

# Forensic Methods Are Questioned

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WASHINGTON—Much of the forensic analysis used in criminal trials isn't scientifically valid, according to a draft report by the President's Council of Advisors on Science and Technology.

The report, a copy of which was reviewed by The Wall Street Journal, raises questions about the use of bite-mark, hair, footwear, firearm and tool-mark analysis routinely used as evidence in thousands of trials annually in state and federal courts.

"It has become increasingly clear in recent years that lack of rigor in the assessment of the scientific validity of forensic evidence is not just a hypothetical problem but a real and significant weakness in the judicial system," said the draft review by the advisory council of scientists and engineers. It is expected to be made final in September.

Some in law enforcement said the report will affect trials in state and federal courts. "What they've done is turn the accepted reliability of expert witnesses and their evidence on their heads," said Jim Pasco, executive director of the Fraternal Order of Police. People who should be incarcerated won't be, he said.

President Barack Obama requested the review in 2015 following other studies and reviews. One report done by the National Research Council and released in 2009 said "much forensic evidence is introduced in criminal trials without any meaningful scientific validation, determination of error rates, or reliability testing to explain the limits of the discipline."

"No final version of the re-

port has been produced," a spokeswoman for the White House Office of Science and Technology Policy said.

A Justice Department spokeswoman declined to comment on the draft report. On its website, the department says it plans to conduct a review of forensic testimony by its personnel though "not because of known or suspected problems with particular forensic science disciplines."

In the draft, the council looked at several analyses used in trials, including latent fingerprints, firearms, footwear, bite marks and DNA. What it found was a number of them either weren't scientifically valid or hadn't been independently scrutinized enough by "science based agencies" to have met the standard for "whether evidence is based on reliable principles and methods."

DNA analysis of single-source and simple mixture samples met the standard.

One of the panel's recommendations was that science-based federal agencies conduct "ongoing evaluation" of forensics analysis.

"Just because there is a lack of science does not mean the analysis is inaccurate or done wrong or is not worthwhile," said Jim Bueermann, president of the Police Foundation, which does law enforcement-related research.

Barry Pollack, president of the National Association of Criminal Defense Lawyers, said the entire area of forensic science in trials "cries out for further independent analysis." He anticipated defense attorneys would use the final report to cross-examine expert witnesses to raise questions with the judge or jury about the science behind any testimony.