



Jurisprudence Section – 2010

E39 Report on the Progress of National Institute of Forensic Science Legislation in Congress

Sarah Chu, MS*, *Innocence Project*, 100 Fifth Avenue, 3rd Floor, New York, NY 10011

The goal of this presentation is to describe the content and progress of legislation proposed in Congress to create a National Institute of Forensic Science (NIFS) based on the primary recommendation of the National Academy of Sciences (NAS) Report, *Strengthening Forensic Science in the United States: A Path Forward*.

This presentation will impact the forensic science community by discussing how the creation of a NIFS has the potential to greatly enhance the reliability of the criminal justice system's use of forensic evidence to identify criminal offenders. All the participants of the criminal justice system – police, prosecutors, defense attorneys, judges, juries, and indeed, forensic analysts themselves – need and deserve to have the clearest understanding possible of the extent and the limits of the crime scene forensic evidence. That the evidence is accurate and scientifically valid is essential to both the public safety and the promise of fair and reliable criminal proceedings.

In 2006, Congress tasked the National Academy of Sciences with identifying the needs of the forensic community. In February 2009, the NAS released their unprecedented, wide-ranging report on forensic science, *Strengthening Forensic Science in the United States: A Path Forward*. This report confirmed that many of the forensic sciences used in criminal investigations and presented as evidence at trial have been developed without the benefit of rigorous scientific testing and found basic scientific deficiencies in many disciplines.

Chief among the NAS Committee's recommendations is the need for creation of a National Institute of Forensic Science (NIFS), a science-based, independent body responsible for leading research efforts; establishing and enforcing scientific standards; ensuring that forensic science professionals and laboratories are properly credentialed and accredited; and promoting the development of improved forensics tools. The creation of this new body has potential to fundamentally alter – for the better – the entire criminal process. A NIFS that is responsible for scientific research, review and oversight, including the development of national standards for quality assurance and control, will make these tools more – not less – effective for law enforcement and courts. To guarantee reliable criminal justice outcomes, we must ensure that all types of forensic evidence used to secure an arrest or conviction are based on valid and reliable science.

The Innocence Project initiated a conversation about legislation that directly reflects the primary recommendation of the NAS report – the creation of a NIFS, its approach to research and standard-setting, support for technology innovation, accreditation, and certification, compliance and enforcement, training and education support, needs assessments for the forensic science community, and oversight. This presentation will discuss the content and progress of the legislation in its current form as it stands in Congress.

Society as a whole benefits when the best possible evidence drives criminal investigations and prosecutions. Public safety can be increased by improving the accuracy of criminal investigations and promoting science-based prosecutions. When unvalidated forensic evidence wrongfully implicates someone as a perpetrator, everyone shares in the cost. When a crime's true perpetrator is not identified, communities are less safe, and the jobs of law enforcement are made that much harder. **National Institute of Forensic Science (NIFS), Legislation, National Academy of Sciences Report**