



B146 The Good, the Bad, and the Forensic Scientist: Where Do Criminalists Belong in the Legal System?

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The goal is to present the position of the forensic scientist from the public and private perspectives. Advantages and drawbacks for each position will be presented and discussed. A critical review of the arguments made on bias of forensic scientists working for a law enforcement agency will be presented.

This presentation will impact the forensic science community by making people aware that a forensic scientist working for a public laboratory is not necessarily biased and that the fundamental values to which law enforcement agencies must obey are no different than the ones to which a forensic scientist must abide to.

Forensic scientists working for a police department are often described as prosecution biased, while private expert witnesses are often categorized as defense biased or as having gone to the dark side. These two examples illustrate the terrible cloud that casts a dark shadow over the forensic community and lead to serious misconceptions about bias regarding public and private forensic scientists.

Over the last few years, the privatization of public crime laboratories has become a recurrent topic, mostly discussed by non-practitioners who attempt to change a system without fully comprehending its ins and outs. For some reason, many people see public crime laboratories as being part of a law enforcement agency and not being able to offer fair and unbiased forensic services. Because this idea is unfounded, the proponents have little sound arguments to defend it. As a result, they merely mention that crime laboratories should be neutral in the adversarial system and, as such, they should not belong to a police department, lest they be considered prosecution biased. Unfortunately, the media does not miss an opportunity to associate a mistake made by a crime laboratory to a problem of prosecution bias. This serves to rally the proponents toward privatization. However, this idea implies that a police department is not neutral to the people, but leans toward the prosecution. Interestingly, no one in the forensic community seems to have questioned this insinuation or verified if it corresponded to the real mission and philosophy of police work.

The work of public and private forensic scientists is theoretically identical—they both apply sound scientific methods to discover facts and to establish the Truth. Conversely, the environment in which they work is quite different and each has his/her respective constraints. Private experts must make sure that their client is happy about the work performed; otherwise, their client may not come back. Private experts experience internal pressures to make a living and to keep their businesses afloat. By contrast, public employees experience intense external pressures from hierarchy and the media and work to fulfill urgent demands for information. However, public employees do not have clients to satisfy, *per se*: Their clients have to come back to them, and their paychecks remain the same no matter how much work is available. These are just a couple of examples of the differences between public and private sectors. However, even though differences exist on both sides, this does not mean that all private experts are defense biased and all public forensic scientists are prosecution biased.

This presentation offers reflection on the hot topic of privatization of crime laboratories and the fundamental concept of bias in public and private forensic laboratories. A brief but critical review of the existing literature will be presented, followed by an introduction to the philosophy of police work. The presentation will demonstrate that the role of a forensic scientist is not incompatible with the fundamental mission carried out by the police and that no prosecution bias exists *a priori* in a crime laboratory attached to a law enforcement agency. Furthermore, a discussion of the advantages and drawbacks of privatization will be presented.

Bias, Police Philosophy, Truth