

CONTRACT INVESTIGATOR PROJECT DESCRIPTION AND SCOPE OF SERVICES

Exigent Circumstances Creating the Need

The Williamson County District Attorney's Office has recently been notified that the FBI database used to calculate the rarity of a STR genetic profile and published between 1999 and 2001 contained discrepancies **which may have affected certain DNA testing results between 1999 and 2015**. DNA Labs were notified of the potential for error caused by these discrepancies in May 2015.

The District Attorney's Office was also advised of changes to DNA mixture interpretation protocols that may have a material impact on criminal cases when prosecutors from the Harris County District Attorney's Office shared their experience with this issue at a prosecutor's conference in September 2015. While unrelated to the FBI's updated STR population statistics, the nature of the issue came to light when the Harris County District Attorney's Office requested and received statistical recalculations in certain cases.

The Texas Department of Public Safety's Laboratory Division, which is the primary lab that provides DNA analysis for Williamson County's criminal cases, has notified the District Attorney that **there are 955 Williamson County samples** which were analyzed between 1999 and May 2015 that involve DNA mixtures interpretations and may be impacted by these issues.

Please refer to the attached "Erratum" published in the July 2015 edition of the American Academy of Forensic Sciences' Journal of Forensic Sciences, a notice letter distributed to members of the Texas Criminal Justice Community from Vincent J. M. DiMaio, M.D., Presiding Officer of the Texas Forensic Science Commission, the attached publication recently issued by the Commission, "Unintended Catalyst: the Effects of 1999 and 2001 FBI STR Population Data Corrections on an Evaluation of DNA Mixture Interpretation in Texas," and a letter from Brady W. Mills, Deputy Assistant Director of the Texas Department of Public Safety Crime Laboratory Service discussing this issue for a detailed description of these issues.

Objective

The Williamson County District Attorney's objective is to take a proactive approach to facilitate any request for re-analysis of DNA mixture samples utilized as evidence in any case prosecuted by the Williamson County District Attorney's Office between 1999 and May, 2015.

The Scope of Services for this project will be the creation of a master spread sheet that will serve as a snap-shot of the depth of the situation, and, the creation of digital file-folder for each of the potentially affected cases in preparation to respond to any request for re-analysis of DNA mixture samples and any subsequent writs that may follow.

Scope of Services

Timeframe:

Phase 1 - Creation of a Master Spread Sheet - Completion Date (30 days after start)

The first phase will consist of creating a master spread sheet that serves to provide an overview of the depth of the situation. The spread sheet will categorize each of the potentially affected cases by their disposition; first by determining whether or not the test results were used as evidence at trial and whether or not the case resulted in a conviction. Then, based on this first categorization each case disposition that resulted in a conviction will be further categorized by the type of disposition such as, defendant on death row, defendant in prison, defendant on parole, etc.

Phase 2 - Locating Defendants - Completion Date (60 days after start)

Once it is determined which cases have been potentially affected by the discrepancies in the related lab analysis, each defendant for those cases will be located and notified of the potential implications created by the discrepancies in the related lab analysis. A report will be completed for each case detailing the efforts made to locate the defendant, which will serve as proof of diligence in the search, in the event a defendant is not located.

Phase 3 – Creation of a Digital File Folder - Completion Date (85 days after start)

A digital file folder will be created for each case containing the report described in phase 2 above, the defendant's notification letter, the original lab report, an offense summary, a report containing a description of evidence available to re-analyze, etc.

Phase 4 – Notifications - Completion Date (90 days after start)

Notifications to defendants in each case will be filed with the District Clerk's Office and delivered to the defendants at the direction of the District

Attorney's Appellant Attorney. In addition, notifications to the defendant's attorney of record and victims may be made at the direction of the District Attorney's Appellant Attorney.

Budget

Personnel

Investigator / Service Provider - \$40 per hour for 720 hours = \$28,800.00

Equipment

Computer with internet access and L.E. Database access, phone, printer, scanner, LD Calling Code.

Monitoring and Evaluation

The day- to- day progress will be monitored by the Williamson County District Attorney or her designee. The District Attorney, or her designee, will provide the Williamson County Commissioners' Court with notification of the project's progress at the end of the 90 day period OR upon their request.

Approval Signatures

Project Sponsor - County Judge Dan Gattis_____

Project Manager - District Attorney Jana Duty_____