

PRETRIAL INVESTIGATION: USING THE GOVERNMENT LAB

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REPORT

“Strengthening Forensic Science in the United States: A Path Forward,” Committee on Identifying the Needs of the Forensic Sciences Community: Committee on Applied and Theoretical Statistics, National Research Council, National Academy of Sciences, 2009.

THE PROBLEM

- “The judicial system is encumbered by, among other things, judges and lawyers...”

THE PROBLEM

- “...who generally lack the scientific expertise necessary to comprehend and evaluate forensic evidence in an informed manner...”



THE FINDINGS

- **“The forensic science system, encompassing both research and practice, has serious problems that can only be addressed by a national commitment to overhaul the current structure that supports the forensic science community in this country. This can only be done with effective leadership at the highest levels of both federal and state governments, pursuant to national standards, and with a significant infusion of federal funds.” p. xx**

WHAT SCIENTISTS HEARD

- “The forensic science system, encompassing both **research** and practice, has serious problems that can only be addressed by a **national commitment to** overhaul the current structure that supports the forensic science community in this country. This can only be done with effective leadership at the highest levels of both federal and state governments, pursuant to **national standards**, and with a significant infusion of federal funds.”

WHAT LAB DIRECTORS HEARD

- “The forensic science system, encompassing both research and practice, has serious problems that can only be addressed by a national commitment to overhaul the current structure that supports the forensic science community in this country. This can only be done with effective leadership at the highest levels of both federal and state governments, pursuant to national standards, and with a

significant infusion of **federal**
funds.”

WHAT PROSECUTORS HEARD

- “The forensic science system, encompassing both research and practice, has serious problems that can only be addressed by a national commitment to overhaul the current structure that supports the forensic science community in this country. This can only be done with effective leadership at the

highest levels of both **federal and**

state

governments, pursuant to
national standards, and with a significant infusion of federal funds.”

WHAT DEFENSE ATTORNEYS HEARD

- “The forensic **science** system, encompassing both research and practice, has serious problems that can only be addressed by a national commitment to overhaul the current structure that supports the forensic

science community in this country. This can only be done with effective leadership at the highest levels of both federal and state governments, pursuant to national standards, and with a significant infusion of federal funds.”

DEFENSE USE OF SCIENCE

- Forensic science does not belong to law enforcement
- Science is essential to search for truth
- Truth belongs to everyone
- How do we determine the truth?

BENEFITS

OF USING GOVERNMENT LAB

- Cost
- Availability
- Expertise
- Credibility



WAYS TO USE

- Testing
- Explanation
- Leads
- Education
- Preview

TESTING

- Va. Code 9.1-1104:

“ . . . the accused . . . by motion . . . certify that in good faith he believes that a scientific investigation **may be relevant to the criminal charge**. The motion shall be heard ex parte . . . and the court shall, after a hearing upon the motion and being satisfied as to the correctness of the certification, order that the same be performed by the Department.”



EXPLANATION

- Who are you?
- What evidence did you receive?
- Where do you work?
- When did you do the examination?
- How did you examine it?
- Why did you reach this conclusion?



LEADS

- Physical evidence
- Additional testing
- Witnesses
- Alternative suspects



EDUCATION

- “Cliff notes”
- Resources
- Other experts



PREVIEW

- **WHY WOULDN'T YOU?**
- **Seriously.... Why?**