The program theme for the 2004 meeting in Dallas will be “TRUTH AND JUSTICE IN THE BALANCE: FORENSIC SCIENTISTS AS THE COUNTERPOISE.” On page 3 of this issue of the Academy News is an abstract for the program theme. Carol Henderson and Joe Bono are the program co-chairs for the Dallas meeting. With their leadership and your help, next year’s program will be a great success.

The agenda for next year’s Academy business meeting is already taking shape. Several proposed amendments to the Academy bylaws were presented to the Board of Directors in February. These proposals will be further developed and presented to the membership for a vote next year. One proposal will be to rename the membership category of Provisional Member to Associate Member. This change will make the title for that class of membership more palatable for many members, as there has been criticism that the title “Provisional” unnecessarily carries a stigma.

A second proposed amendment will be to move the categories of Trainee Affiliate and Student Affiliate from Article I, Section 2 – CLASSES OF MEMBERS, to a new section called AFFILIATES. This change will more clearly differentiate voting “Member” categories from non-voting “Affiliate” categories.

There will also be a proposal to establish three categories of Affiliates – Trainee Affiliate, Student Affiliate, and a new category called Academy Affiliate. The Board of Directors has approved the definition of Academy Affiliate as a person who has not earned a required degree from an accredited college or university, but who otherwise meets the requirements of Article I, continued on page 4

A reminder that the deadline for all abstract submissions for the 2004 AAFS Annual Meeting in Dallas, TX, is August 1, 2003. Don’t delay; complete the Call for Papers and Abstract form found on pages 21-24 of this issue of “Academy News” for your workshop proposal, breakfast seminar, luncheon session, poster, or paper presentations, and submit it to the AAFS office today. You may also submit your abstract online at: www.aafs.org.

56th AAFS Annual Meeting
February 16-21, 2004
Dallas, TX
The first eighteen months of planning and development have seen the emergence of several significant internal and outreach activities for the AAFS. Among them have been the establishment of the Forensic Science Education Programs Accreditation Commission (FEPAC), the promotion of two Forensic Science Educational Conferences—with three more in “the works,” and the coordination and enhancement of media relations.

According to AAFS historian Ken Field, for decades Boards of Directors have been examining ways in which the Academy might formally recognize undergraduate and graduate forensic science programs. Those deliberations finally found root in the fall of 2001 with the launching of FEPAC. Under the leadership of José Almirall, FEPAC members drafted the following mission statement to present to the Board of Directors at the Annual Meeting in Atlanta: “...to maintain and to enhance the quality of forensic science education through a formal evaluation and recognition of college-level academic programs.”

Authorized by the Board of Directors and directed by then President Mary Fran Ernst to begin its tasks, the Commission has convened on three occasions to identify goals and to assign tasks and timelines to meet those goals. Summaries of Minutes from those FEPAC meetings and the list of commissioners are posted on the AAFS website (www.aafs.org) under the link “AAPS” and then “Committees.” Moreover, the recently released draft of the TWGED document from the National Institute of Justice, “Technical Working Group on Education and Training in Forensic Science,” which serves as a point of reference for FEPAC, is also available on that link. At present, Commission members are completing an operational handbook, which will include standards and policy and procedures, to be presented to the Board of Directors at the summer mid-year meeting. The first pilot accreditation process of 4-5 colleges/universities is scheduled for Fall 2003. The accreditation application packet is available on the FEPAC link.

Progress of Commission activities will appear regularly in “Planning and Development” articles and will be posted on the AAFS website. Please do not hesitate to contact me (jhhurley@aafs.org) if you have questions or if you need further information.

Two Forensic Science Educational Conferences were conducted in 2002, one in July in St. Louis, MO; the second one, in October in New York City, NY. Both have been documented in the Academy News (September 2002 and January 2003 issues). The goal of the these conferences is to increase middle- and high school science teachers’ knowledge of the forensic sciences by providing them the background to enrich and/or to develop challenging, innovative curricula. Following a formula that heretofore worked well, the AARS will again partner with Court TV to conduct three more FSECs over the next eighteen months. President-Elect Ron Singer has agreed to be oversight chairman for the FSEC/UIA which will take place at the University of Texas at Arlington on October 17-19, 2003. Patricia Billings will coordinate the conference presentations and workshops. Further details about the FSEC/UIA may be found on the AAFS website at the link “Meetings” and then “FSEC Educational Conference.” The Schedule of Events and a list of AAFS presenters will be finalized by early July and will appear in a future Academy News article.

Lee Goff has proposed the dates of June 10-12, 2004, for the FSEC/CUH at Chaminade University of Hawaii; and, Robert Barsley and Mary Manheim will host the FSEC/UIA at Louisiana State University in Fall 2004 (exact dates yet to be confirmed). Information about both 2004 FSECs will be noted in future “Planning and Development” articles and also posted on the AAFS website.

More than 100 articles dealing with some aspect of the forensic sciences appeared in newspapers and periodicals in 2002 and early 2003 and upwards of eighty journalists and media officials contacted me over that same period, many wanting to know why forensic science has become so popular on network television and why teachers are bringing that subject matter into their classrooms. Clearly, the FSECs in St. Louis and New York City contributed greatly to these reporters’ need-to-know. There is a positive side to this rise of interest in forensic sciences. Reporters are seeking information from the best source; they are coming to the AAFS. My task has been and will continue to be to provide appropriate links between them and you. To all whom I have contacted to respond to media requests, please accept my sincere thanks. You are doing excellent work in educating both the reporters and their readers. As to future contacts for interviews, I ask that you please send me an e-mail about the event; and, if possible, direct me to a link where I may find the story.

In the March-April 2002 Academy News, I called attention to the contributions of AAFS members to the International Criminal Investigative Training Assistance Program (ICTIP). At the Annual Meeting in Chicago, President Ken Nelson renewed the Academy’s commitment to this outreach activity by encouraging others who may want to offer assistance to forensic science colleagues in other parts of the world to contact ICTIP. As to present endeavors, Daniel Garner and chief of the Forensic Services Section of ICTIP reports that Carla Naviglia, Robert Thibault, and Richard Tanton are all functioning as Senior Forensic Management Consultants to DOJ/ICTIP. Each one has been assigned a country: Rich is full time in Kosovo where he is setting up a new lab; Carla and Bob have spent varying amounts of time in their countries depending on need and funding. Carla is in Tanzania right now for a two-month period. Bob spent a

continued on page 4
week or two in Azerbaijan during March. Both Carla and Bob are establishing new programs based on the needs of the forensic community. They also have begun with the forensic managers in those countries to enhance management skills and/or management processes (policies and procedures, budget formulation, safety, training, etc.). Carla and Bob also are involved in lab design and acquisition of equipment for the labs whether through donations from U.S. labs and companies or through new purchases.

Dan notes that ICTAP senior consultants are not expected to provide training in all areas, but rather to identify needs and then sort out how to meet those needs within the budget constraints for each country. Carla, for instance, identified fingerprint training as a need in Tanzania during her first visit. On this trip, she has taken along with her an experienced fingerprint examiner to provide a month of basic fingerprint training on classification and latent print development.

Do not hesitate to contact Dan Garner if you wish to learn more about ICTAP and its mission. The original story and Dan’s coordinates may be found on the AAFS website at the link “Resources,” “March-April 2002” and then “Planning and Development.”

2004 ANNUAL MEETING PROGRAM THEME ANNOUNCED

“TRUTH AND JUSTICE IN THE BALANCE:
FORENSIC SCIENTISTS AS THE COUNTERPOISE”

The survival of the rule of law depends not only on a justice system that administers the law fairly, but a system that is just by being well-grounded in factual verity. Likewise, one measure of a civilized society is how closely the justice that is meted out to its citizens conforms to truth in its factual underpinnings. Without the precepts of justice, truth will not emerge, and without truth, justice cannot prevail.

It is this balance between truth and justice that must be kept in equipoise. Forensic scientists play an instrumental role in maintaining this balance – they are in fact the counterpoise that keeps the scale’s beam in compatible equilibrium. From developing, validating, and implementing new methodologies and technologies to inculpation, exculpation, and exoneration of those accused of wrongdoing in the civil and criminal context, forensic scientists bring crucial facts to light, thereby allowing justice to endure.

PRESIDENT’S MESSAGE CONT.

Section 1 of the bylaws. This new category will allow an affiliation with the Academy by forensic science professionals who work in the field and who have made significant contributions to forensic science or who have advanced the cause of forensic science, but who do not have a required degree. This change will broaden the universe of individuals who will be eligible to benefit from an affiliation with the Academy, but are not eligible to be members, thereby hopefully improving the profession as a whole.

The Board of Directors also recommended rewording the definitions of Trainee Affiliate and Student Affiliate and the Bylaws Committee will be asked to prepare amendments to be presented at the next annual meeting. A change in the Student Affiliate category will allow an annual review by section leadership of each affiliate in that status.

In addition to the membership issues, the Board also discussed the creation of new sections within the Academy. New disciplines and significant sub-disciplines in forensic science have developed over the last 20 years, but no new sections have been added to the Academy since 1981. According to Article VI, Section 6 of the Academy bylaws, any 30 members, of whom at least five are Academy Fellows, may petition the Board of Directors for the establishment of a new section. A bylaws amendment adopted at an annual meeting of the Academy is required to create a new section. There appears to be a desire for new forensic disciplines to develop and maintain their own identity within the Academy. The multidisciplinary nature of the Academy itself should inspire the creation of new sections. If, indeed, there is such a desire, I encourage those of you who are interested in establishing a new section to review the bylaws and, if appropriate, to begin the petition process.

In this coming year we will face many uncertainties and challenges, both individually and as a nation. During these trying times, I am confident that our membership will continue to make significant contributions to science, justice, and the war against terrorism and tyranny. If there is any way that I can assist you, please do not hesitate to contact me.
2003-04 OFFICERS

Kenneth E. Melson, JD, assumed the office of AAFS President and will be joined by the following individuals who were elected to office at the Annual Business Meeting of the American Academy of Forensic Sciences, February 19, 2003, in Chicago.

President-Elect: Ronald L. Singer, MS
Vice President: Bruce A. Goldberger, PhD
Vice President: James B. McGivney, DMD
Secretary: James G. Young, MD
Treasurer: Edmund R. Donohue, MD

FELLOWS-AT-LARGE

In addition to the Officers, the following ten section Fellows-at-Large comprise the 2003-04 AAFS Board of Directors:

Criminalistics: Joseph P. Bono, MA
Engineering Sciences: Thomas L. Bohn, PhD, JD
Jurisprudence: Jon J. Nordby, PhD
Odontology: Robert E. Barsley, DDS, JD
Pathology/Biology: Julia C. Goodin, MD
Psychiatry & Behavioral Science: J. Arturo Silva, MD
Questioned Documents: Robert J. Muehlberger, BA
Toxicology: Daniel S. Isenschmid, PhD

AAFS 2003-04 SECTION OFFICERS

Criminalistics
Chairman: Thomas A. Brettell, PhD
Secretary: Susan M. Ballou, MS

Engineering Sciences
Chairman: James S. Smith, PhD
Secretary: Roy R. Crawford, PE, PLS

General
Chairman: James M. Adcock, PhD
Secretary: John E. Gems, MFS

Jurisprudence
Chairman: Andre A. Moenssens, JD, LLM
Secretary: Betty Layne DesBarres, JD

Odontology
Chairman: Pamela W. Hammel, DDS
Secretary: Bryan Czer, DDS

Pathology/Biology
Chairman: Gregory G. Davis, MD
Secretary: John C. Hunsaker III, MD, JD

Physical Anthropology
Chairman: Elizabeth A. Murray, PhD
Secretary: Marilyn R. London, MA

Psychiatry & Behavioral Science
Chairman: Richard Rosner, MD
Secretary: Gregory B. Leong, MD

Questioned Documents
Chairman: William J. Bodziak, MSFS
Secretary: John L. Sang, MS

Toxicology
Chairman: Christine Moore, PhD
Secretary: Amanda J. Jenkins, PhD
HIGHLIGHTS FROM THE 55TH AAFS ANNUAL MEETING


Past President Joseph Davis at the President's Reception with International Liaison Virginia Lynch.

Carol Henderson, Susan Johns, Anjali Swienton, and Lucy Davis Houck.

President Graham Jones with Plenary Session speakers (l to r) Tom Chamberlain, Dwight Adams, and Joseph Almog.

AAFS Staff Accountant Charlene Albertson checking the profits at the Sales Desk.

Local Arrangements Committee members Jack Kenney and Haskell Pitluck.
President Graham Jones and wife Carol Billey hosting the President’s Reception at the beautiful Drake Hotel

Past President Barry Fisher with fellow Criminalistics Section member Henry Lee

Past Presidents Robert Joling and Arthur Goldman

Criminalistics Section Fellow Daniel Garner with Maria Delores Sanchez Bada of ICTAP, interpreter Elsa Jiménez Schloss, and Gesse Chouci of ICTAP

Professor Jim Stans and Board Member Tom Bohan

Program Chairman Bruce Goldberger taking time to relax towards the end of a successful meeting

Tom Noguchi with his wife Hisako socializing with Art Goldman and his wife Martha

President Graham Jones and wife Carol Billey hosting the President’s Reception at the beautiful Drake Hotel
CONGRATULATIONS 2002 AWARD RECIPIENTS

2003 AAFS Award Recipients (standing l to r): Jeffrey Burkes, Haskell Bitluck, Kimberly Marge, Daniel Rothenberg, Gerard Wendt, Vincent DiMaio, and John DiFiore; (seated L to r): Shawn Omley, Martha Blake, Helena Sommer, Carla Noziglia, Jeri Ropero-Miller, and Jan Bashinski.

2003 Distinguished Fellow Recipient Carla Noziglia

2003 SPONSORS

The Academy would like to thank the following sponsors for their support at the 2003 AAFS Annual Meeting:

- **Agilent Technologies, Inc.** sponsored the Wine & Cheese Reception and the Toxicology Section’s Friday Morning Break
- **Applied Biosystems** sponsored Workshop #17 Coffee Break
- **Calvert Forensic Enterprises** sponsored Questioned Documents Scientific Session Speaker
- **Cerilliant Corporation** sponsored the Toxicology Section’s Thursday Evening Open Forum
- **Crlsgram Corporation** sponsored the Toxicology Section’s Thursday Evening Open Forum
- **Forensic Science Review** sponsored the Toxicology Section’s Thursday Afternoon Break
- **Henry C. Lee Institute of Forensic Science** sponsored the Young Forensic Scientists Forum Luncheon
- **Immunoysis Corporation** sponsored the Toxicology Section’s Annual Lectureship
- **International Diagnostic Systems Corporation** sponsored the Toxicology Section’s Thursday Afternoon Break
- **Ion Track Instruments** sponsored the Plenary Session Speaker
- **National Medical Services** sponsored Workshop #7 and the Toxicology Section’s Thursday Morning and Friday Afternoon Breaks
- **Neogen Corporation** sponsored the Toxicology Section’s Thursday Morning Break
- **OraSure Technologies, Inc.** sponsored the Toxicology Section’s Friday Morning Break
- **Perkin-Elmer** sponsored Workshop #17
- **Promega Corporation** sponsored Workshop #2 and Workshop #17
- **Restek Corporation** sponsored the Toxicology Section’s Awardees Recognition Reception
- **St. Martin’s Press Publisher** sponsored Workshop #19
- **Therapak Corporation** sponsored the Toxicology Section’s Friday Afternoon Break
- **University of New Haven Forensic Science and Chemistry Club** sponsored the Young Forensic Scientists Forum Luncheon
- **United Chemical Technologies** sponsored the Toxicology Section’s Awardees Recognition Reception
- **Varian** sponsored the Toxicology Section’s Thursday Morning Break
The 2003 AAFS Annual Meeting Local Arrangements Volunteers were fantastic! Thank you to Chicago Local Arrangements Committee Co-Chairmen Robert Gaensslen, John Kenney, and Haskell Pitluck. The support this group offered the AAFS Staff was unsurpassable!

The Local Arrangements Committee assists AAFS Staff at the scene and behind the scenes (from answering the office phones to assisting with registration and special functions). The Academy Office wishes to extend its sincere gratitude to the following individuals:

THANK YOU VOLUNTEERS

H. Jennifer Acurio
Valerie Arangelovich
Luis Arroyo
Alisha Barnes
Michael Berumen
Jessica Best
Angelo Bommarito
Stacey Bond
Blith Bosque
Paul Bottini
Bruce Brooke
Theresa Browning
Sonya Brzozowski
Timothy J. Chapman
Angela Cloud-Simmons
Nell Collins
Joy Cottle
Franca Del Signore
Shawn Dolan
Alison Dowalski
Tiffany Ebert
Marka Florell
Mary Fitzgerald
Robert C. Geffrey
Denise Gaza
Tina Gieniowski
Brandon Giroux
Cole Glater
Elizabeth Griffin
Celeste Grover
Sibte Hadi
Umme Haidermota
Arnold Hermanson
Andria Hobbs
Jill Hihiden-Presso
Courtney Hoshibata
Kerry Hyres
Rae A. Inafuku
Davere Jackson
Edmond N. Jacob, MD
Melissa Janowiach
Jamie Jett
John Pagone
Sarah Johnston
L’Toya Jones
McKinley Jones
Pamela Jurgens-Toepke
Christine Kelly
Ayeda Khob
Jennifer Kitano
Olivia Kliesman
Susan Knight
Karlee Koning
Laura Kowalski
Stephen Kuncats
Christopher Kunkle
Laura Kuyper
Laura Kwart
Shannon Lang
A. Karl Lassen, Jr.
Stina Laxson
Joanna Laver
Cathy Lee
Monique Lesher
Jennifer Leyn
Alicia Lucas Gross
Kristy Malak
Melissa McCann
Mary-Jo McCawley
Nancy McDonagh
Saara Melton
Erin A. Merritt
Maureen Messina
Ronald G. Meyer
Marta Mierzwiska
Denise Miller
Amy Miller
Brian Miller
Kim Mooney
Michael Mount
Marcus Murphy
Beth Nelson
Stan Niemiec
Joseph Or
Assignment Open
Trin Ortuza
Yvette Osborne
Elaine Ragliao
Jean-Paul Randenier
Lisa Raye
Ron Philayakcomb
Kay Pitluck
Maggie Padden
Scott Ramsey
Gareth Wynne Roberts
Elizabeth Scholl
Brian Schoon
Juley Scheuerman
Ellen Schuetzner
Adrienne Segovia
Kathryn Chat Seigfried
Tamara Smith
Amanda Marie Smith
Sebastian Spangena
Barbara Sparse-O’Donnell
Meredith Spaso
Carissa Szak
Sandra Stoltenow
Jay Sturt
Mary Sullivan
Nancy Thibault
Kristy Tieks
Annie Touchette
Tatiana Tresos
Tiffany Vasquez
Alan Wade
Patricia Wall
Nancy Weeks
Jacki White
Loren Wicovic
Joyce Williams
David Williams
Danyette Wilson
Thomas Wilson
Susan K. Wilson
Cynthia S. Woods
Nalcy Yee
Kymo Young
Loren Zimmerman
Kristi Zurawski

Local volunteers Mary-Jo McCawley, Angela Cloud-Simmons, and Michael Berumen checking in workshop attendees
Planning for the 2004 AAFS Annual Meeting Dallas, TX, is well underway. The theme is “Truth and Justice in the Balance: Forensic Scientists as the Counterpoise.” One measure of a civilized society is how closely the justice that is meted out to its citizens conforms to truth in its factual underpinnings. Without the precepts of justice, truth will not emerge, and without truth, justice cannot prevail. It is this balance between truth and justice that must be kept in equipoise. Forensic scientists play an instrumental role in maintaining this balance – they are in fact the counterpoise that keeps the scales of justice in compatible equilibrium. From developing, validating, and implementing new methodologies and technologies to inculpation, exculpation, and exonerating those accused of wrongdoing in the civil and criminal context, forensic scientists bring crucial facts to light, thereby allowing justice to endure. The Program Committee urges you to submit abstracts and proposals applicable to this theme.

The Call for Papers for the 2004 meeting can be found on pages 21-24. Please be sure to complete the form in its entirety and provide a scientifically acceptable abstract. You are also encouraged to submit your abstracts for scientific papers, posters, breakfasts, and luncheon seminars through the Academy’s website at www.aafs.org. Those individuals interested in submitting a proposal for a workshop or workshop may download the guidelines and forms from the Academy website, but must submit the forms via fax or regular mail to Nancy Jackson.

Please note that the August 1 deadline for submission of abstracts and proposals will be strictly enforced, as it was last year. Adherence to the deadline insured that the preliminary program was available several weeks earlier than in years past. Finally, I would like to take this opportunity to elicit comments - good and bad - from those who attended the Chicago meeting. Please send them to my attention at hendersonc@nsu.law.nova.edu. Your comments will be shared with the Program Committee. Don’t forget to reserve the following dates on your calendar - February 16-21, 2004!
CRIMINALISTICS

Source: Thomas A. Brettell, PhD, Section Chairman

Once again, the Criminalistics program was a huge success at the 2003 AAFS meeting in Chicago. The blizzard of 2003 did not stop the meeting from continuing; thank you to all the members who weathered the storm and attended. Attendees were not disappointed thanks to the efforts of Program Chairman Susan Ballou who organized an outstanding educational and diverse program. Susan thanks all those who helped with the program especially the abstract reviewers, session moderators, panelists, and presenters. Special thanks also goes to outgoing Section Chairman Marie Samples for her hard work and job well done. A thank you is also extended to the Academy staff for all their assistance throughout the year. Without their help and efforts the Academy would not be the success it is year after year.

All those who attended the special session remembering the work and life of one of the section’s dear friends and colleagues, Walter C. McCrone, will agree that this session will go down in AAFS history as one of the more memorable ones. Walter was recognized previously in his lifetime during the 1984 Criminalistics Section Program with the Paul Kirk Award for his contributions to the field. Walter will be fondly remembered not only for his momentous contributions to forensic science, but for the many lives he touched over the years. Thank you to everyone who participated in this session and shared their experiences and work with Walter.

Congratulations to John DeHaan, winner of the Paul L. Kirk Award, and to Jan Bashinski, winner of the Outstanding Service Award. Both were recognized for their contributions and efforts on behalf of all of the Criminalistics Section. The section also applauds the success of its new Fellows and Members and for their commitment to the profession and the organization. Welcome to all the new Provisional Members, Trainee Affiliates, and the Students who were formally elected at the business meeting.

At the last meeting, the Criminalistics Section voted to allocate $500 from the Special Fund to the Young Forensic Scientists Forum and also to provide funds in support of regional forensic organizations for training. Organizations that are interested in applying for training funds are encouraged to contact Thomas Brettell (lppbrett@gw.njsp.org).

2004 Criminalistics Program Chairman John DeHaan is reporting that ideas for next year’s program are already coming in. The following have been suggested: (1) A session (panel discussion perhaps?) on Criminalistics at crime scenes – exploring why criminalists no longer respond in many jurisdictions and what can or should be done about scene response; (2) A session (perhaps jointly with Jurisprudence) on “Private Sector Criminalists – Seeing Both Sides of the Coin.” What is the perspective of those who get involved in both prosecution and defense cases? Including states attorneys, public defenders and criminalists; and (3) A workshop on Fires in Clandestine Drug Labs. John is eagerly awaiting your ideas. You may call him (707-643-4672) or fax him (707-643-4682) today. Make plans now to attend and to present in Dallas!

SECTION & PROGRAM NEWS

ENGINEERING SCIENCES

Source: James S. Smith, PhD, Section Chairman

What time is it? Now is the time to start work on the annual meeting in Dallas, Texas. The 2004 program chairman is Gary Brown, of RT Environmental Inc., in King of Prussia, PA. He will have the following tracks and track chairmen who will SOLICIT, review, and form the technical presentations for the Dallas meeting. The tracks and chairs are as follows:

Environmental - Carol Erikson (cerikson@trilliuminc.com); Fire and Explosions - TBD; Automotive - TBD; Engineering Sciences/Criminalistics - John De Haan (Criminalistics/jdehaan@inreach.com); Biomechanics - Laura Liptai (liptai@biomedicalforensics.com); Electrical Accidents - TBD; and Mechanical Safety - Adam Aleksander (akaaleksander.net).

Additional tracks and volunteers are needed to serve as chairs for the tracks above that are listed but do not have a name beside them. Please e-mail Jim Smith (jsmith@trilliuminc.com) or Gary Brown (gbrown@aol.com) with suggestions.

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A special thanks to Scott Batterman for his leadership over the past year. Also, the section will be counting on the following courageous volunteers as chairs for the following committees: Program - Gary Brown; Membership - TBD; Awards - Raymond Mires (806-762-8679) and Laura Liptai (committee members); Ethics - Mark Marpet (mmarpet@rcn.com); and Student Academy - Laura Liptai. Volunteers are needed for these committees as well. Those interested should e-mail the committee chair or Jim Smith.

The section unanimously elected Roy Crawford as Section Secretary. The new officers thank Jack Talbot for his great service as the awards chair for the past two years. The illustrious David Goldman has again been appointed as the Section Treasurer after such a job well done last year.

Lastly, the section needs to provide the Dallas meeting with a workshop or two, or more. Please e-mail your ideas to the section officers or the program chair. Let’s make 2004 special.

General

Source: James M. Adcock, PhD, Section Chairman

James Adcock was elected as Section Chairman and John Gerns was elected Section Secretary. Jon Nordby continues as the section’s representative on the Board of Directors. Robert Thibault continues to serve Chairman of the Policy and Procedure Committee, and he and Gil Brodgen serve on the Forensic Sciences Foundation Board of Trustees.

Members contributed forty-three papers to the successful 2003 program. The 2004 Program Committee Chairman is Dayle Hinman with Penny Englert as the Co-Chairman. Dayle encourages all members to begin to prepare a presentation for the 2004 meeting in the “Big D” - Dallas, TX.

Jurisprudence

Source: Betty Layne DesPortes, JD, Section Secretary

The 2003 Annual Meeting in Chicago was a big success thanks to everyone’s tremendous efforts and in participating in the various programs. Despite the raging snow storms which delayed many people coming in from the East coast, the attendance numbers were fantastic. The multidisciplinary session on terrorism was so popular that an adjoining ballroom had to be opened to accommodate the extra attendees. Special thanks to section members Haskell Pitluck, Linda Kenney, Chris Plourd, Andre Moensens, and the guest-expert witnesses involved in the expert witness workshop, which was also well attended. Many other members did yeomen work in other workshops and section programs.

Congratulations to Ken Melson on his installation as President of the Academy. Ken’s hard work and dedication will be a great benefit to the Academy and the Jurisprudence Section. Congratulations also to Haskell Pitluck for his well-deserved Harold Feder Award.

The section is pleased to have two new Fellows (Carl Edwards and Margaret Tarver) and five new full Members (Chad Dold, Linda Kenney, Joseph Maltese, Greg O’Reilly, and Chris Plourd). The section also welcomes its twenty-two new provisional members, trainee affiliates, and student members.

Please tell your colleagues and fellow attorneys about the Dallas meeting and encourage their participation in the program, or at least their attendance. A reminder to all provisional members - participation in the annual meeting is necessary for promotion to full membership. Moderators are always needed for the scientific sessions on Thursday or Friday.

Anyone interested in participating in the Dallas program may contact the Jurisprudence Program Co-Chairmen: Chad Dold (cdold@speakeasy.net) and
Linda Kenney (kenneybaden@msn.com). Chad is planning for topical Thursday/Friday programs and Linda will again work on several workshops for the Dallas event; word is she plans to surpass the success of the Chicago event!

ODONTOLOGY

Source: Bryan Chrz, DDS, Section Secretary

Everyone has once again made it through a hectic week of meetings and catching up with news from old friends. Section Chairman Pamela Hammel called the business meeting to order, which was well attended and moved very smoothly. New members were announced and recognized. All members advancing in the section were acknowledged. A motion to admit dental hygienists into the section was tabled and will be discussed next year in conjunction with the AAFS Board of Directors’ decision on new membership categories.

Section Program Chairman Thomas David reviewed the papers and poster sessions to be presented at the Chicago meeting. As promised, a great group of papers were given. The poster sessions allowed for personal contact with the authors and were very interesting.

The section voted to adjust the nominating committee policy to reflect a total number of five nominators over the existing number of four.

The Odontology Lester Luntz Section Award went to Jeffrey Burkes, Chief Odontologist for the Office of the Chief Medical Examiner-New York City. Dr. Burkes was in charge of dental operations for the New York City response the September 11, 2001, attacks. He accepted and thanked those who contributed to his success. He also thanked all those who helped with the response to the terrorist attack on the New York World Trade Center.

PATHOLOGY/BIOLOGY

Source: Gregory G. Davis, MD, Section Chairman

The success of the 2003 meeting in Chicago was due, as always, to the ceaseless efforts of the Academy staff to keep things running smoothly. Success this year was also due to the determined participation of the members. Almost all who were caught by the heavy snow that fell on the Sunday before the meeting came to Chicago as soon as they were able, rather than skip the meeting. Meanwhile, members who were present in Chicago during the first few days pitched in to cover for presenters who could not get to the meeting as planned. Everyone’s cheerful determination to overcome the situation made a good showing for the Academy, and everyone who came was rewarded with unseasonably mild weather during the meeting.

The scientific program, overseen by Karen Ross, was well received. Thanks are due to Karen for organizing the 2003 program. Thanks also to the moderators, and special thanks to Greg Schmunk, Dan Schultz, and Andy Baker, who volunteered the use of their laptops for those presenters making a computer presentation.

Congratulations to Vincent Di Maio, the recipient of this year’s Milton Helpern Award.

The Pathology/Biology Section has grown in the past year, adding 54 new members for a total of 821. The officers elected for 2003-04 are Chairman Gregory G. Davis, Secretary John Hunsaker, and Program Chairman Victor Weedn. The 2004 meeting will be in Dallas, Texas, February 16-21. Hope to see you there!

A moment of silence marked the passing of Wilber Richie. In closing, Dr. David reminded all in attendance that papers for next year may be prepared now and submitted to him for approval. Enjoy the coming springtime.

SECTION & PROGRAM NEWS

PHYSICAL ANTHROPOLOGY

Source: Marilyn R. London, MA, Section Secretary

The new officers elected at the 2003 business meeting are Elizabeth Murray, Section Chairman; Marilyn London, Section Secretary; and Paul Sledzik, Section Program Chairman.

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Eugene Giles, of the University of Illinois Urbana-Champaign, has been selected as this year’s recipient of the section’s T. Dale Stewart Award. Congratulations to Gene, who has been making significant contributions to the fields of physical anthropology and forensic anthropology for nearly 50 years.

Paul Sledzik wishes to thank all the section participants (speakers, presenters, discussants, and moderators) for the superb program they crafted in Chicago. Planning for the 2004 program in Dallas is underway. Bruce Anderson has recommended a session on the deaths of illegal border crossers (undocumented aliens), mainly Mexican Nationals crossing the southern border. Several forensic anthropologists in the southwestern states have already expressed interest, and the U.S. Border Patrol is being approached to send a representative. Anthropologists, pathologists, and dentists involved in this type of work are invited to submit abstracts for this session. Some issues to consider are identification techniques, biological affinity, and case management for this increase in the normal work load.

A second topic for 2004 focuses on forensic anthropologists working outside traditional skeletal casework—managing forensic anthropology laboratories, disaster victim identification responses, human rights projects management, promoting forensic science to the military, government, and professional organizations—and the skills used to become successful in these endeavors. There is also interest in moderated discussions of specific topics in the field and lengthier papers followed by discussion. If anyone has session ideas, questions, or is interested in moderating, please e-mail Paul Sledzik at sledzik@afip.osd.mil.

The Ellis R. Kerley Forensic Sciences Foundation encourages applications for the $2500 Kerley scholarship (Deadline is April 30, 2003) and for abstracts for the $1000 Kerley paper award. Information may be found at www.elliskerleyforensicsciencesfoundation.org. Phoebe Stubblefield won this year’s Kerley paper award and Shuala Drawdy won the Kerley scholarship.

Please submit news items, announcements of awards, appointments, promotions, and information on related conferences and meetings to mlondon@hers.com.

**PSYCHIATRY & BEHAVIORAL SCIENCE**

Source: Barry D. Rosenfeld, PhD, Section Secretary

The February 2003 Richard Rosner Award for Best Paper by a forensic psychiatrist or forensic psychologist was given to Fabian Saleh, for his paper Treatment of Juvenile Paraphilia with Leuprolide Acetate: A Preliminary Case Report Series. Honorable Mention was given to Andrew Kleiman, for his paper The Impact of Manhattan’s Assisted Outpatient Treatment Program on Hospital Recidivism in the Chronically Mentally Ill, and to Angelina Stamislaus, for her paper Pharmacotherapeutic Efficacy in the Treatment of Delusional Disorder.

**QUESTIONED DOCUMENTS**

Source: John L. Sang, MS, Section Secretary

Many thanks to Jack Calvert and his team for providing the Questioned Documents Section with a successful and excellent program this year, including the two workshops. A few of the program highlights were the Daubert Update panel chaired by Larry Olson, the panel discussion of the Examination of Photocopied Signatures and Documents, chaired by Brian Lindblom, and Sargur Sridhar’s “Quantifying Handwriting Individuality” presentation. Many thanks also to the other presenters and moderators. Special congratulations to Martha Blake, the well deserving recipient of the Questioned Document Section’s Ordway Hilton Award.
Section officers for 2003-04 are William Bodziak, Chairman; and John Sang, Secretary. Dale Stobaugh will serve as Program Chairman for the 2004 meeting in Dallas. Contact Dale with program suggestions at: (512) 424-2105; Dale.Stobaugh@txdps.state.tx.us. Gerald Richards has completed a three-year term as section representative to the AAFS Board of Directors and has done an outstanding job. The new representative is Robert Muehlberger, who has held the position of Section Chairman for many years. As an Academy Director, Bob should be a great asset to the section.

The Questioned Document Section is looking forward to another full program including workshops at the meeting in Dallas, Texas next year. Please consider presenting a paper or poster for the upcoming meeting. Don’t forget that abstracts are due by August 1, 2003. Members are also encouraged at this time of year to apply for promotions. Applications are available online at www.aafs.org or from Kimberly Wease (kwease@aafs.org).

TOXICOLOGY
Source: Amanda J. Jenkins, PhD, Section Secretary

Many thanks to all who participated in the meeting in Chicago in February. The snowstorm on the east coast delayed many attendees from arriving before Wednesday and this affected the first two days of the AAFS program. Overall, the Toxicology Section program suffered only a minor extent with most workshop speakers unaffected by the blizzard. The workshops were well attended with 130 registrants for the clinical chemistry/forensic toxicology workshop on Monday afternoon. The workshop by Fredric and Michael Rieders had 46 registrants; the antipsychotics workshop on Tuesday morning, 85 registrants; and the asthma workshop co-chaired by Rebecca Jufer and Amanda Jenkins, 41 registrants.

At the section business meeting on Wednesday, Jari Ropero-Miller and H. Horton McCurdy were honored with the Irving Sunshine and the Rolla N. Harger Awards, respectively. A slight change to the evening program resulted in a reception prior to the posters. The reception was held in an adjoining room and allowed time for social interactions prior to the academic part of the evening. The posters covered a range of topics from oxycodone deaths, analysis of LSD, and interpretation of postmortem diphenhydramine concentrations.

Several special sessions were interspersed throughout the 23 platform presentations on Thursday and Friday of the meeting. Yale Caplan and Edward Cone moderated a session on oxycodone associated deaths. This session discussed prevalence and classification of such deaths in light of recent advances in pain management. The Joint SOFT/AAFS Drugs and Driving Committee organized a session on impairment and over the counter and prescription medications. David Benjamin and Michael Obertt discussed drug marketing and prescribing practices and variations in the law between the U.S. and Canada. A special session on Friday morning, moderated by Sheldon Brunk and David Benjamin, hosted Saeed A. Jortani, from the University of Louisville, KY, who discussed agents which may be used in terrorist activities.

The Annual Lectureship in Toxicology was presented by Charles Schuster of Wayne State University, Detroit. He is a former Director of NIDA and presented his research on the neurotoxicity of methamphetamine and MDMA in humans. Furthermore, he attended the Section Open Forum on Thursday evening (moderated by Chip Walls and Robert Zettl) to ask for member feedback on any hydramine cases or studies since the drug has recently been approved by the U.S. FDA for treatment of opiate dependence.

Dr. Middleberg was unable to attend the meeting, but the final special session on pediatric postmortem toxicology ran smoothly with the help of Nikolas Lemos and Edward Barbieri.

SECTION & PROGRAM NEWS

A word of thanks to all who participated in the program. The abstract reviewers were thorough and timely; Tim Rohrig who, as workshop chair, reviewed proposals; the workshop chairs who had to coordinate speakers and handout materials; the moderators who compiled the special sessions finding speakers and coordinating presentations; Laureen Marinetti and Lee Hean who organized the Annual Lectureship; and the regular oral and poster session moderators, several of whom agreed to help at the last minute. A big thank you to Peter Scout who again this year provided flawless audiovisual help for the powerpoint presentations. Thanks also to the sponsors for this meeting: Agilent Technologies, Ozark Bioscience, Inc., Carilliant, Forensic Science Review, Immunalysis Corporation, International Diagnostics Systems Corp., National Medical Services, Neogen Corporation, Omasure Technologies, Restek Corporation, Therapak, United Chemical Technologies, Inc., and Vadian, Inc.

The 2004 AAFS Annual Meeting is in Dallas, TX. Contact the Toxicology Section Program Chairman, Tim Rohrig, if you have workshop or special session ideas, or to volunteer your help in another capacity.
The Forensic Sciences Foundation celebrated its 35th Anniversary during the Academy’s recent meeting in Chicago. The Foundation was first recorded as an entity in 1968, and was incorporated in 1969. A Reunion Coffee was held at the Hyatt Regency in Chicago which honored the past trustees and officers by reminiscing about the past and brainstorming on the Foundation’s future.

Helena Soomer, DDS, winner of the 2002 FSF Emerging Forensic Scientist Award (ERSA) paper competition, was recognized in Chicago for her 2002 presentation in Atlanta on Reliability and Validity of Various Dental Age Estimation Methods for Adults Used in Forensic Odontology. The ERSA award covers the expense of attending the AAFS Annual Meeting, including meeting registration, airfare, five nights lodging, and a $50/day per diem. Dr. Soomer also was presented with a commemorative plaque during the AAFS Annual Business Meeting on Wednesday, February 19.

The 4th Annual Emerging Forensic Scientist Award paper competition was hosted again this year in Chicago, and the judges are still evaluating the extraordinary entries in this year’s competition. The winner, to be announced in the next issue of Academy News, will receive all expenses paid to attend the 56th Annual Meeting in Dallas.

The deadline for paper submissions of the 5th Annual Emerging Forensic Scientist Award is August 1, 2003. Please see page 25 of this issue of Academy News for submission guidelines.

At its Chicago meeting, the FSF Board of Trustees voted to change the name of Douglas M. Lucas Grants to Acorn Grants which are to be awarded in small amounts averaging $300-500. The Board also “promoted” the formerly known Lucas Grants, designating that they shall now be awarded as larger grants that may be as much as $5,000. Please see page 18 for the guidelines. Four Acorn Grants were awarded in February 2003, totaling $1,859, for the following proposals:

- **Rich, Jeremy, DPM, and Dean, Dorothy E., MD** - $440
  - Utility of Ankle Joint Radiographs for Human Identification

- **Yavornitzky, Valerie, MA** - $400
  - Non-Metric Analyses for Ancestry Determination in Forensic Anthropology:
    - A Test of Rhine’s (1990) Southwestern Mongoloid Ancestry Category

- **Koot, Michael G., BA** - $519
  - The Validation of Posterior-Anterior Radiographs of the Hand for Positive Human Identification

- **Heath, Lorraine E., BS, and Saunders, Venetia A., PhD** - $500
  - Spatial Variation in Microbial DNA Profiles for Forensic Soil Comparisons

The following three Douglas M. Lucas Grants were awarded in February 2003, totaling $4,900:

- **Kontanis, Elias J., BA, BS** - $2,000
  - Variables Affecting Decedent Identification Success in Mass Fatality Incidents: Nuclear DNA Preservation in Soft and Ossaceous Tissues

- **Smith, O.C., MD, and Pope, Elayne J., MA** - $2,000
  - Sequencing Burn Patterns of Soft and Mineralized Tissues in Fire Related Deaths

- **Pope, Elayne J., MA** - $900
  - Atlas of Skeletal Age From the Human Os Coxae

Congratulations to all the 2002-2003 FSF Grant recipients! The 2002-2003 FSF Research Committee was comprised of Diane France (chairman), James Kaplan, John Pless, Marina Stajic, and Robert Thibault.

The Foundation is pleased to report that the Endowment Fund balance is approximately $290,000 in spite of the fluctuating market. Thanks to AAFS members, contributions totaled some $26,000 in December 2002, compared to $21,000 in December 2001, with a substantial amount designated for the FSF Operating Budget. Contributions to the Operating Budget are critical in assisting the Foundation in carrying out its program activities. Thank you very much!

If you contributed to the Foundation during the Academy’s annual meeting in Chicago, you will find your name listed on page 18. The FSF Board of Trustees has established three contribution levels to be identified under each section in the Academy News: "Board Member" (up to $50), "Trustee" ($51 to $100), and "Chairman’s Circle" ($101 or more).
If you would like to use the FSF contribution form found on page 19, remember that you have three options for contributing: 100% of your contribution to the Endowment Fund; 100% of your contribution to the FSF General Fund, which assists with operating expenses; or your contribution can be divided between the Endowment Fund and the General Fund. If you have any questions about your contribution, please contact Charlene Albertson at the Academy office in Colorado Springs.

The FSF Career Booklet is THE most requested document of the AAFS/FSF office and website. The booklet now has a great new look and a snappy title: So You Want To Be A Forensic Scientist! It was revised last year to include cutting edge advancements in forensic science and up to date photographs as well as a great new look. The Foundation sponsored a contest soliciting cover designs from the younger AAFS members, and the result was a wonderful cover design submitted by Wynn Ngo (Criminalistics) and her brother, Jonny. Wynn received $100 cash, a certificate of acknowledgement as well as a complimentary meeting registration that will be used in Dallas.

Two Trustees retired this year from the FSF Board—Diane France (Physical Anthropology) and Stephen Brunette (Jurisprudence). The FSF Members elected three new trustees to the Foundation Board of Trustees—Grant Sperry (Questioned Documents), Norman Sauer (Physical Anthropology), and Cynthia Windsor (Jurisprudence). James McGivney (Odontolgy) was re-elected to serve a second four-year term.

The 2003-2004 officers of the Foundation—Carla Noziglia (Chairman), G.B. Brogdon (Vice Chairman), Robert Thibault (Secretary), and James McGivney (Treasurer), and the entire Board of Trustees want to thank the Academy and its members for your continued support. It is because of you that the Foundation is able to offer all of its grants and awards, thereby furthering research in the forensic science profession.
$500,000 BY 2005

The following Friends of the Forensic Sciences Foundation generously contributed to the Foundation during the Academy’s 55th Annual Meeting in Chicago, IL. Contributions are very much appreciated and will ensure a sound financial base for the FSF Lucas Research Grant Program, the Emerging Forensic Scientist Award, and other FSF-sponsored educational programs.

$101 & Above - “President’s Circle”
Anita K.Y. Wonder, MA

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Delora Fletcher, DDS
Robert Strader, BA

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James K. Wolfson, MD

2003-04 FSF ACORN GRANTS AVAILABLE

The FSF Acorn Grants are small (up to $500) grants intended to help the investigator initiate original research. These grants are open to members (at any level) of the American Academy of Forensic Sciences.

Proposals should include:
- Current curriculum vitae for each applicant
- Brief (approximately one page) description of the project
- Budget for project, including amount requested from FSF
- Plan for dissemination of the results
- Timetable for project

Funding requests for travel, equipment, routine agency operation, and bibliographic preparation are discouraged. Deadline for proposal is July 1. Progress report for the research is sent to the FSF by December 15.

2003-04 LUCAS GRANTS AVAILABLE

The FSF Lucas Grants are larger (up to $5000) grants intended to help the investigator in original research. These grants are also open to members (at any level) of the American Academy of Forensic Sciences.

Proposals should include the same materials as applications for the Acorn Grants, though the description of the project may be up to 5 pages.

Funding requests for travel, equipment, routine agency operation, and bibliographic preparation are discouraged. Deadline for proposal is July 1. Progress report for the research is sent to the FSF by December 15.

WORKSHOPS REQUIRE EARLY PLANNING

It’s hard to believe that the 2003 annual meeting is over and that planning is already underway for the 2004 meeting in Dallas! For those of you already contemplating workshop proposals, you are encouraged to submit them early. The deadline for proposal submissions is August 1. Section officers are asked to actively encourage members in a position to present and/or sponsor workshops to submit proposals. In addition to generating income for your individual sections, a successful workshop program may be an important part of a successful meeting! Please feel free to contact Ken Williams (lppwillc@gw.njsp.org) or Scott Batterman (batterman@iac1.com) with any workshop questions.
The Forensic Sciences Foundation, Inc., gratefully acknowledges the generous contributions made to the Foundation. Please accept our apologies if your name has been inadvertently omitted and contact the AAFS office as soon as possible with the correction. This listing reflects contributions received from 08/01/02 through 03/01/03.

The percentages shown indicate the number of members within each section who have contributed to the Endowment Fund.
FSF CONTRIBUTORS CONT.

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Kimberly L. Woodard, BS

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Up to $50 - “Board Member” (9%) 
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Helen H. Bassett, MA

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Jonathan R. Kelly, MD

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American Academy of Forensic Sciences
In Memory of Arthur J. McBay, MD
Neil A. Hoffman, MD
FOR WANT OF PHYSICAL EVIDENCE A DISCONNECT LURKS

Connections are the necessary and elemental ingredients of the investigatory process of the police who are on the quixotic for evidence to associate a suspect to a criminal event. Such connections may occur in a variety of disparate and sometimes unexpected ways. A cold hit in a DNA registry is one much ballyhooed, and rightly so, method of linking a suspect to a criminal event. A call from an anonymous informant with credible credentials and information will often provide the key to unlock a stalled criminal investigation, as it did in solving the 1997 triple homicide of employees at a Starbucks restaurant in the District of Columbia’s trendy Georgetown area.

However, in the absence of such a connection, criminal investigations may be frustrating and dead-ended and even, inopportune, up-ended.

In short...
For want of physical evidence, forensic science is lost and
For want of forensic science, an investigation is lost and
For want of investigation, the solution to a crime will be lost.

It is in filling the gaps left by the void in the availability of physical evidence that the police may and do sometimes cross the line. Although police deception does not generally cross the allowable legal line from the permissible to the impermissible, it may on occasion overstep the bounds. So police duplicity in informing a suspect that his fingerprints were discovered at a crime scene does not transcend the limits of recognized and lawful police authority, even though such a fabrication changes the likelihood of resulting in a false confession. Although a false confession, obtained by the lies of the police, will be unavailable to the prosecution if the confession’s falsity is exposed in the nick of time, the method of deception employed in obtaining it will pass unrebuked.

Then again, while there are remorseless police lies occurring during their investigations, there are also those that call out for relief. The factual underpinnings of Patel v. Searles, 305 F.3d 130 (2nd Cir. 2002) portray police overkill when acting for want of physical evidence as putting them athwart the constitutional protections upon which all citizens can reasonably expect to rely. The decision of the Federal Second Circuit in Patel v. Searles was rendered on an appeal from a District Court’s refusal to dismiss the plaintiff, Jatin Patel’s, Federal constitutional tort claim for damages against Kevin Searles, the Chief of Police for the Town of Windsor, CT, and Debra Swanson, a detective in that town. In the unadjudicated posture of the case, the appellate court was obliged to take the “allegations of the complaint as true and construe them in the light most favorable to the plaintiff.” In the flashing out of the facts at an adversarial trial, there might, one admits, be a different spin to be put upon the facts or even variant facts to spin. However, for the nonce, the facts as detailed in Patel v. Searles and as amplified by newspaper reports are as follows.

On the morning of March 21, 1996, the local police responded to an emergency call to a home in Windsor, CT, where they found Champa Patel, 54, and her daughter, Anita, 32, dead in the mother’s home which was then on fire. The women had been bound and gagged with duct tape, stabbed with scissors, doused with gasoline and burned. The state medical examiner’s office reported that Champa Patel died of asphyxiation due to destruction of the airways (strangulation) and that Anita died of smoke inhalation and extreme heat, according to newspaper accounts.

For some reason not publicly known, the Windsor police considered Jatin Patel, the oldest surviving son of the deceased Champa Patel, as their prime suspect. Whatever their undisclosed reasons, it could be that Jatin was thought to have a huge and provable financial motive in causing the death of his mother, Champa. That motive might well have been viewed as a very real one since Jatin had suffered significant losses in dealing in stock options. In addition it was rumored that Champa was about to change the beneficiary of her life insurance policy which then named Jatin as its primary beneficiary.

But for all that was publicly known of the factual details incriminating to Jatin in the possession of the police, it was as clear as an ambulance’s siren that Jatin had not been arrested or indicted for the dual murders. However, the police investigations continued apace, especially as alleged in Jatin’s Federal court complaint, by Police Detective Debra Swanson.

Swanson was said to have circulated to the press, and within the Patel family, various statements containing false information about Jatin’s involvement in the murder of his two family members. These claimed prevarications included “fake confession letters,” statements about a “severe” rift between Jatin and his niece, Anita’s daughter, who had seen the killer and first raised the alarm, observations that Jatin had failed a polygraph test and had “refused to take further tests” as well as that he had “refused to grant further interviews to answer still open questions.”

The complaint further declared that the defendants Searles and Swanson’s actions had caused Jatin to leave Connecticut and to take up residence in Tennessee. But even in Tennessee Jatin was not free of Swanson, so he said, since she followed him there and presented a warning to his wife that her husband, Jatin, was a dangerous man who “could reach that point of anger again” since he was “leading a double life” putting her and her children’s lives in danger.

The overriding thrust of the conduct of the police investigation, according to Jatin, was to ostracize him from his family and friends so that new information pointing to
his guilt might be forthcoming. By pitting Jatin against his family, it was just possible, so it was urged, that a family member would come forward with facts implicating Jatin.

The actions of the Windsor police, according to Jatin's federal claim, acted to deprive him of his Federal constitutional right to the intimate association of his family and friends. The Windsor police defendants disagreed and sought to dismiss the federal action without the benefit of a trial on the merits. The Federal District court refused to grant a dismissal and the Second Federal Circuit Appeals court has now affirmed that holding asserting that "plaintiff has alleged facts sufficient to establish a constitutional violation of his right to intimate association" by the Windsor police defendants.

The three appeals court judges came to their unanimous decision based upon their view that the freedom of intimate association was "a clearly established" constitutional right of which the police defendants should have been on notice at the time of their murder investigations into the Patel murders and that, therefore, they were not entitled to even qualified immunity for their behavior. The right to intimate association is not articulated in so many words in any of the first eight amendments to the U.S. Constitution. On the contrary it is considered to be a "penumbral" right, one, like the right of privacy, that springs from one or more of the other more explicit guarantees in the Bill of Rights.

The Windsor police officer defendants maintained that in a murder investigation, as opposed to other criminal investigations, the police should be given greater latitude to engage in conduct not otherwise permissible. In other words the legitimate governmental interest in solving a murder case outweighed the incidental pains and penalties inflicted on Jatin Patel, so it was argued. But this reviewing court would have none of that disquisition.

"The officers in this case engaged in a virtual campaign of misinformation," said the court. For all we now know, mused the court, the police "attempts to destroy Patel's family" were nothing more than a "fishing expedition; that is, they may have gone after Patel for no reason other than his relationship to the victims." The court would not buy into the suggestion that a murder investigation erodes all of the "critical buffers between the individual and the power of the State." To do otherwise would effectively dispense with the right to intimate association as nothing more than a "hollow" right, said the court.

A curious feature of the Federal appeals court's opinion is its failure to note that apparently the police fixation on Jatin as their one and only suspect paid off. Newspaper reports from Hartford, CT, indicate that Jatin was sued by his father for damages for the wrongful death of Champa and Anita. In other words his father was accusing Jatin in a civil action of the murder of these family members. The upshot of that action, per news accounts, was a settlement whereby Jatin waived any claim to profit from the life insurance or the estate of his mother. Whether those details might have given greater impetus and legitimacy to the actions of the Windsor police remains to be seen.

But what are the parameters of the right to intimate association which may curtail, as here espoused, a police investigation, even in a murder case? What advice did the court have for law enforcement officers in the next case where vigorous police action is claimed to be violative of this constitutional freedom? The opinion of Circuit Judge Cardamone will not warm the inquiring heart of the police who want to know the precise limits of their investigative authority in the presence of the right to intimate association.

In Judge Cardamone's eloquent prose, "Like the wind that blows where it wills and can be heard, yet no one knows 'from where it cometh and whither it goeth' (John 3:8) this constitutional right (to intimate association) is real despite the lack of exact knowledge regarding its derivation and contours." Little solace is there to the police in that nebulously broad and euphuistic phrasing. A reliance upon physical evidence, as interpreted by forensic science, is much more exact and comforting and a bulwark against police transgressions on the right to intimate association. That is a connection devoutly to be sought and upon which successful police criminal investigations most often hinge.

IN MEMORIAM

Leslie Eng, PhD, Member of the Engineering Sciences Section, February 2003
George Furst, DDS, Retired Fellow of the Odontology Section, January 1997
Daniel Karlin, LTD, Fellow of the Jurisprudence Section, December 2002
Georg Russanow, MD, Retired Fellow of the Pathology/Biology Section, February 2002
Melvin L. Sconer, MD, Retired Fellow of the Pathology/Biology Section
Richard Whalley, BS, Member of the Criminalistics Section, December 2002