



October 26, 2017

As the tragic saga of wrongful convictions caused by faulty forensics continues to unfold, it is imperative that those in the forensic field get their house in order. Many of these injustices could have been avoided if proper scrutiny had been given to the forensic evidence. With this guiding principle, we believe that the Organization of Scientific Areas Committees (OSAC) must continue to take a hard look at problematic methodologies and establish uniform standards for all forensic science disciplines.

The core of OSAC's mission should be the development and adoption of evidence-based forensic science standards that are accepted within the broader scientific community. The issuance of "*suggested guidelines*" allows crime laboratories the latitude to ignore best practices, which has led to a wide variation in laboratory practices. This has, in turn, led to the use of faulty science in the courtroom. The adoption of minimum uniform standards is critical to ensuring that all laboratories adhere to empirical, evidence-based protocols.

Standards should be set, not only for methodologies and procedures, but also for discovery in forensic cases. Standardizing access to underlying data, protocols, and other laboratory records not only comports with scientific principles, but will perhaps have the single biggest impact in improving indigent defendants' ability to identify and challenge the misuse of forensic science. Currently, discovery practices vary widely. Crime laboratories and prosecutors have widely disparate views as to what constitutes appropriate forensic discovery obligations. Without delineated uniform standards for each forensic field, a defendant is often at the mercy of a judge who may not understand the science or appreciate what is needed for meaningful review of the evidence. Moreover, transparency through discovery is often the only way to uncover substandard laboratory practices.

We also believe that leaders from the scientific community with a proven track record of peer-reviewed research must be included when developing and vetting standards through the Scientific Area Committees (SACs). Existing standard setting organizations have failed in their responsibility to ensure rigor in the forensic sciences and lack the transparency critical to any science-based field.

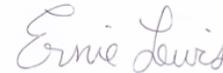
To foster strong and transparent forensic sciences, we propose that the National Institute of Standards and Technology (NIST), not the Justice Department, should lead and fund OSAC. Science and law enforcement are driven by different goals, different processes, and different values. Too often, the Justice Department views its role as providing the resources and training necessary to help police and prosecutors successfully prosecute criminal cases, rather than ensuring that the evidence used in criminal cases is reliable and has a solid scientific foundation. NIST has historically been tasked with overseeing research in various forensic disciplines and has long sponsored working groups in these fields. Based upon this experience, as well as their status and experience in the broader scientific community, NIST is the logical choice for the leadership of OSAC.

The work of OSAC will have a profound effect on all of the people involved in the criminal justice system, from the crime victims seeking justice to the accused persons seeking a fair trial. Above all, the mission of OSAC should be to ensure that when a jury hears that a technology or set of procedures is scientific, those statements rest on a sound, empirical foundation. We hope these recommendations will assist in the decision-making process and help clarify OSAC's direction going forward.

Sincerely,



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