



## Luncheon Seminars – 2018

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### L1 Post-Conviction DNA Testing in an Ever-Advancing DNA World

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After attending this presentation, attendees will better understand the complexities and challenges faced in processing post-conviction DNA cases and will be presented with real-life case examples.

This presentation will impact the forensic science community by showcasing the need for the continued processing of post-conviction cases so forensic science can, through the development and deployment of new technologies, continue to serve both the criminal justice system and society.

DNA testing has become one of the most important forensic tools available in solving, prosecuting, and preventing crime. It is relied upon heavily in the justice system to aid in convicting the guilty and freeing the innocent; however, the usefulness of DNA testing has only been routinely demonstrated within the past decade because of advancements in DNA technology. Such advancements have led to a renewed interest in wrongful convictions. This interest is especially strong in those cases in which convictions are based solely on eyewitness accounts. With the implementation of new DNA technology, physical evidence at crime scenes can be reassessed to see what is possible in terms of examining evidence for biological fluids and/or biological material.

Post-conviction investigations face many of the same basic challenges as new investigations in terms of DNA testing; however, there are additional complexities. Processing a post-conviction case involves greater cooperation among law enforcement, the crime laboratory, and the district attorney's office. This is due to the fact that simply locating the items of evidence to be processed can be both time-consuming and challenging. Just as time-consuming and challenging is locating previous reports and previous laboratory testing results. From past reports and considering previously tested and untested pieces of evidence, if they are found, the crime laboratory can make a determination as to what DNA testing or additional testing is now plausible. Challenges are then faced in the processing of evidence that is old and may only result in the recovery of degraded DNA. Difficulties also arise when dealing with items of evidence that may have been unknowingly contaminated at the scene in a pre-DNA world where there was less emphasis on proper protective equipment. A DNA profile may be able to be recovered from the item of evidence tested; however, obtaining these elimination samples from witnesses or law enforcement personnel, who may have come into contact with the item, may be impossible. Oftentimes, processing post-conviction cases can encounter obstacles in obtaining funding. Laboratories are frequently backlogged with current cases and often do not have the funding to look back, vet, and process old cases.

With all the hurdles faced by crime laboratories, several post-conviction cases remain dormant, their probative evidence locked in unprocessed DNA to this day. The wrongfully convicted continue to serve their sentences in jail, harboring the hope that DNA will one day help them in their quest for justice. Similarly, the families of victims of violent crimes, in too many instances, remain deprived of the closure of knowing the true identities of actual perpetrators. This Luncheon Seminar will present post-conviction case examples that will highlight the challenges faced in processing such cases. This seminar will also showcase the need for the continued processing of post-conviction cases so forensic science can, through the development and deployment of new technologies, continue to serve the criminal justice system and society.

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#### **Post-Conviction, DNA, Advancing**