



# PLENARY SESSION

*Open to All Meeting Registrants*

**Wednesday**

**February 17, 2021**

**9:30 a.m. – 11:00 a.m.**

**1.5 CE Hours**



*Welcoming Remarks*

***One Academy Pursuing Justice  
Through Truth in Evidence***

**Jeri D. Roper-Miller, PhD**

**President**

**American Academy of Forensic Sciences  
Research Triangle Park, NC**

*Plenary Session Chair:*

**Julie A. Howe, MBA**

Saint Louis University

Franklin, Jefferson & St. Charles Medical Examiner Offices  
St. Louis, MO

*Plenary Session Co-Chair & Moderator:*

**Douglas S. Lacey, MS**

BEK TEK LLC

Stafford, VA

***Speakers***

**Steven L. Downs, DBA**

Methodist University

Fayetteville, NC

**Richard Miles**

Miles of Freedom

Dallas, TX

**Lynn Garcia, JD**

Texas Forensic Science Commission

Austin, TX

**Christopher J. Plourd, JD**

Superior Court

El Centro, CA

**Overview:** Foundational elements of all forensic sciences include the identification of objective data gleaned from the analysis of evidence and the subsequent presentation of findings to the trier of fact. These facets seek to further the cause of justice, whether in criminal or civil matters. However, this pursuit of justice begins well before the evidence is submitted for examination and continues after a verdict has been rendered. Furthermore, the establishment of scientific methodologies and standard forensic practices must be in place to ensure objective analysis and interpretation of the evidence. Re-evaluation of those methodologies and practices and how they are presented to the trier of fact must be conducted to avoid misrepresentation of forensic analysis and conclusions drawn thereupon. This session is designed to hit upon these three important areas of consideration for the members of the American Academy of Forensic Sciences.

The Honorable Christopher Plourd will discuss the value of forensic science standards to the American legal system. The 2009 National Academy of Sciences (NAS) Report, *Strengthening Forensic Science in the United States: A Path Forward*, recognized that interpretation of forensic evidence was not always based upon scientific studies for validity.<sup>1</sup> The Report made 12 overall recommendations for addressing the problems that were evident in forensic science. A number of the recommendations call for standardization and the use of best practices and protocols. A standard development process unites all interested parties, be they scientists, lawyers, or others, all of those with expertise, to achieve consensus in the adoption of a standard to achieve a common goal of improving forensic science. Standards provide a valuable resource for lawyers and judges to assess information about forensic evidence that may be at issue in a case. The information in a standard provides transparency regarding the strengths and weaknesses (or limitations) of the methodology or discipline and may make that information more assessable for bench and bar. Forensic science standards also provide greater guidance to judges and lawyers as to whether the forensic evidence should be admitted or excluded

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## *One Academy Pursuing Justice Through Truth in Evidence*

and offer information about whether testing or analysis was conducted appropriately. If proper protocols were not followed but, for whatever reason, exclusion is not an appropriate remedy, standards nevertheless may provide fertile ground for discrediting the witness and the evidence.

General Counsel Lynn Garcia will discuss how the Texas Forensic Science Commission uses two core values—transparency and collaboration—to assist the Texas criminal justice system in achieving justice through accreditation, including audits; conducting investigations of laboratory self-disclosures and complaints alleging professional negligence or misconduct; and licensing forensic analysts. Judges and attorneys have a difficult time understanding scientific principles, especially when those principles are nuanced, limited, or potentially subject to change. The criminal justice system’s fidelity to legal precedent and desire for finality makes the appropriate consideration of scientific concepts a real challenge. There is also a pervasive and dangerous misunderstanding regarding the scope of accreditation and its role in ensuring the quality of forensic analysis. While accreditation provides a framework for quality and is essential to many forensic laboratories, it is not a panacea and does not guarantee the validity of analytical work and related interpretation. The Texas Commission provides a space outside the adversarial system for resolving the toughest of problems facing the community. By working collaboratively and encouraging transparency, the Commission has highlighted problems in forensic analysis and related interpretation that otherwise would have gone unnoticed.

Forensic science evidence has evolved in recent decades to help reform the criminal justice system. In 1994, Richard Miles was wrongfully convicted of murder and attempted murder based on eyewitness testimony at the age of 19. In addition, gunshot residue was allegedly found on Mr. Miles’ hand, based on forensic analysis. Police did not consider other suspects, based on these two pieces of evidence. As a result, Mr. Miles was sentenced to 40 years for the murder count and 20 years on the attempted murder charge. In 2007, Mr. Miles enlisted the help of Centurion Ministries, an organization based in New Jersey, that investigates wrongful conviction cases. In 2012, the Texas Court of Criminal Appeals overturned the conviction and found Mr. Miles innocent after spending 15 years in prison. Since that time, Mr. Miles has dedicated his life to improving the justice system. Because of his extraordinary contributions to provide holistic re-entry assistance to inmates released from prison through a non-profit that he founded called Miles of Freedom, Mr. Miles was recognized as a CNN Hero in 2019. Mr. Miles’ story demonstrates the impact that evidence and forensic science testimony have on individuals’ lives.

The program will conclude with a shared learning opportunity for attendees and speakers.

### Reference(s):

- <sup>1</sup> National Research Council (NRC), Committee on Identifying the Needs of the Forensic Science Community. (2009). *Strengthening Forensic Science in the United States: A Path Forward*. Washington, DC: The National Academies Press.

### Program:

9:30 a.m.	-	9:40 a.m.	<b>Welcome and Opening Remarks</b> <i>Jeri D. Roper-Miller, PhD; Julie A. Howe, MBA</i>
9:40 a.m.	-	10:05 a.m.	<b>Forensic Science Standards Development and Use: What Is the Value to the American Legal System?</b> <i>Christopher J. Plourd, JD</i>
10:05 a.m.	-	10:30 a.m.	<b>The Importance of Collaboration and Transparency in Forensic Science Oversight: Lessons From Texas</b> <i>Lynn Garcia, JD</i>
10:30 a.m.	-	10:55 a.m.	<b>Protecting the Innocent and Science—Process Versus Procedure</b> <i>Richard Miles</i>
10:55 a.m.	-	11:00 a.m.	<b>Panel Discussion</b> <i>Jeri D. Roper-Miller, PhD; Christopher J. Plourd, JD; Lynn Garcia, JD; Richard Miles</i>