



# News Release

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## NACDL NewsRelease

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FOR IMMEDIATE RELEASE

### Report: Principles and Recommendations for Strengthening Forensic Science in the Courtroom

**Washington, DC** (March 5, 2010) – Forensic science evidence presented in court is often based on speculative research, subjective interpretations and inadequate quality control procedures, according to a report just released by the National Association of Criminal Defense Lawyers (NACDL). Police need to be taken out of the laboratory, and the “crime labs” need to be taken out of the police station, with the goal of ensuring the scientific integrity of forensic science evidence. Neutrality and objectivity are as essential to preventing wrongful convictions and exonerating the innocent as they are to solving crimes and convicting the guilty.

A year ago, the National Research Council of the National Academies issued a report, *Strengthening Forensic Science in the United States* (National Academies Press 2009), that set forth the case for forensic reform. In July 2009, then-NACDL President-Elect Cynthia Hujar Orr created the association’s Task Force on the Future of Forensic Science to provide additional recommendations for the improvements in the justice system as it relates to scientific evidence and testimony.

“Cases are sometimes made or broken on scientific evidence,” said NACDL President Cynthia Hujar Orr. “But independent audits and investigations conducted in ‘crime labs’ all over the country have uncovered hundreds of cases in which mistakes, bad science and even outright forensic fraud have resulted in defendants being convicted and sentenced to death or prison.”

In support of reform efforts in the forensic science community, NACDL has now released *Principles and Recommendations to Strengthen Forensic Evidence and Its Presentation in the Courtroom* advocating the creation of a “culture of science” in the forensic science community and supporting the establishment of a federal entity independent of law enforcement to oversee and implement necessary reforms to forensic science and its relation to court cases. A preliminary draft of the report was circulated for public comment in November 2009. Comments were solicited from a broad array of lawyers, forensic scientists and technicians, research scientists and academicians.



“NACDL supports the establishment of an independent science-based agency and full and equal access to forensic science services for the accused as exists for the prosecution,” said the task force’s chairman, Edward Ungvarsky, the Capital Defender for Northern Virginia. “The NRC Report makes clear that the forensic science system has been broken and needs repair. NACDL’s recommendations are needed to fulfill the promises of due process and equal justice under the law in our courts.”

The NRC Report highlighted important deficiencies that urgently need correcting, and NACDL supports the recommendations intended to remedy those deficiencies. In addition, NACDL adopted seven Principles and Recommendations to help produce accurate and reliable forensic results and encourage fair and accurate verdicts in the courtroom:

- a central, science-based federal agency,
- creation of a culture of science, rather than a culture of conviction,
- a national code of ethics for forensic practitioners,
- a prerequisite of solid research backing evidence in the courtroom,
- greater educational opportunity for judges, lawyers and law students,
- greater transparency and discovery, including complete access for the defense to forensic evidence and the underlying data in every case, and
- full and equal access for defense counsel to forensic and scientific expertise for all defendants, no matter what their economic status.

“The search for truth cannot favor one side or the other, and neither can publicly-funded forensic science labs,” Orr said. “That is why NACDL supports the National Research Council’s recommendation to establish a wholly-independent federal agency to address current deficiencies and create a culture of science in the community that seeks truth rather than convictions.”

NACDL notes that the scientific validity of many currently accepted forensic techniques has never been established. According to the NRC Report, with the exception of nuclear DNA analysis, “no forensic method has been rigorously shown to have the capacity to consistently, and with a high degree of certainty, demonstrate a connection between evidence and a specific individual or source.” The NACDL report recommends that forensic science conclusions always include information concerning the degree of uncertainty associated with results and the limitations of the opinion offered.

The NACDL report also recommends education, training and certification of forensic science experts and lab technicians, with regular proficiency testing. Forensic science practitioners need to develop and adhere to a national professional code of ethics with disciplinary procedures for poor conduct and biased testimony.

“Where life and liberty are at stake,” Orr said. “it is not too much to ask of an expert to adhere strictly to the demands and methods of good science and tell the truth.”

A copy of the report may be downloaded or viewed on line [here](#).

The National Association of Criminal Defense Lawyers is the preeminent organization advancing the mission of the criminal defense bar to ensure justice and due process for persons accused of crime or wrongdoing. A professional bar association founded in 1958, NACDL’s 11,000-plus direct members in 28 countries – and 90 state, provincial and local affiliate organizations totaling more than 40,000 attorneys – include private criminal defense lawyers, public defenders, military defense counsel, law professors and judges committed to preserving fairness and promoting a rational and humane criminal justice system.

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