

Laboratory Management

Implementing the Duty to Correct Error in Forensics

Barry Scheck, Innocence Project, United States

Abstract: Scientific experts and scientific evidence are treated differently from other types of witnesses in the U.S. legal system. In order to serve the special needs of the 'customers' of the forensic science work product (prosecutors, defense counsel, judges, crime victims, criminal defendants, as well as civil plaintiffs and defendants) the OSAC must address their "special needs." These "special needs" include ensuring validated and reliable standards are established for each discipline covered by Scientific Area Committees. Establishing such standards are the best way to measure, detect, and mitigate error. Other key protections to be discussed include early detection of potential error through external blind proficiency testing on samples replicating case work, implementing a duty to correct and notify the all affected 'customers' of erroneous testimony or laboratory results, independent 'Coverdell' audits, all stakeholder reviews in conjunction with root cause analysis, and cognitive science 'fixes' to prevent testimony that exceeds the bounds of science or the relevant forensic data.