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About OMICS Group Conferences

OMICS Group International is a pioneer and leading science event organizer, which publishes around 400 open access journals and conducts over 300 Medical, Clinical, Engineering, Life Sciences, Pharma scientific conferences all over the globe annually with the support of more than 1000 scientific associations and 30,000 editorial board members and 3.5 million followers to its credit.

OMICS Group has organized 500 conferences, workshops and national symposiums across the major cities including San Francisco, Las Vegas, San Antonio, Omaha, Orlando, Raleigh, Santa Clara, Chicago, Philadelphia, Baltimore, United Kingdom, Valencia, Dubai, Beijing, Hyderabad, Bengaluru and Mumbai.

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Novel Concepts for the Application of Rapid DNA Technology as a Sentinel Event Prophylactic in the Criminal Justice System

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October 6, 2014 San Antonio, Texas

In Pursuit of Truth and Justice

Truth, like gold, is to be obtained not by its growth, but by washing away from it all that is not gold.

Lev Nikolayevich Tolstoy(1828-1910)

Is a Prophylactic Needed?

- 20-25% of Innocence Project cases successfully litigated included false confessions

(Jenson, J.K. (2014) The Dilemma and Debate over Confession Evidence Strategies. J forensic Res Crim Stud 1:1-10)

- “Beatrice Six” defendants who confessed to murder in 1989 were exonerated when DNA evidence identified another suspect not associated with defendants – a 42 USC Sec. 1983 claim filed against investigating parties

(No. 11-2882 US Court of Appeals 8th Circuit)

- National Registry of Exonerations shows 1,409 exonerations as of August 12, 2014

(<https://www.law.umich.edu/special/exoneration/Pages/browse.aspx>)

Objectives

- Describe sentinel events as related to the criminal justice system and understand the prophylactic utility of rapid DNA technology (RDT)
- An understanding of RDT deployment
- Understand “probable cause” and “evidentiary” applications
- Understand the RDT / CODIS inter-face of the Arizona Department of Public Safety (AZDPS) Type Model with auxiliary local DNA database.
- Understand liability exposure in the investigative process

What are Sentinel Events?

- Joint Commission on Accreditation of Hospital Organizations (JACHO): A sentinel event is an unexpected occurrence involving death or serious physical or psychological injury, or the risk thereof.
http://www.jointcommission.org/sentinel_event.aspx
- National Institute of Justice (NIJ): A sentinel event is a significant negative outcome that: signals underlying weaknesses in the system or process; is likely the result of compound errors; may provide, if properly analyzed and addressed, important keys to strengthening the system and preventing future adverse events or outcomes.
<http://nij.gov/topics/justice-system/Pages/sentinel-events.aspx>

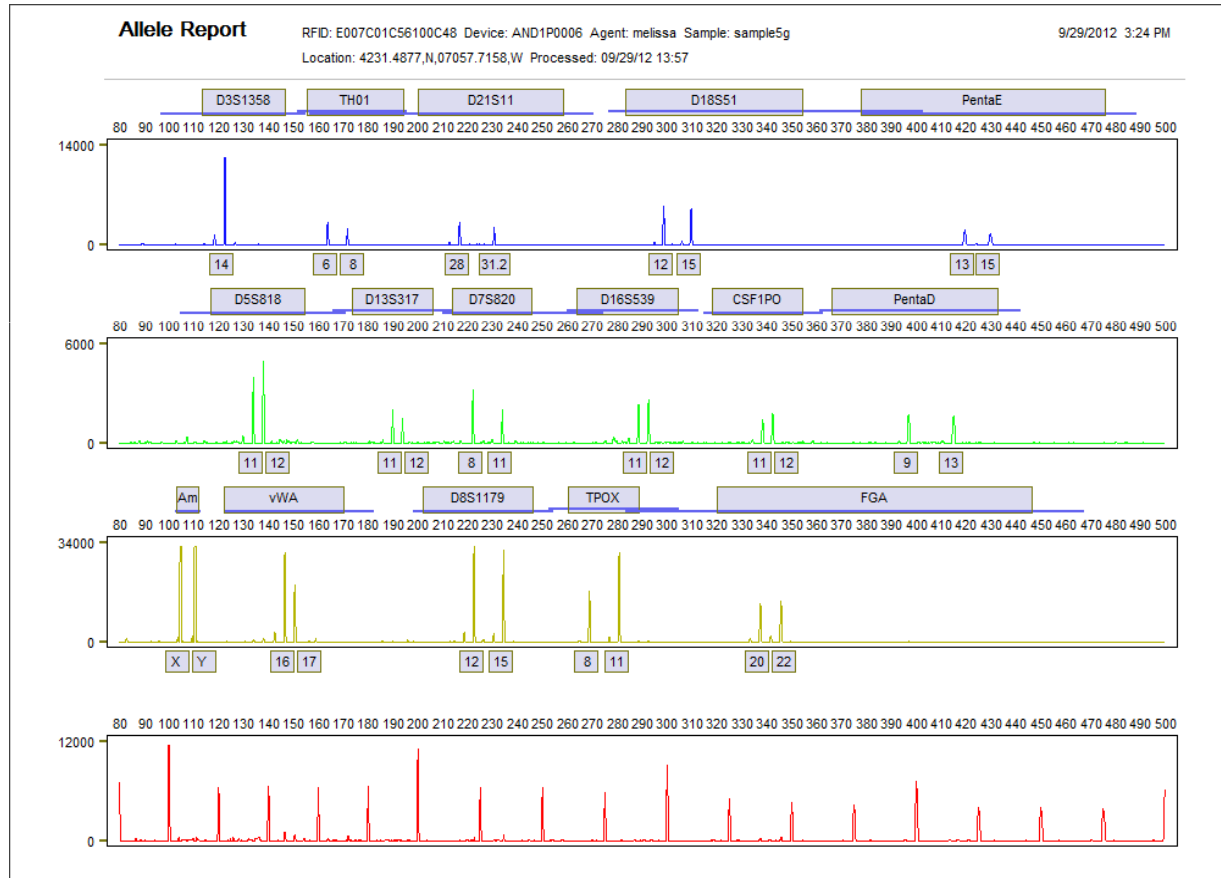
CJS Examples of Sentinel Events

- Wrongful conviction or near-miss* for when accused of a criminal act
- Labeling of an individual when questioned by investigators relative a criminal case
- Inaccurate eye-witnesses testimony
- False statements from informants, victims or witnesses
- Over-reaching forensic subject matter expert testimony
- Exonerated outcomes: liability risk for criminal justice personnel and agencies

Rapid DNA Technology (RDT)

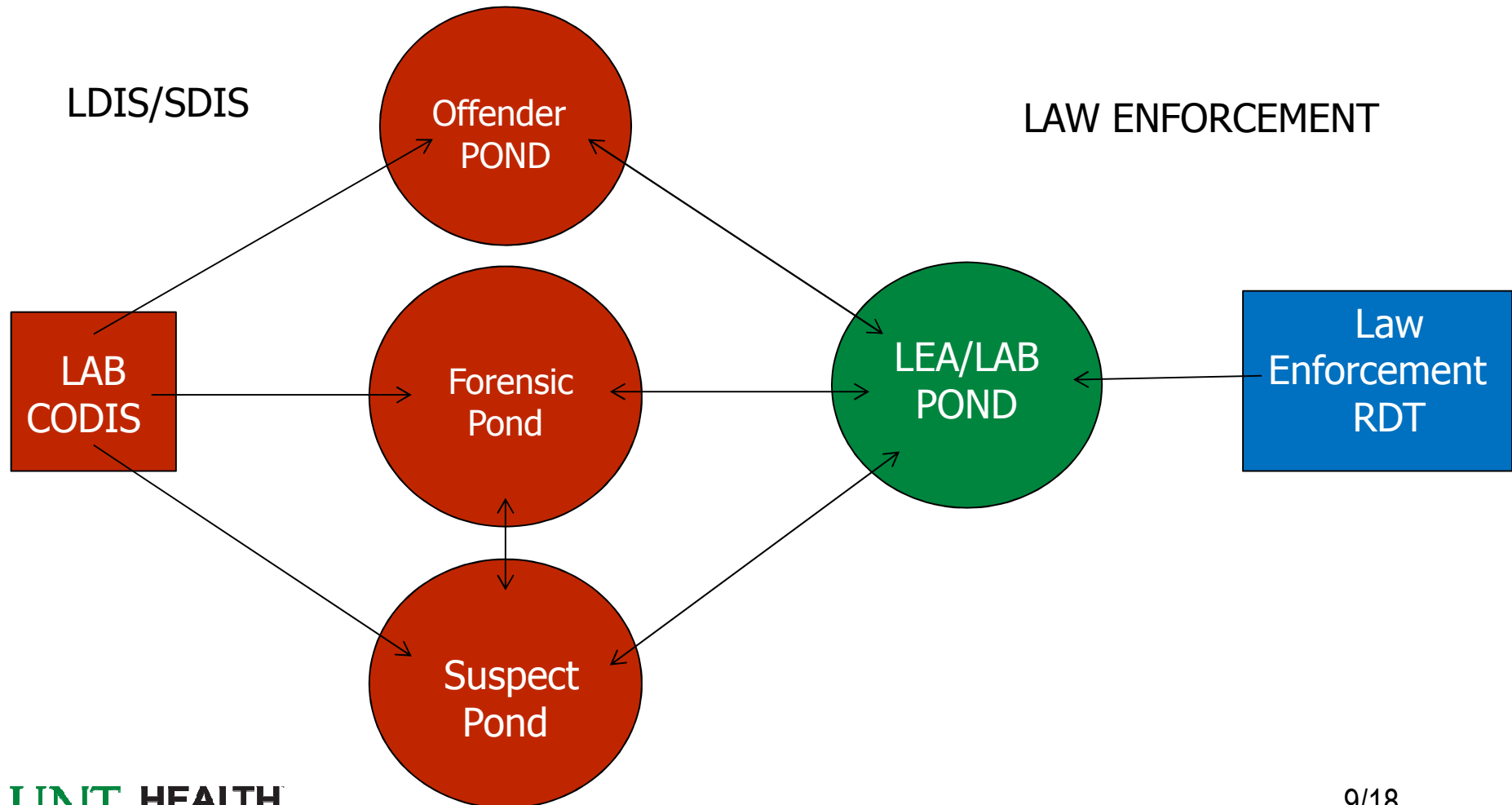
- You might think of RDT as a lab in a box
- Currently, there are two types of RDT equipment available to U.S. law enforcement and laboratories:
 - 1) General Electric - DNAscan
 - 2) IntegenX – RapidHit 200
- Provides agencies the ability to produce results in under ninety-minutes or collection to result in < 2 hours
- RDT may be deployed in nearly in a number of situations
- Potential to provide near real time access to DNA typing expertise via automation

DNA Profile: GWA < 85 Minutes



Equipment Used -
DNAscan, Courtesy
GE Healthcare

AZDPS Deployment Type Model



Probable Cause & RDT

- Probable Cause: evidence that gives someone a reason to think a crime has been committed or is in process.
- If an individual is implicated in a criminal act, an officer has reasonable suspicion to investigate. Rapid DNA technology may be a viable strategy to establish probable cause under such circumstances when a unknown crime scene DNA evidence is available or the investigator has reasonable suspicion that a criminal relationship may exist between parties.

DNA Sample Collection

- Most situations will require voluntary consent. Therefore, law enforcement personnel will have to exercise restraint and not collect by coercion.
- Materials that are discarded may be used – no expectation of privacy

(State v. Christian, Court of Appeals of Iowa, No. 04-0900 8/23/06 @ http://www.denverda.org/dna/Surreptitious_Collection_and_Abandoned_DNA_Cases.htm)

Excluded / Not Excluded

- If the results of the RDT analysis **exclude** the individual, probable cause may not exist to continue the investigation saving the agency valuable investigative resources and the individual the stress of being labeled as a person of interest in a criminal investigation.
- If the results do **not exclude**, a warrant may be in order to secure an evidentiary DNA sample to be processed according to agency policy and protocols.

Wilson v. Lawrence County (2001)

There is no countervailing equally important governmental interest that would excuse the appellants from fulfilling their responsibility to investigate these leads when faced with an involuntary confession and no reliable corroborating evidence. Therefore, the proper standard to judge whether the officers' conduct violates due process is recklessness.

(United States Court of Appeals, Eighth Circuit No. 00-2828 - 260 F.3d 946)

Notable Settlements in the Press

- Exonerated Ohio man wins civil rights suit, \$13.2M - spent 13 years in prison for a murder that DNA testing later proved he did not commit

(<http://www.wkyt.com/home/headlines/Exonerated-Ohio-man-wins-civil-rights-suit-132M-196694571.html?site=mobile>)

- 5 Exonerated in Central Park Jogger Case Agree to Settle Suit for \$40 Million : DNA and other evidence implicated another man a convicted rapist and murderer who confessed to acting alone.

(http://www.nytimes.com/2014/06/20/nyregion/5-exonerated-in-central-park-jogger-case-are-to-settle-suit-for-40-million.html?_r=0)

Thoughts to Consider

- “Any problem is best solved by preventing it from occurring”

(Thayer, L. 2010. Leaders and Leadership: Searching for Wisdom in All the Right Places. E-book p.38 of 870)

- “We cannot solve our problems with the same thinking we used when we created them” – Albert Einstein

<http://www.brainyquote.com/quotes/quotes/a/alberteins121993.html#jD6YMvjDB0lxDeFt.99>

RDT as a Prophylactic for Sentinel Events

- False confessions are exposed
- Labeling exposure for the innocent is reduced or eliminated
- Eyewitness testimony may be corroborated
- Testimony of witnesses and informants may be corroborated or dismissed
- Investigative resources may be more focused and efficient
- Liability exposure for investigators, prosecutors and jurisdictions may be greatly reduced.

Questions

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