



NATIONAL DISTRICT ATTORNEYS ASSOCIATION

FOR IMMEDIATE RELEASE

Date: Sept. 2, 2016

National District Attorneys Association slams President's Council of Advisors on Science and Technology report

ARLINGTON, Virginia -- The President's Council of Advisors on Science and Technology (PCAST) voted yesterday to release a report highly critical of virtually every forensic discipline used in the investigation and prosecution of virtually every crime committed in America.

In the report, PCAST advocates that prosecution teams be precluded from using most forensic evidence in the investigation and prosecution of criminal offenses and that courts reject decades of scientifically reliable evidence and legal precedent.

The PCAST position is that the forensic science disciplines specializing in the examination of bite marks, firearms/toolmarks, complex DNA mixtures, tire-treads, and shoe prints each lack scientific foundational support and should not be permitted for use in the criminal courtroom.

However, the opinions expressed by PCAST in their report clearly and obviously disregard large bodies of scientific evidence to the contrary and rely, at times, on unreliable and discredited research.

The forensic science disciplines that the PCAST authors attack are (and have been) reliably used every day by investigators, prosecutors, and defense attorneys across the United States to aid in both exonerating the innocent and convicting the guilty.

Critically, because of our system of justice, in each instance that such evidence is used, the process of presenting and cross examining the forensic evidence is overseen by objectively neutral judges whose role is to fairly supervise the introduction of evidence into trials and to act as "gatekeepers" to determine the reliability and admissibility of forensic evidence on a case-by-case basis.

As with all evidence presented in criminal courts, this forensic scientific evidence is subject to cross-examination as well as evaluation by the Court. Many accrediting bodies consisting of world-renowned scientists and highly skilled experts evaluate forensic labs and practitioners, helping to guarantee that only qualified forensic experts testify to solid forensic facts in our courts.

The PCAST position regarding the use of forensic science is scientifically irresponsible. Adopting any of their recommendations would have a devastating effect on the ability of law enforcement, prosecutors and the defense bar, to fully investigate their cases, exclude innocent suspects, implicate the guilty, and achieve true justice at trial.

“It is unfortunate that members of PCAST, none of whom are forensic practitioners who have been trained or tested for competence in the forensic disciplines, ignored vast bodies of research, validation studies, and scientific literature authored by true subject matter experts,” said NDAA President Mike Ramos.

Engagement with recognized subject matter experts would have led PCAST to compelling foundational support for the overall reliability of these forensic sciences. Notwithstanding the lack of qualifications, PCAST has taken it upon itself to usurp the Constitutional role of the Courts and decades of legal precedent and insert itself as the final arbiter of the reliability and admissibility of the information generated through these forensic science disciplines.

According to Ramos, PCAST has determined to throw away and ignore years of settled law and to act as both judge and jury in urging the exclusion of forensic science disciplines in the courtrooms of our nation.

The determination of whether scientific evidence is reliable and therefore admissible must remain with the judiciary -- while the determination of how much weight will be given to any particular piece of scientific evidence must rightfully remain with the jury.

“NDAA will continue to serve the citizens of this great nation by striving to improve our constitutional adversarial system of criminal justice and to defend it against those who would seek to undermine the role of the courts, prosecutors, defense attorneys, and juries,” Ramos said.

The National District Attorneys Association (NDAA), www.ndaa.org, is the largest prosecutor organization in the country, representing 2,500 elected and appointed District Attorneys across the United States, as well as 40,000 Assistant District Attorneys.

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