E58 Court-Assessed Fees May Create Bias in Forensic Science

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After attending this presentation, attendees will recognize that funding sources and methods constitute a potential source of bias in forensic science. Attendees will understand some of the mechanisms linking court-assessed fees to bias in forensic science analyses and interpretations. Attendees will learn that court-assessed fees are charged to defendants upon conviction and that persons found not guilty are not subject to them. Attendees will learn how several states have statutes mandating the partial funding of public crime laboratories through court-assessed fees. They will learn which 15 states have such statutes. Attendees will learn that in other jurisdictions court-assessed fees may help fund public crime laboratories as a matter of policy rather than state law. Finally, attendees will learn that a fee-based system in which fees are not contingent upon the outcome of the trial or of the forensic examination would reduce or eliminate the specific potential for bias created by court-assessed fees.

This presentation will impact the forensic science community, including forensic scientists, crime laboratory managers, prosecutors, and public defenders; because they all share a common interest in ensuring that forensic science analyses and interpretations are correct, objective, and unbiased.

This presentation's hypothesis or proposition may be expressed in one sentence. Court-assessed fees may create bias in forensic science analyses and interpretations, whereas non-contingent fees would present a much smaller risk of inducing such bias.

A brief synopsis of the content of the presentation emphasizes the incentive to convict rather than to distinguish between guilt and innocence. When crime laboratories are funded in part by court-assessed fees, lab funds are positively correlated to conviction rates. This correlation creates an incentive to convict rather than to correctly distinguish between the guilty and the innocent. This incentive to convict may induce unconscious bias in forensic-science analyses and interpretations. Non-contingent fees do not create a specific incentive to convict and are therefore less likely to induce unconscious bias.

The presentation suggests, as a general statement of conclusion, the importance of examining the methods of funding crime laboratories from the perspective of their potential to induce unconscious bias in forensic-science analyses and interpretations.

This presentation will impact the forensic science community by identifying a previously unrecognized source of potential bias in forensic science analyses and interpretation. The 2009 NAS Report, "*Strengthening Forensic Science in the United States: A Path Forward"* emphasized the importance of minimizing the risks of bias in forensic science. The report identified several potential sources of bias, including the organization of crime laboratories under law enforcement agencies. The report gave no direct attention to the potential of crime-laboratory funding methods to induce bias and it did not consider the role of court-assessed fees in the criminal justice system. If funding methods are a potential source of bias in forensic science analyses and interpretations, public officials, crime-laboratory directors, and other members of the forensic-science community should seek alternatives to the use of court-assessed fees to help fund publicly-funded crime laboratories. The possibility of moving to non-contingent fees to help support public crime laboratories should be reviewed by the forensic-science community.

Court-Assessed Fees, Bias, Funding

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