Charlotte-Mecklenburg Police Department

Biological Evidence Catalogue Project

Biological evidence containing DNA (deoxyribonucleic acid) – when properly collected, stored and analyzed - is a powerful tool that aids law enforcement, prosecutors, and defense counselors in bringing justice for crime victims in our community. The Department's cold case investigations have led to improvements in the way biological evidence secured during criminal investigations is catalogued. Past documentation practices were not automated and required attorneys and detectives, especially on cold cases, to sort through individual paper lab reports and records to determine whether a sample or cutting was retained in the Laboratory and/or the Property and Evidence Division.

The Biological Evidence Catalogue Project has produced an inventory of biological evidence samples retained in the Crime Laboratory dating back to 1978. The initial review focused on evidence retained that could be valuable in cold case investigations. During the inventory of an initial 1314 cases, a separate catalogue of cases was made in which arrests were made, the cases were closed and a defendant was charged and or convicted. Of those, detectives working with the District Attorney's Office identified cases for follow up using the following criteria:

- Individual charged is on death row
- Individual pled guilty and is serving a sentence
- Individual pled not guilty, was convicted and serving a sentence
- Individual was convicted and is out of custody on probation

This inventory has been provided to state and federal prosecutors and will be made available to the criminal defense community for inspection. Criminal defense attorneys representing defendants who have consistently maintained their innocence, based upon a mistaken or wrongful identification, can review this inventory record to determine if the retained biological evidence is materially relevant.

The District Attorney is notifying defense attorneys and/or defendants that biological material has been retained should they wish to pursue DNA testing. Specifically, the District Attorney's Office will be sending letters to defense attorneys/defendants regarding 24 homicide and 7 sexual assault cases.

Future enhancements to the existing Property and Evidence Database System will include all past and current samples retained in the Crime Laboratory. Additionally, the Laboratory Information Management System or LIMS (a new computer system) provides officers an electronic copy of the Laboratory report that clearly denotes when remaining biological samples are available for testing. These enhancements mirror the advances in DNA testing and underscore the department's commitment to

maintaining the highest standards for the collection, preservation and testing of DNA evidence.

BACKGROUND:
Testing and Storing DNA Evidence

It is standard best practice—and, as DNA technologies evolved in recent years, highly beneficial—for crime laboratories to retain biological samples or cuttings from evidence. Labs store this evidence in a frozen state to prevent degradation of the material and for future testing in unsolved cases. The law also requires evidence in capital cases be retained throughout any post-conviction processes.

Evolving DNA technology is having a major impact on criminal investigations. Biological evidence that just a few years ago could not be tested is now yielding evidence that provides detectives with new leads, even in unsolved cold cases going back many years.

DNA evidence may play an equally significant role post-conviction for those who maintain they have been wrongly accused or convicted of a crime. On August 3, 2006 N.C. Governor Mike Easley signed House Bill 1323 into law. The bill established the North Carolina Innocence Inquiry Commission as an independent part of the Judicial Department. The Commission will conduct inquiries into credible claims of factual innocence through a post conviction review process. Investigation of claims supported by evidence not previously presented in trials or hearings will ensure the innocent and guilty receive justice. The Commission's timely inquiry into claims will strengthen public confidence in the justice system.

District Attorney Peter Gilchrist and U.S. Attorney for the Western District of North Carolina Gretchen Shappert fully support the Charlotte-Mecklenburg Police Department's enhanced documentation procedures that will bolster the integrity of the criminal discovery process. Each will send notice of the availability of the retained evidence and new documentation process to defense attorneys and/or inmates with applicable pending or post-conviction cases. Criminal defense attorneys will have an opportunity to make requests for samples to be tested or retested, either by CMPD or an independent lab.

About The CMPD Crime Lab

The Department's Crime Lab Division added DNA analysis to the Microanalysis Section in 2000. The Division includes five specialized sections that provide state-of-the-art forensic analytical services for this police department as well as municipal, state, and federal law enforcement agencies in Mecklenburg County. The lab is accredited by the American Society of Crime Laboratory Directors (ASCLD).

Forensic analysis is conducted in the disciplines of firearms, tool marks, shoe/tire impressions, latent fingerprints, illicit drugs, fire debris, trace evidence, serology/DNA and questioned documents. The laboratory utilizes some of the latest database technology available to the forensic community.

DNA Playing Role in Solving Cold Cases

The Charlotte-Mecklenburg Police Department's Homicide Cold Case Unit has delivered promising results since its inception in 2003. The unit, which consists of two full-time homicide detectives, one full time F.B.I. agent and a seven person civilian volunteer review team, has reviewed 84 cases, made 17 arrests and cleared 22 open homicides.

The success of the Homicide Cold Case Unit led the CMPD to use a similar process for reviewing sexual assault cold cases. The department assigned a detective to review sexual assault cold cases on a full time basis in January 2006. The initial focus for this detective and a volunteer assistant includes an effort to identify cases wherein possible physical evidence collected after the crime could undergo laboratory analysis and be coupled with additional investigation to solve a cold case or cases. To date, the Sexual Assault Cold Case Unit has reviewed 119 cases, made 3 arrests and cleared 15 open sexual assault cases.

The civilian volunteers are primary responsible for the organization and review the open case files as well as providing the cold case detectives with a detailed summary of the case. The cold case detectives then use the review and summary in their on-going investigation once a case is re-opened.

Cold Case detectives re-interview witnesses and potential suspects and look to develop new leads. Physical evidence that is several years or even decades old, if retained correctly, can provide detectives with information that strengthens old leads or produces new leads in the investigation. The advances in crime lab technologies, including DNA analysis, have played a significant role in solving cold cases.

Case Study: How DNA Helps Investigators Solve Cold Cases
The Murder of Jerri Ann Jones

In July of 1987 Ms. Jerri Ann Jones, a 19 year old resident of Charlotte, was employed by Harris-Teeter Supermarkets Incorporated and working at the Harris-Teeter store located at 5737 North Graham Street. While waiting outside the store for her ride home, Ms. Jones was abducted from the parking lot by an unidentified white male in a pick-up truck. Ms. Jones body was found two days later in the 1400 block of Mineral Springs Road, a short distance from the Harris-Teeter store. The Mecklenburg County Medical Examiner's autopsy examination revealed her death was a homicide.

On July 10, 1987 Harris-Teeter President Robert S. Goodale announced Harris-Teeter was offering a reward in the amount of $10,000 for the arrest and indictment of the individual responsible for the death of Jerri Jones. After countless hours spent on the investigation and all potential leads exhausted, police were unable to identify a suspect in Jones case and the investigation remained open.

In April, 2003 the Charlotte-Mecklenburg Police Department (CMPD) organized a Homicide Cold Case Unit utilizing two full time homicide detectives and one full time F.B.I. Agent to concentrate on older, unsolved homicide cases. As Ms. Jones homicide was a case that was familiar to the detectives, it was one of the first the unit reopened for investigation.

The CMPD Cold Case Unit, recognizing the advancements made in the forensic analysis of DNA evidence by the Charlotte-Mecklenburg Police Crime Laboratory, submitted physical evidence from the Jones case to the crime lab for additional DNA examination. The results of the DNA analysis were entered into the CODIS database resulting in a match that led detectives to the identification of the subject responsible for Ms. Jerri Jones' homicide.

Investigation by cold case detectives resulted in the suspect, **Terry Alvin Hyatt,** being charged with Ms. Jones murder in January 2005. Mr. Hyatt confessed to the killing of Ms. Jones, giving her family, police detectives and prosecutors the closure they worked hard to achieve for 17 years.

At the time Mecklenburg County prosecutors charged Mr. Hyatt, he was already serving time on North Carolina's death row for two 1979 murders for which he was convicted in February 2000 in Superior Court in Buncombe County. Terry Alvin Hyatt pleaded guilty to the murder of Jerri Ann Jones in a Mecklenburg County Court on August 2, 2005.