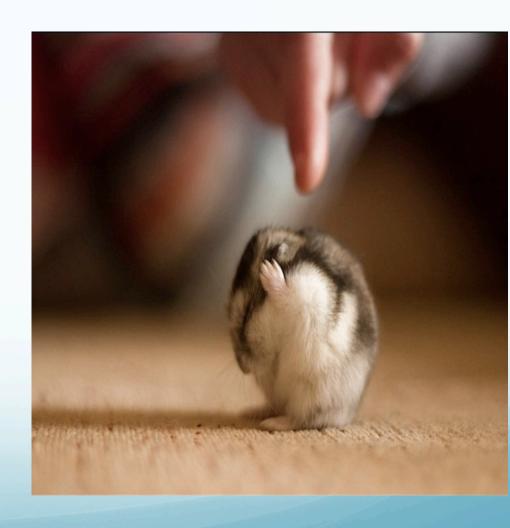
LANGUAGE BARRIERS

CREATING STANDARD TERMINOLOGY TO MITIGATE FORENSIC ERRORS IN THE COURTROOM

Jessica Gabel Cino
Georgia State University College of Law

What is being communicated?

"Bad Science is what forensic science becomes when an attorney or prosecutor, who often display all the ethics of a full-grown hamster, get a forensic scientist to play ball, to get with their program and see their big picture."



Failure to communicate

 Miscommunications yield misinformation, mischaracterizations, misunderstandings and sometimes completely miss the point.

 Expectations can be unmet when either attorneys or scientists aren't listening to each other or expect an answer and get something else.

<u>United States v. Crisp</u>, 324 F.3d 261 (4th Cir. 2003).

An Example of Fingerprint Analysis Under Daubert

"Under *Daubert*, a trial judge need not expend scarce judicial resources reexamining a familiar form of expertise every time opinion evidence is offered."

Does adversarial testing count?

 Theory: the use of scientific evidence in a criminal proceeding provides the real "test" of its reliability.

- Reality: Daubert/Frye/adversarial system don't function as a test.
 - Most cases never get there anyway

Things are rarely straight forward



Limited Information

Investigator		
	atent print images submitted on sitively identified as the following subject:	The

A little more information

Synopsis	与温度的发展		
COMPARISON OF SUBJECT(S):			
1.) 2.) 3.) 4.)			
VICTIM ELIMINATIONS ROLLEI		TY SHERIFF'S OFFICE.	
IDENTIFICATION OF:			
2. 3.		613 (AP#8)	
AUTOMATED FINGERPRINT IDENTIFI AP#8	CATION SYSTEM (A.F.I.S.):	a a	
LATENT(S)/PHOTO(S) LIFTED BY:	SHERIFF'S OFFICE HERIFF'S OFFICE		
COMPARISON TO ENVELOPE(S): PRINT QC#1, PRINT QC #2 AND PRIN	T QC #3		
VERIFICATION(S):			
	TY SHERIFF'S OFFICE SHERIFF'S OFFICE		
MULTIPLE IDENTIFICATIONS MADE	BY DIFFERENT INDIVIDUALS,	IDENTIFICATION(S) MADE BY:	

Not good enough for AFIS, but good enough for individualization?

Evidence:

On 05/10/2012, the laboratory received the following evidence from the Lockbox.

O05 Sealed package identified as containing wall section

006 Sealed package identified as containing CD-R

Results and Conclusions:

Item # 6 has been validated using the DCS-4 system. The latent print has been visually examined and was found to be of value for comparison purposes but is not AFIS quality.

The latent print ,labeled as Open Homi , has been visually compared to and individualized as the left index finger of a fingerprint card bearing the name

Oh, really?

Technical notes and data supporting the conclusions and findings in this report are maintained within the laboratory case records.

Lost in translation...

Synopsis	
COMPARISON OF SUBJECT(S):	(KNOWN FINGERPRINTS/PALMS RECEIVED
IDENTIFICATION OF:	2 (KNOWN FINGERPRINTS/PALMS RECEIVED FR
LATENT(S)/PHOTO(S) LIFTED BY:	HERIFF'S OFFICE
COMPARISON TO ENVELOPE(S): PRINT QC#1	
VERIFICATION(S):	HERIFF'S OFFICE
OUNT	SHERIFF'S OFFICE

How it's put into a detective's report

larrative						
2011-01777 Supplement #8 Armed Robbery						
On 01/18/2011 t I completed processed for prints. At least order (# 35044) to have this	st one print of val	ue was recove	red from one o	of the ATM rece	pts. I subsequently	

Where is the work?

I compared the print(s) determined to be of comparison value in this case to the available known prints of the aforementioned subject(s) yielding the following results:

*Location of latent	*Comparison Results	*Subject Identified
Int alarm panel cover	Right Palm	

The remaining latent prints were determined to be of no comparison value.

"Inconclusive" with explanation

Six latent fingerprints and two latent palm prints noted on Exhibits JO2 (4), JO2 (7), JO2 (11), and JO2 (17) were not identified with the prints of
Two latent palm prints and two latent impressions (lower joint of a finger) noted on Exhibits JO2 (12), JO2 (18), and JO2 (20) were compared with the prints of with inconclusive results due to insufficient standards.
For a conclusive examination, fully recorded inked fingerprints including the 2nd the 3rd joints of the fingers and fully rolled inked palm prints of should be submitted to the Latent Print Section.

Built on different premises

- Different assumptions and frames of reference between a lawyer's world and scientific world
- Legal research and scientific application have different methods and ends in mind.
 - Truth vs. justice

Effects of Inconsistencies

 Judge, jury, attorneys develop false perceptions and assumptions about the forensic evidence

 Difficult to have another examiner come in and evaluate the finding

What is said v. what is heard



Lack of clarity

- Lack of limitation or context translates into:
 - Overstatement
 - Exaggeration
 - Misuse
- Attorneys will ask for "gap filler" testimony or fancy adjectives.

How do we fix it?



NATIONAL COMMISSION ON FORENSIC SCIENCE



Inconsistent Terminology

Type of Work Product: Views Document

Recommendation

It is the view of the National Commission on Forensic Science (NCFS) that the forensic science community should endeavor to make terminology more consistent within a particular discipline and across disciplines.

Training

- Lawyers, scientists and judges talking to each other
 - Not just when they have a case together

Questions?