E8 Case Studies of Wrongful Convictions: Canthe NAS Recommendations Change Results?

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After attending this presentation, attendees will understand how in some cases, the failure of the prosecution and defense bar, as well as the inaction of the bench, has lead to the introduction of improper forensic science. These failures have resulted in documented cases of wrongful convictions. The presentation will explore why these problems persist and what steps all participants in the criminal justice system from labs to lawyers can play in assuring that forensic science is being used properly in criminal proceedings.

This presentation will impact the forensic community by demonstrating the importance of participation by all professionals within the criminal justice system, to improve the quality of forensic science presented in any criminal proceeding. By examining the past mistakes,

we can learn how to improve the criminal justice system and avoid similar mistakes in the future.

Wrongful conviction cases provide a good starting point for looking at how problems with inaccurate or invalid forensic science arise in courtroom. A number of exoneration cases have highlighted that there are areas of the criminal justice system where improvement can be made to assure more accurate results. Many of these cases involve unvalidated or improper forensic science including lack of validation studies to test the validity and reliability of the science being presented, inaccurate testimony about forensic evidence, and in a few cases misconduct involving fabricating of data and failing to disclose exculpatory data. While some of the blame may properly be laid at the feet of the scientists involved, the prosecution and defense, as well as the judge, bear responsibility as well.

The facts that lead to these wrongful convictions should serve as reminders for why forensic scientists, lawyers, and judges must strive for accuracy and act with due care in presenting forensic evidence in court. Failure to do so not only increases the possibility of wrongful conviction, but leads to the erosion of public confidence in the criminal justice system. The responsibility to assure the quality of the forensic science presented in a criminal proceeding lies not only with the forensic scientist but with the lawyers and judges.

Yet, the questions surrounding how these mistakes can be avoided in the future are complex. How should science be used in the courtroom to assure accuracy? What constitutes proper validation and who should decide? Is a new kind of oversight needed in and among the various disciplines in forensic science? Should forensic science, like the practice of law, be a self governing profession and if so, who should implement such a program? These are some of the many questions asked today, in an effort to improve forensic science and avoid wrongful conviction. This presentation will look at some of the recommendations made by organizations, including the National Academy of Sciences and the American Bar Association and consider how the recommendations may or may not have changed the results in wrongful conviction cases.

Wrongful Convictions, Criminal Justice, Forensic Science

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