



A194 Physical Evidence as a Quality-Control Tool in Criminal Justice

Peter R. De Forest, DCrim, PO Box 141, Ardsley, NY 10502; and Peter A. Pizzola, PhD, Peter A. Pizzola, Inc, PO Box 41, Yonkers, NY 10704*

After attending this presentation, attendees will learn that criminalistics and its focus on understanding the physical evidence record in events that become the subject of criminal proceedings has the potential for making contributions in three general areas. It is most commonly employed to support criminal prosecutions. To a lesser degree, it can provide information of value in a criminal investigation. The third and perhaps most important area, although it may not be widely appreciated, is that of serving as a quality-control tool in criminal proceedings. This often-unnoticed contribution of criminalistics needs to be more widely recognized and appreciated.

This presentation will impact the forensic science community by raising awareness concerning the value of criminalistics and the physical evidence record as a quality-control tool in criminal justice processes.

Much has been written about wrongful convictions that were laid at the feet of faulty or inadequate forensic science. From our perspective, this seems to “turn the issue on its head.” In all of this, it is felt another important vantage point has been overlooked. In these cases, it is probably more accurate to see this as a failure for criminalistics to expose and correct earlier case-specific failings in the justice system.

Traditionally, criminalistics and its goal of extracting information from the physical evidence record are seen as having an investigative and an adjudicative role. Temporally, the criminalistics contribution to the investigation should take place as early as possible in the process and the contribution to the development of the prosecution case comes relatively late in the process. In addition to having a critical role in assisting with prosecutions and lamentably, somewhat less generally, solving crime, the scientific evaluation and interpretation of physical evidence should also be regarded as a quality-assurance tool for the criminal justice system. It should serve as a safety net in helping to prevent unsupported or erroneous convictions. This third, less recognizable role, which is temporally interwoven with the other two, appears to be an unappreciated contribution of criminalistics to the criminal justice system. Its invisibility does not diminish its importance. It is, in fact, critically important and needs to receive explicit recognition and support. Early in the investigation, it may imperceptibly manifest itself by subtly truncating false leads. Later, as a case gains momentum, if the need for corrective action is indicated, it becomes more difficult to make the necessary course correction, but the information provided by the physical evidence interpretation needs to be heeded. Properly recognized, utilized, and interpreted, physical evidence can provide the ground truth in understanding an event. How often does the physical evidence contradict or refute a prosecution hypothesis in the early stages and terminate a case? This appears to be unknown. Research to acquire data on this would be valuable.

It is rare for a single action to result in an adverse outcome such as a wrongful conviction. The physical evidence record can be the “canary in the coal mine” or sentinel providing an alert that something earlier in the process has gone wrong. Because much of this contribution may take place “under the radar” very early in the process, before much has been invested, its value is especially important, but may escape attention at the time. If employed earlier in the investigation, it can nip false leads in the bud. In the later stages of a case, it can correct errors that have gained momentum, if it is appreciated and utilized to its fullest.

A limited number of case examples will be used to illustrate several points.

Physical Evidence, Quality of Justice, Justice Safety Net