

[Who We Are](#)
[Press Room](#)
[News & Issues](#)
[CLE & Events](#)
[Committees](#)
[Members Only](#)
[Champion Magazine](#)
[Indigent Defense](#)
[Federal Legislation](#)
[White Collar](#)
[State Legislation](#)
[Affiliate Organizations](#)
[Lawyer Resources](#)
[Foundation](#)
[NACDL.org](#)
 [Print or Email This Page](#)

NACDL News

December 2009, Page 10

NACDL News

By Jack King

NACDL Offers Preliminary Recommendations on Strengthening Forensic Science

In support of reform efforts of the forensic science community, the National Association of Criminal Defense Lawyers (NACDL) released a 12-page preliminary report advocating a "culture of science" in the forensic science community and supporting the establishment of a national resource center for forensic science. Contrary to media portrayals of forensic science in popular TV shows, forensic science evidence presented in court is often based on speculative research, subjective interpretations, and inadequate quality control procedures. Ensuring the scientific integrity of forensic science evidence is essential to preventing wrongful convictions and exonerating the innocent.



The report, NACDL Task Force on the Future of Forensic Sciences Preliminary Position Statements and Recommendations, is a work in progress and will be submitted to scientists around the country for comment and review. On Nov. 7, 2009, NACDL's Board of Directors voted to adopt the report as the Association's preliminary statement of positions and recommendations on the future of forensic science. NACDL is making the report available to the public in its current form to facilitate the reforms suggested by the National Academies' National Research Council (NRC) in its own report published earlier this year, Strengthening Forensic Science in the United States: A Path Forward.

According to NACDL Second Vice President Steven D. Benjamin, a Richmond, Va., lawyer who presented the interim report on behalf of the task force at the Fall Meeting of the Board of Directors in Portland, Ore., the report raises seven critical issues for discussion: (1) the establishment of a central, science-based federal agency; (2) the need to instill a "culture of science" within the forensic science community; (3) the need for research to determine the validity and limits of forensic science evidence; (4) scientific education of the legal community; (5) transparency in the forensic science community; (6) discovery in criminal cases; and (7) defense resources, particularly for public defender offices and court-appointed counsel representing indigent defendants.

"Nobody owns the truth," Benjamin said. "NACDL supports equal access to forensic science services. Equal access means that the experts do not work for one side or the other. They should be free of any pressure other than good scientific methodology," he added.

“Cases are often made or broken on scientific evidence,” said NACDL President Cynthia Hujar Orr. “Independent audits and investigations conducted in ‘crime labs’ all over the country have uncovered hundreds of cases in which mistakes, bad science, and even outright forensic fraud have resulted in defendants being convicted and sentenced to death or prison,” she pointed out.

“The search for truth should not favor one side or the other, nor should publicly funded forensic science labs,” Orr said, agreeing with Benjamin and the task force. “NACDL supports the National Academies’ recommendation to establish a wholly independent federal agency to address current deficiencies and create a culture of science in the community that seeks truth rather than convictions.”

NACDL notes that the scientific validity of many currently accepted forensic techniques has never been established. According to the NRC, with the exception of nuclear DNA analysis, “no forensic method has been rigorously shown to have the capacity to consistently, and with a high degree of certainty, demonstrate a connection between evidence and a specific individual or source.” The NACDL report recommends that forensic science conclusions always include information concerning the measurement of uncertainty associated with results and the limitations of the opinion offered.

“Good science acknowledges the existence of uncertainty,” Benjamin explained. “There’s no magic test in any field that can point to a defendant and say, for sure, ‘He did it,’ or ‘She didn’t do it.’ Science can only speak in terms of probabilities.”

The report also recommends education, training and certification of forensic science experts and lab technicians, with regular proficiency testing. Forensic science practitioners need to develop and adhere to a national professional code of ethics with disciplinary procedures for poor conduct and biased testimony.

“Where life and liberty are at stake,” Orr said, “it is not too much to ask of an expert to adhere strictly to the demands and methods of good science.”

National Association of Criminal Defense Lawyers (NACDL)

1660 L St., NW, 12th Floor, Washington, DC 20036
(202) 872-8600 • Fax (202) 872-8690 • assist@nacdl.org