63 schedule regular conference calls with DFS and the Subcommittee Chair with updates on the  
64 status of their notification efforts. To facilitate MAIP’s ability to research cases, the Department  
65 would release Certificates of Analysis for the appropriate cases to MAIP in a similar manner as it  
66 released Certificates in the cases in which a named suspect was not included or was eliminated  
67 from the evidence tested.  
68

69 The Subcommittee discussed accepting the offer from MAIP and that Ms. Howard would do the  
70 following to facilitate the moving forward with these notification efforts: Ms. Howard will  
71 contact the Office of the Attorney General (OAG) to review the language in the confidentiality  
72 agreement before MAIP begins contacting suspects; Ms. Howard will also contact the OAG and  
73 Public Defender’s Office to inquire about their database resources to locate contact information  
74 for notifications.  
75

76 Ms. Howard moved that the Subcommittee recommend that the Board accept the offer of MAIP  
77 to assist in the notification of persons in the “Need Knowns” category of the Notification Project  
78 and to authorize the Chair of the Subcommittee to take the appropriate preliminary steps to  
79 prepare to move forward with the MAIP work plan, which was seconded by Lt. Col. Northern  
80 and passed by unanimous vote.  
81

82 As the VSCC and MAIP find addresses for the “Need Knowns,” the information will be passed  
83 on to the Department.  
84

85 **Public Comment**

86  
87 None  
88

89 **Next Meeting**

90  
91 The Forensic Science Board will meet next on Wednesday, October 16, 2013 at 9 a.m.  
92

93 **Adjournment**

94 Ms. Howard moved that the meeting of the Subcommittee be adjourned, which was seconded by  
95 Lt. Col. Northern and passed by unanimous vote.

96

97 The meeting adjourned at 11:50 a.m.