



W22 Science Matters to Everyone: Victims, Offenders, and the Public

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The goal of this presentation is to educate attendees regarding systemic issues in forensic science and the strides being taken to address them.

This presentation will impact the forensic science community by exploring how the criminal justice system can or should respond in the face of backlogs, lab scandal, error, and publicity involving forensic science.

For a number of years, the forensic science community has grown and advanced and the demand for forensic evidence in courtrooms has dramatically increased. As a result, the forensic community has faced challenges: (1) involving discoveries that the strength of the forensic evidence testified to at trial may not have been as strong or as certain as was thought; (2) working through backlogs in testing, such as sexual assault kits; or, (3) in some cases, regarding simply untruthful or deceptive analysts, which has led to laboratory shutdowns and more.

This workshop will look first at the impact of increased volume and demand for forensic services that has impacted communities; specifically, the impact of backlogs in sexual assault kits. This has led to the re-traumatization of victims and to offenders being on the street to offend again. Speakers will then address the responses that have been developed, recommendations for best practices in the handling of sexual assault kits, how to work in a multidisciplinary fashion using a trauma-informed approach to reduce backlogs and streamline the processing of sexual assault kits and notification of victims.

In addition to backlogs, forensic science faces challenges stemming from the fact that what is known in forensic science is evolving. New technology and new revelations about a forensic discipline or even an unethical forensic scientist can lead to questions concerning the integrity of convictions relying on this evidence. This workshop will focus on the changes that have taken place in this area surrounding arson cases. When assumptions used to determine whether a fire was an intentional fire were discovered to be erroneous, the integrity of convictions came to light. The justice system had to determine what to do regarding the integrity of convictions that had been secured and how to go about addressing issues as they arise. The lessons learned within arson review provide guidance for addressing conviction integrity in all areas. Speakers will discuss what a conviction integrity unit is within a prosecutor's office, what should be considered when creating these units, including partnerships among stakeholders, and will address the state response in Texas, including the creation of a Science Advisory Work (SAW) group.

When carried over into the tapestry of the trial, where the various portions of the cloth of justice are woven into a final piece, science, medicine, dentistry, and jurisprudence result in a single verdict. When a conviction is sewn together from flawed fabric, the victim, the defendant, the courts, the justice system, and society itself suffer. One of the most often-questioned areas of forensic evidence involves bitemark evidence. Such cases may have relied on flawed analysis and/or questioned testimony to establish guilt. As the discipline consensus changes regarding the reliability, reproducibility, and significance of the data, the question remains as to how the witness can and should respond to prior convictions and practice pre-emptive analysis to prevent potential future miscarriages. Less highly publicized, but no less challenging, are cases in which the medical "gold standard" of the autopsy is challenged. Forensic pathologists, like everyone else, are subject to flawed analyses and conclusions resulting from human shortcomings and/or advances in understanding. These might involve inaccurate/incomplete interpretations of findings (both inclusion and exclusion), improved analytic methodologies, additional testing, etc. Handling situations in which the data doesn't match the testimony must be addressed — both as a forensic pathologist during the death investigation and as an expert witness on the stand.

Finally, the news media and public perception come into play. High-profile cases with extensive media attention can also lead to analytical errors, flawed understandings, hasty conclusions, and more. Media exposure may have immediate real and lasting effects; for example, by contaminating a potential jury pool necessitating a change in venue, sequestration, and the like. More subtle, but perhaps more lasting, could be the contamination of the public perception of the case, such that results of the trial are questioned and an acquittal is viewed with skepticism with the result being that a jury's verdict (guilty or innocent) remains in question, damaging public confidence in the jury system, sprouting conspiracy theories, and so forth.

Sexual Assault, Conviction Integrity Unit, Errors