F2 An Analysis of Data on Wrongful Convictions on Grounds of False or Misleading Forensic Evidence (FMLFE)

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The goal of this study is to analyze the role that alleged false or misleading forensic evidence plays with regard to the overall population of wrongfully convicted individuals in the United States. This study also examines the demographic breakdown of the post-conviction exonerees on grounds of alleged invalid forensic evidence and further explores areas of policy enhancement to mitigate wrongful convictions on grounds of flawed forensic science.

This presentation will impact the forensic science community by educating forensic analysts of the human suffering and losses that result from human or technical errors in the analysis of forensic data. This presentation also explains the need for forensic analysts to consciously sustain an unbiased frame of mind throughout the chain of custody to analysis and presentation of forensic data at criminal trials in court.

Forensic science and its practitioners occupy an inextricable part of the criminal justice system. Given the nature of their jobs, forensic scientists are exposed to the possibility of making errors which could either be human or technical. These errors have at times unfortunately led to the exculpation of otherwise guilty suspects or to the wrongful conviction of innocent individuals. Even with all the safeguards that continue to be put in place to assure the quality of forensic evidence by the National Institute of Standards and Technology (NIST) and the Organization of Scientific Area committees (OSAC), forensic failings persist, even if minimal.

The ongoing drive nationwide for forensic laboratories to be fully accredited is an attempt by the forensic science community to mitigate the opportunities for errors in the analysis of forensic specimens. Though accreditation in itself is not the magic solution to the technical or human errors that occur during the forensic processes that generate forensic evidence, it reduces the opportunities for those errors to occur. Also, the need for better-qualified forensic scientists, the opportunity for peer review of procedures used, and analysis to produce clear and comprehensible laboratory reports have become more relevant to diminish error rates and error convictions.

This study uses secondary data from the National Registry of Exonerations (NRE) to qualitatively analyze the national incidence of wrongful convictions on FMLFE. The various categories of crimes and exonerees' demographic data will equally be considered. This presentation analyzes 367 exonerees on grounds of FMLFE culled from the NRE's list of all 1,617 known individuals who were exonerated between 1989 and March 2015 for various reasons. Generally, the themes that emerge from the data on exonerees from convictions based FMLFE are to a large extent consistent with those of the overall numbers in the criminal justice system.

Minorities are disproportionately overrepresented in the data of exonerees convicted on grounds of FMLFE, which is also consistent with the pain, frustration, and lack of trust in the criminal justice system prevalent in minority communities borne out in many studies. Of the 367 convicts exonerated on grounds of FMFLE, the race of 364 of them is known while that of three individuals is unknown. According to the NRE data, 48% of exonerees were White, 45% Black, 5% Hispanic, 0.6% Asian, and 0.8% represented undisclosed races.

Although it is always up to the trial judge to admit or reject forensic data in evidence, either decision impacts the trial outcome tremendously. Not everyone against whom forensic evidence is admitted gets convicted; however, the goal of the administration of justice is always to dispense justice to all parties. A vast majority of forensic examiners do their job properly, but given the potential for human or technical errors thwarting this goal, it becomes incumbent upon forensic science laboratories to be accredited and adopt unimpeachable ethical standards. This should be combined with scientific procedures acceptable to the scientific community that must be traceable, peer reviewed, and logically defensible. Also, forensic science laboratories should proactively adopt best practices as recommended by the American Bar Association (ABA) criminal justice section task force in 2012 requiring forensic scientists and analysts to be properly certified and for the results of their forensic analysis to be verified and comprehensively reported.

Misleading Forensic Evidence, Wrongful Conviction, Exoneration

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