



Criminalistics Section – 2006

B158 What Drives Criminalistics Examinations?

Peter R. De Forest, DCrim, John Jay College/CUNY, 445 West 59th Street, New York, NY 10019; and Edward G. Bernstine, PhD, MSFS, Bay Path College, 588 Longmeadow Street, Longmeadow, MA 01160*

After attending this presentation, attendees will gain an awareness of the various points of view that come into play in choosing and examining items of evidence.

This presentation will impact the forensic community and/or humanity by providing a forum for discussion of the importance to criminalistics of mutual understanding between attorneys and scientists in the course of scientific investigations of crimes.

The juxtaposition of scientific and legal subject matter in the criminalistic workplace has no effect on the fact that criminalistics and all other forensic sciences must meet the same scientific standards as other disciplines if they are to serve their purpose – to provide reliable scientific analyses of evidence. Just as there is no change in the foundations of legal practice because it uses science, neither should there be changes in core scientific practices because the results happen to apply to criminal matters.

It is easy for all to accept this broad statement of forensic scientific integrity as it applies to the actual performance of analytical methods. However, science places other responsibilities on its practitioners than the proficient operation of equipment. In particular, scientists are constrained to generate physical ideas that comprehensively explain their observations and then to test rigorously the effectiveness of their explanatory ideas. Interestingly, in practice, these constraints can lead to the perception that the scientist is doing either too much or too little in examining evidence in casework.

In this paper, by giving several instructive case scenarios involving the selection of items to examine and methods to be used in the examinations, the effects of scientific thinking on the actual practice of criminalistics are explored.

Ethics, Criminalistics, Law