



### W26 Aspects of DNA Admissibility Hearings From the Prosecution, Defense, and Crime Lab Perspective

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**Learning Overview:** After attending this workshop, participants will better understand the general aspects of preparing for a DNA admissibility hearing from the lab, prosecution, and defense perspective. The panel discussion will include information and techniques that the various speakers use to prepare for and conduct hearings.

**Impact on the Forensic Science Community:** This workshop will impact the forensic science community by introducing participants to the challenges faced in preparing for and conducting hearings and the overall impact of the admission or preclusion of various scientific techniques in a court of law.

Although admissibility hearings have long been a part of the judicial process, with the improvement of DNA testing techniques including enhancements in sensitivity that permit the accurate testing of lower amounts of DNA, the use of increasingly sophisticated statistical analysis software, and greater sophistication on the part of various stakeholders in the criminal justice system, the number of motions for admissibility hearings and actual hearings has increased. As with any admissibility challenge, the result of the hearing not only affects the case at hand but also has, in some circumstances, far-reaching impact on future techniques and cases.

The past 25 years have seen great strides in forensic DNA analysis. Improved evidence collection procedures and technology advancements have enabled scientists to provide previously unimaginable scientific evidence in criminal cases. Next generation platforms, test systems, and methodologies now provide scientists with the tools to reliably evaluate biological samples that consist of degraded, trace, touch, and/or contact DNA evidence. This enables scientists to address questions that were never thought of just a decade ago, including in court. The ability to give statistical weight to these different types of samples have greatly aided the judicial system but, like DNA testing in its infancy, have also led to admissibility questions. Educating the prosecution and defense bar has become an integral part of the lab analyst's duties. Additionally, articulating difficult molecular biology and statistical concepts to a layperson in a court of law has also become more challenging.

This panel of subject matter experts will present their thoughts and experiences as they prepare for and go through admissibility hearings. Topics covered will include contacting experts, gathering journal articles and court rulings, summarizing validation documents, as well as crafting questions and responses that will adequately convey the reasons why the technique is or is not scientifically sound and generally accepted in the relevant scientific community. This panel of experts will also discuss case studies, highlighting the challenges that were faced and how they overcame them.

Topics presented include: (1) general types of evidentiary admissibility hearings; (2) *Frye/Daubert* application to DNA evidence; (3) validation of techniques in a lab that will lead to their introduction in a court of law; and (4) preparation for a hearing.

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#### **Admissibility Hearings, *Frye/Daubert*, Courtroom Challenges**