
WHAT'S GOING ON WITH FORENSIC REFORM

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Criminal Justice & Forensic Science Reform Act (CJFSRA, S. 132)

- * Introduced by Senator Patrick Leahy (D- Vermont),
Chair of the Senate Judiciary Committee, on
January 25, 2011**
- * Response to NAS Report Recommendations**
- * Addresses all NAS Recommendations pretty much
in order**

**Criminal Justice & Forensic Science Reform
Act (CJFSRA, S.132)**

***If you have time to complain, you have time
to do something about this.**

GET INVOLVED!!!

Criminal Justice & Forensic Science Reform Act (CJFSRA, S. 132)

- * **Office of Forensic Science**
 - * **Based in Deputy Attorney General's Office (DOJ)**
 - * **Director- Appointed by DAG**
 - * **Deputy Director- Appointed by Director of NIST**
 - * **All employees on loan from NIST**
 - * **All final decisions made here, but all recommendations for decisions come from Forensic Science Board**

Criminal Justice & Forensic Science Reform Act (CJFSRA, S.132)

*** Forensic Science Board**

- * Completely advisory, but they advise on everything**
- * Recommendations can be approved, modified, or rejected by Director and Deputy Director of Office of Forensic Science.**
- * 19 Members appointed by President**
- * 6 year terms, 2 term limit, unpaid**
- * Meet no less than 4 times per year**

Criminal Justice & Forensic Science Reform Act (CJFSRA, S.132)

- * Forensic Science Board**

- * 19 members**

- * At least 10 members with “comprehensive scientific backgrounds”, of which**

- * At least 5 must have “extensive experience or background in scientific research”, and**

- * At least 5 must have “extensive experience or background in forensic science”**

Criminal Justice & Forensic Science Reform Act (CJFSRA, S. 132)

*** Forensic Science Board**

- * 19 members, at least one from each group**
- * Judges**
- * Federal Government officials**
- * State and local government officials**
- * Prosecutors**
- * Law enforcement officers**
- * Criminal defense attorneys**
- * Organizations that represent people who may have been wrongly convicted (e.g., Innocence Project)**
- * Practitioners in forensic laboratories**
- * Physicians with relevant expertise**
- * State laboratory directors**

Criminal Justice & Forensic Science Reform Act (CJFSRA, S.132)

- * **Forensic Science Board**

- * **Duties**

- * **Make Recommendations on Everything**

- * **Accreditation & certification**

- * **Definitions**

- * **Forensic lab, forensic science discipline, etc.**

- * **Setting up Committees**

- * **Research priorities**

Criminal Justice & Forensic Science Reform Act (CJFSRA, S.132)

*** Committees**

- * Each Forensic Science Discipline gets a Committee**
- * Established by recommendation of Forensic Science Board
& approval of Director of Office of Forensic Science**
- * FSB also establishes relationship between Committee &
SWG/TWGs**

Criminal Justice & Forensic Science Reform Act (CJFSRA, S.132)

- * **Committees**

- * **Members**

- * **Not more than 21 members**

- * **4 year terms, renewable, no term limits, unpaid**

- * **Meet no less than 4 times per year**

Criminal Justice & Forensic Science Reform Act (CJFSRA, S. 132)

*** Committees**

- * Membership shall consist of scientists and only scientists**
 - * Each of whom shall be a scientist with knowledge relevant to a forensic science discipline addressed by the Committee**
 - * Not less than 50% with “extensive experience or background in scientific research”**
 - * “A number of members” with a forensic science background so that the Committee has an understanding of the field of forensic science.**
 - * The Committee shall “have a membership that represents a variety of scientific disciplines, including the forensic sciences.”**

Criminal Justice & Forensic Science Reform Act (CJFSRA, S.132)

- * Committees**

- * Definition of “scientist” includes**

- * a statistician with a scientific background; and**

- * a physician with expertise in forensic sciences.**

Criminal Justice & Forensic Science Reform Act (CJFSRA, S.132)

- * **Committees**

- * **Duties**

- * **Examine research needs, standards, and best practices, and certification standards for the forensic science disciplines**

Criminal Justice & Forensic Science Reform Act (CJFSRA, S.132)

Office of Forensic Science

Final Decision Making Power

Forensic Science Board

Sets General Policy,
Makes Recommendations

Committees

Make Scientific
Policy & Recommendations

Criminal Justice & Forensic Science Reform Act (CJFSRA, S.132)

- * Introduced by Senator Patrick Leahy (D-Vermont),
Chair of the Senate Judiciary Committee, on January 25,
2011**
- * Currently in Senate Judiciary Committee**
- * One Stakeholder Roundtable held on March 22, 2011
(Might be more in the future)**

Criminal Justice & Forensic Science Reform Act (CJFSRA, S.132)

*** Next Steps:**

- * Get input from Executive Agencies- DOJ, Commerce (NIST), DHS, NSF**
- * Committee Hearings to get input from experts**
- * Markup**
- * Reported to full Senate**
- * Then it will be calendared and can be voted on at any time.**

Criminal Justice & Forensic Science Reform Act (CJFSRA, S. 132)

- * **The bill has to pass the Senate & the House**
- * **A couple of options**
 - * **House Member can introduce a similar measure, OR**
 - * **Wait for S. 132 to pass Senate, then it goes to the House**
 - * **With either option, bill has to go through House
Judiciary**

Criminal Justice & Forensic Science Reform Act (CJFSRA, S.132)

- * **House Judiciary not unfriendly to forensic reform**
 - * **Members have had problems with bad convictions or bad forensic science in their states and/or already have Forensic Science Commissions**
 - * **North Carolina**
 - * **Texas**
 - * **New York**
 - * **Virginia**
 - * **California**

Criminal Justice & Forensic Science Reform Act (CJFSRA, S.132)

- * **Once past the House Judiciary Committee, the Bill can be voted on in the House.**
- * **Each chamber (Senate and House) has its own rules about how the process works when the bill is calendared.**

What To Do?

*Plan

- * What do you want to see in the bill?
- * Download full Bill & Planning Guide at www.legislation.bulletpath.com?p=105.
- * Forget about the “insults” in the NAS Report
- * Communicate with Sen. Leahy’s Judiciary staff



Questions?