



B132 NYPD Backlog Project Exonerates Man After 12 Years

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After attending this presentation, attendees will have been presented with a case in which the NYPD backlog project, and CODIS, resulted in the exoneration of a man falsely incarcerated for twelve years.

This presentation displays how CODIS is such a powerful tool. Not only can it be used to aid in prosecuting offenders but also help to exonerate those wrongfully convicted of a crime. We would not have been able to exonerate the man in this case without the help of the CODIS database.

This talk will discuss the history of the NYPD backlog project and how the re-analysis of one case exonerated a man convicted of sexual assault, and resulted in a DNA match with a convicted offender.

Prior to 1999, the examination of sexual assault kits was the responsibility of the NYPD lab. The lab was only performing serological testing on those cases going to court, and as a result, the number of sexual assault kits not being examined accumulated rapidly. In the year 2000, CODIS was implemented. The issue arose as to how the NYPD was going to handle the large backlog of cases that had accumulated. The NYPD backlog project was developed to examine approximately 17,800 cases regardless of whether these cases had been previously examined. Three independent forensic laboratories, were contracted to examine or re-examine these cases and the Office of the Chief Medical Examiner reviewed all of the data and entered it into CODIS.

On March 19, 1991, a seventeen-year-old female was sexually assaulted and robbed on the rooftop of her building. As a result, a sexual assault kit was taken but no DNA testing was conducted. The victim was able to provide the police with a detailed physical description of her assailant. The man was subsequently apprehended, placed on trial, and convicted of rape, sodomy, and robbery. The defendant claimed his innocence throughout the trial.

In 2003, Orchid Cellmark received the sexual assault kit from the aforementioned case. Their analysis found the presence of sperm on the vaginal slide. A cutting of the vaginal swab was submitted for STR DNA testing resulting in a male DNA profile. A report was generated by Orchid Cellmark and all results were forwarded to the OCME. The results were analyzed by the Department of Forensic Biology, where the male DNA profile was entered into the database to be uploaded into CODIS. The laboratory was subsequently notified that the profile uploaded for this case resulted in a match with a convicted offender. This investigative lead was analyzed and determined that the profile from the convicted offender was the same as the DNA profile obtained from the vaginal swab. However, this convicted offender was not the same man that was previously convicted of the assault.

The Manhattan District Attorney's office requested that the sexual assault kit be re-examined by the Department of Forensic Biology. The presence of semen on the vaginal swab was confirmed and a cutting was submitted for DNA analysis. An oral swab was obtained from the victim to ensure that the kit being examined was indeed from her. DNA typing of the vaginal swab corroborated the results that were obtained by Orchid Cellmark. The man that was serving time in prison for twelve years had been wrongfully convicted. On May 19, 2003, the man serving time for sexual assault was informed that all charges against him had been dismissed and that he was now a free man. Unfortunately, due to the statute of limitations regarding sexual assault, the convicted offender found to match this case cannot be prosecuted.

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