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**Final - Minutes**  
**DNA Notification Subcommittee of the**  
**Forensic Science Board**  
**March 16, 2015**  
**Department of Forensic Science, Central Laboratory, Classroom 1**

**Subcommittee Members Present**

Vince Donoghue, Essex Commonwealth’s Attorney and Designee of Senator Thomas K. Norment, Jr., and Senator Mark D. Obenshain, Co-Chairs, Senate Courts of Justice Committee  
W. Steven Flaherty, Colonel, Virginia State Police Superintendent  
Kristen J. Howard, Chair, Designee of Senator Thomas K. Norment, Jr., Chair, Virginia State Crime Commission (VSCC)  
David A. C. Long, Esq.

**Staff Members Present**

Donna Carter, Finance Manager  
Amy Curtis, Department Counsel  
Shelley Edler, Forensic Scientist  
Katya Herndon, Chief Deputy Director  
Elise Stroble, Grants Administrator  
Carisa Studer, Legal Assistant

**Invited Guests**

Shawn Armbrust, Executive Director of the Mid-Atlantic Innocence Project (MAIP)  
Alice Armstrong, Senior Assistant Attorney General, Director of Actual Innocence and Capital Litigation  
Christina Arrington, Ph.D., Senior Methodologist, VSCC  
Holly Boyle, Policy Analyst, VSCC  
Maria Jankowski, Deputy Director of the Virginia Indigent Defense Commission (IDC)

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

Ms. Howard called the meeting of the DNA Notification Subcommittee (“Subcommittee”) to order at 1:00 p.m. She welcomed the Subcommittee members, the invited guests and Department of Forensic Science (“DFS or the Department”) Staff.

**Adoption of Agenda**

The Chair asked if there were any additions or changes to the draft agenda for the meeting. Being none, Col. Flaherty made a motion to adopt the agenda, which was seconded by Mr. Long and adopted by unanimous vote of the Subcommittee.

47 **Discussion**

48  
49 Ms. Howard gave a brief history of the Post-Conviction DNA Testing Program (the PC DNA  
50 Program) & Notification Project. Ms. Howard explained that, at the September 2014 VSCC  
51 meeting, the VSCC staff had presented the status of the PC DNA Program and Notification  
52 Project, and the Crime Commission recommended DFS go back and retest the cases where the  
53 initial post-conviction results were deemed “inconclusive.” At the January 7, 2015 Forensic  
54 Science Board meeting, the Board concluded that retesting in the “inconclusive” cases should  
55 only be conducted in cases where it is determined that testing could be probative of the  
56 defendant’s guilt or innocence. Accordingly, the Forensic Science Board added a  
57 Commonwealth’s Attorney as a member of its DNA Notification Subcommittee, and directed the  
58 Subcommittee to develop recommendations to present to the Forensic Science Board at its May  
59 meeting regarding how the “inconclusive” cases should be screened to determine the probative  
60 value of testing in these cases.

61  
62 Katya Herndon, Chief Deputy Director, informed the Subcommittee that a budget amendment  
63 for FY16 was approved that provides DFS \$150,000 to spend on outsourcing the retesting of  
64 post-conviction cases with “inconclusive” results, as directed by the Crime Commission. There  
65 are approximately 480 cases with “inconclusive” results. DFS estimated that it would be able to  
66 outsource approximately 42 cases with the \$150,000.

67  
68 There was discussion of a pending NIJ grant solicitation that could be a possible source of grant  
69 funding for both the case review process and outsourcing the retesting.

70  
71 DFS staff advised the Subcommittee about the type of information that is contained within its  
72 case files. There was discussion on what additional resources the Subcommittee could use to get  
73 a complete picture of a case. The Subcommittee concluded that reviewing the presentence report  
74 in cases where additional information was needed would be ideal.

75  
76 Discussion turned to the screening process of the case files. The Subcommittee discussed first  
77 screening the approximately 60 “inconclusive” cases that have been identified as having sperm  
78 or seminal fluid present based on the review of the old files by the Forensic Biology Section. It  
79 was decided that staff from the VSCC, Ms. Armbrust, and Catherine Mullins from the IDC  
80 would meet to conduct the legal review of the approximately 60 files to determine whether  
81 testing could be probative of the defendant’s guilt or innocence. The Subcommittee will use this  
82 review as a pilot project to determine the methodology for how the complete file review process  
83 should proceed. DFS will also be able to use the information gathered during this initial review  
84 to proceed with any grant applications.

85  
86 **Public Comment**

87  
88 None.

89  
90 **Next Meeting**

91  
92 The DNA Notification Subcommittee will meet next on Monday, April 20, 2015 at 1 p.m.

93

94 **Adjournment**

95

96 Ms. Howard moved that the meeting of the Subcommittee be adjourned, which was seconded by  
97 Col. Flaherty and passed by unanimous vote.

98

99 The meeting adjourned at 2:30 p.m.