



F11 Post-Conviction DNA Testing: A Two-Year Summary of a Law School and University Collaboration to Identify and Evaluate Post-Conviction Cases

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Learning Overview: After attending this presentation, attendees will understand the California Forensic Science Institute-Loyola Law School's Loyola Project for the Innocent (CFSI-LPI) case review model, with particular emphasis on case prioritization, filing and arguing motions requesting DNA testing, and strategic approaches to case resolution.

Impact on the Forensic Science Community: This presentation will impact the forensic science community by providing attendees with a law school-university collaboration model to tackle the logistical challenges related to post-conviction DNA testing.

The CFSI within the School of Criminal Justice and Criminalistics at California State University, Los Angeles, established a partnership with Loyola Law School's Loyola Project for the Innocent (LPI) to review cases and locate and test evidence related to violent felony offenses where actual innocence may be demonstrated. The CFSI-LPI team was awarded Department of Justice funding under the 2019 Postconviction Testing of DNA Evidence solicitation to provide critical assistance to individuals convicted of a serious felony that meets specific criteria. Collectively, the CFSI-LPI team reviews violent felony cases to locate biological evidence for submission to a forensic laboratory for DNA testing to demonstrate their innocence or assist in their exoneration.

Since 1989, DNA testing has facilitated the exoneration of 511 individuals nationwide. Only 26 of 511 DNA-related exonerations have occurred in California—a state that incarcerates more inmates than any state other than Texas. Of the 26 cases, only six were in Los Angeles County, a county that produces nearly half of all serious felony convictions in the state. Under California's DNA testing statute (Penal Code §1405), a request for DNA testing must satisfy several criteria. These include a claim of innocence and the details regarding every reasonable attempt made to identify both the evidence to be tested and the specific type of DNA testing sought. Further, the statute requires an explanation of how, in light of all the evidence, the requested DNA testing would raise a reasonable probability that the convicted person's verdict or sentence would be more favorable if the results of DNA testing had been available at the time of conviction.

This presentation provides a two-year overview of the CFSI-LPI case review model, emphasizing the identification and evaluation of cases that meet the criteria under CA Penal Code §1405 for post-conviction DNA testing. This summary will include the number of DNA cases reviewed and investigated; the crimes for which clients were convicted, including those that have a sexual assault component and/or resulted in the death of the victim(s), and the number of evidence searches conducted, specifying the cases where evidence was located versus destroyed or missing. Further, this summary will disclose the number of items submitted for Short Tandem Repeat (STR), Y-chromosomal STR (Y-STR), mitochondrial DNA (mtDNA) analysis, and whether a viable profile was obtained in addition to the probative value of the DNA profile (supporting versus refuting the post-conviction claim or inconclusive). This presentation will also specify the number of DNA profiles uploaded to the Combined DNA Index System (CODIS) versus the number of CODIS hits. It will conclude by describing obstacles to the project objectives throughout the grant award period and will demonstrate how the CFSI-LPI model provides an invaluable forensic science experiential learning experience where graduate students participate in a service-learning social justice project.

Post-Conviction, DNA Testing, Law School-University Collaboration