



### **F10 Post-Conviction DNA Testing: A Laboratory’s Perspective and Participation in a Multi-Agency Collaboration for the Identification and Evaluation of Post-Conviction Cases**

*Kerry A. Collins, JD\**, Massachusetts Department of State Police, Maynard, MA 01754; *Lynn A. Schneeweis, MS\**, Massachusetts State Police Crime Laboratory, Maynard, MA 01754; *Dorothea S. Collins, MLA*, Massachusetts State Police Crime Laboratory, Maynard, MA 01776; *Kristen Sullivan, MS*, Massachusetts State Police Crime Lab, Maynard, MA 01754

**Learning Overview:** After attending this presentation, attendees will understand the useful contributions a laboratory can make, outside of performing forensic analysis, in the assessment of cases for potential post-conviction testing.

**Impact on the Forensic Science Community:** This presentation will impact the forensic science community by providing a model for collaborative, multi-agency efforts to identify cases potentially suitable for post-conviction testing and address logistical challenges encountered therein.

In 2012, Massachusetts passed Chapter 278A, a post-conviction DNA and forensic analysis law. As a result, in 2013, five criminal justice agencies within Massachusetts—the Committee for Public Counsel Services (CPCS), Middlesex County District Attorney’s Office (MCDAO), Middlesex Superior Court Clerk’s office, Suffolk County District Attorney’s Office, and New England Innocence Project (NEIP)—formed the Massachusetts Working Group (WG) on Post-Conviction Testing Assistance. This working group received funding through a Post-DNA Testing Assistance award for identifying DNA-based innocence claims in serious violent felonies, locating and testing evidence in said cases, and adopting best practices for inventory and storing evidence. In 2014, the working group recognized the potential benefits of expanding this partnership and invited the Massachusetts State Police Crime Laboratory (MSPCL), Boston Police Laboratory, and Suffolk County Superior Court Clerk’s office to join. The newly expanded working group subsequently received funding under the 2014 Department Of Justice (DOJ) Post-Conviction Testing of DNA Evidence to Exonerate the Innocent. The Working Group’s goal for these funds included conducting comprehensive evidence inventories in participating counties, creating a “best practices” guide for evidence management, and conducting a review of pre-2000 cases at MSPCL where microscopic hair comparison was performed.

The MSPCL’s initial contribution to this project focused on providing technical expertise on evidence handling and storage procedures. Laboratory personnel served as resources for police departments conducting evidence room inventories and provided guidance for inquiries as to improving the storage and packaging of pieces of evidence previously subjected to less than ideal conditions. Additionally, the MSPCL provided technical resources for the construction of a “best practices” guide for evidence management to assist the legal community.

The primary role MSPCL undertook in this project was to identify forensic cases within MA where microscopic hair comparisons had been performed and resulting associations between items of evidence and known samples were made. Criteria were determined by the WG to prioritize which categories of these cases would be identified for further review by CPCS and NEIP to assess for potential post-conviction DNA testing. A 20-year time frame of cases for review was established and over 20,000 serology cases were administratively screened to determine those in which hair was examined and associations were made.

During this project, the WG convenes regularly to evaluate progress toward these goals. Through this collaboration, the WG expanded the scope of their work to include: training on post-conviction cases for attorneys; developing a post-conviction template motion for DNA testing; drafting a discovery materials agreement between the MSPCL, MCDAO, and CPCS; and creating a DNA technology timeline for attorneys litigating post-conviction cases.

This presentation will include discussion of the achievements of the Working Group’s efforts over the past five years since its inception. Specific emphasis will be on the role of the MSPCL’s collaboration with the legal community in the identification and evaluation of the suitability of cases for post-conviction DNA testing.

---

#### **Post-Conviction, Multi-Agency Collaboration, DNA Testing**