




COMMONWEALTH of VIRGINIA

DEPARTMENT OF FORENSIC SCIENCE

OFFICE OF THE DIRECTOR
A Nationally Accredited Laboratory

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DFS POLICY NOTICE

TO: All Agencies Served by Department of Forensic Science (DFS)
FROM: Linda C. Jackson, Department Director 
DATE: July 17, 2023
RE: Return of Evidence Relating to the Post-Conviction DNA Testing Project

During the review of a case file for possible Post-Conviction DNA testing in 2001, DFS discovered that some of its historic case files (from 1972-1987) contained portions of previously tested evidence and/or known reference samples. After this discovery, DFS retrieved and reviewed case files from the Library of Virginia State Records Center in order to identify cases containing previously tested evidence or known reference samples.

Some of these cases were the subject of Post-Conviction (PC) DNA testing that was ordered by Governor Warner in 2005. A summary of the testing project is available here:

<http://vscc.virginia.gov/2020/DNA%20Project%20Overview.pdf>. Other cases, where a portion of evidence or reference standard was retained, were not tested because the case was not eligible, or no record of a conviction was identified. DFS has since stored all of this material at our laboratory in the event that further requests for testing were received or ordered by the courts. To be consistent with current evidence handling policies, the final aspect of this project will be to return the discovered evidence and/or reference samples to the originating law enforcement agencies.

Beginning in August 2023, previously tested evidence and/or reference samples from these historical cases will be returned to the originating law enforcement agency. Evidence batches (up to 25 cases) will be returned with an itemized list of the samples present for each case. The evidence for each case will be packaged in one or two manilla envelopes. Chain of custody forms will be used to document the evidence transfer and identify the cases in each batch by FS Lab # (and agency case #, if available), which can be matched to your agency records.

The returned evidence and/or reference samples container(s) may be stored in your evidence facilities at room temperature. An agency should contact their legal advisor regarding the appropriate retention time for this returned evidence.

If you have any questions regarding this Notice, please contact Shelley Edler, Forensic Biology Group Supervisor, at (804) 588-4084.