

CRIMINAL JUSTICE SECTION

The Unified Voice of Criminal Justice



Ninth Annual Prescription for Criminal Justice Forensics Program

Fordham University School of Law

Lincoln Center, 150 West 62nd Street, New York, New York

May 31-June 1, 2018

May 31

Panel #	Time	Topic
1	1:00 – 2:00 pm	<p>Response to Terrorism – New York State Police Explosive Detection Canines: Training and Deployment</p> <p>The acronym SWGDOG stands for the Scientific Working Group on Dog and Orthogonal detector Guidelines. The ability of specially trained canines to detect escaped fugitives, controlled substances and cadavers <i>via</i> their acute sense of smell has been employed by law enforcement and affiliated search and rescue agencies for many years. Following the attack on the World Trade Center on September 11th a new mission has been pursued in the name of public in this new age of terrorism.</p> <p>Panelists: Amanda Nissen, New York State Police Assistant Counsel De Trooper Michael Pappas, New York State Police K9 “De,” New York State Police Technical Sergeant Douglas Colwell, New York State Police, Assistant Canine Unit Coordinator</p>
2	2:15 - 5: 00 pm	<p>LIKELIHOOD RATIOS FOR PATTERN EVIDENCE; THE STATE OF THE ART AND SOME ALTERNATIVES</p> <p>One criticism leveled at pattern forms of forensic evidence, such as tool marks, shoe prints, and fingerprints is the <i>ipse dixit</i> nature of the conclusion given by the expert witness in testimony. What does it mean to say that a questioned and known items “match?” How strong is the evidence? What weight, if any, should the jury give such testimony and can that weight be expressed.</p> <p>Perhaps the most frequent recommendation offered to assist the jury in the evaluation of pattern evidence has been the use of likelihood ratios. This panel will provide a non-technical introduction to the use of likelihood ratios for use with pattern evidence in courts. Current limitations to the use of likelihood ratios in pattern evidence cases and possible alternatives will be discussed in Part 2 of the panel. In the third part of this panel, the “two-step” approach to assessing pattern evidence will be introduced.</p>

	<p>Panelists:</p> <p>Part one: The Likelihood Ratio paradigm to evaluate evidence: Hal Stern, University of California Irvine and CSAFE.</p> <p>Part two: Is your Likelihood Ratio the same as my Likelihood Ratio? Steven Lund and Hari Iyer, NIST</p> <p>Part three: Scores and two-steps for evaluating evidence: Alicia Carriquiry, Iowa State University and CSAFE</p>
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June 1

Panel #	Time	Topic
	8:30 – 8:45	Greetings and Welcome
3	8:45-10:15	<p>FORENSIC HANDWRITING EXAMINATION: A SYSTEMS APPROACH</p> <p>The National Institute of Standards and Technology (NIST) and the National Institute of Justice (NIJ) convened a multi-disciplinary working group to examine the specific challenges impacting the forensic analysis of handwriting specimens. The Expert Working Group for Human Factors in Handwriting Examination issued a report in 2018 entitled Handwriting Examination and Human Factors: Improving the Practice Through a Systems Approach.</p> <p>Since handwriting analysis involves human perception and interpretation, setting and upholding standards is necessarily a study of human factors. Inadequate training, extraneous knowledge about the suspects in the case or other matters, poor judgment, limitations of vision, complex technology, and stress are but a few factors that can contribute to errors. Poor management, insufficient resources, and substandard working conditions are other possible sources.</p> <p>This panel will familiarize the audience with the content of the report, the methods used in handwriting examination, the conclusions that may be reached, and recommendations from the report regarding statistical approaches, report content and limitations with respect to expert testimony.</p> <p>Panelists:</p> <p>Kenneth E. Melson, JD, Professorial Lecturer in Law, George Washington University Law School</p> <p>Melissa Taylor, Study Director, Law Enforcement Standards Office, NIST</p> <p>Dana M. Delger, JD, Staff Attorney, Strategic Litigation, Innocence Project</p> <p>Brett M. Bishop, FDE, Washington State Patrol</p>
	10:15 – 10:30	BREAK
4	10:30 – 12:00	CSAFE AND NEW TECHNOLOGIES FOR ANALYSIS AND INTERPRETATION OF PATTERN EVIDENCE

		<p>Pattern evidence is any evidence that is in the form of an <i>image</i>. Images can be two-dimensional (2D) as in the case of a latent print, or three-dimensional, as in the case of striations on a bullet (3D). Even though 3D technologies are quickly becoming more accessible, the use of 2D images is still ubiquitous in many forensic disciplines. The representation of an image lends itself to various types of quantitative and objective analyses that are largely free of some of the biases that can creep in when humans carry out a comparison between two evidence items. The main thrusts in forensics research today try to address the following important issues:</p> <ul style="list-style-type: none"> • Subjectivity inherent in the current practice of some forensic methods, such as firearms and tool mark examination, comparison of shoe prints, and many others. • Lack of a measure of the uncertainty that is associated with every pattern evidence comparison. • Some recent progress in the evaluation and interpretation of pattern evidence, and gaps in knowledge that have yet to be resolved. When these new technologies begin to be used in real casework, they will have the potential to significantly change the way in which evidence is presented and discussed in Court.
5	12:00 – 12:45	Lunch
6	12:45 - 2:00 pm	Lunch Speaker: Daniel J. Capra, Philip Reed Professor of Law, Fordham University School of Law; Reporter, Federal Rules Advisory Committee – Evidence THE FEDERAL RULES COMMITTEE’S TAKE ON RULE 702 <i>et seq.</i> AND FORENSIC SCIENCE TESTIMONY
7	2:00– 3:30	THE CHANGING WORLD OF STANDARDS National and international standards organizations are in development of standards that will impact forensic science work in this country. ISO has proffered the new ISO 17025:2017 document. Two United States accrediting bodies have announced the implementation of that standard not later than the year 2020. The ISO Technical Committee TC272 is working on several international standards with heavy input from the US Technical Advisory Group (TAG). United States technical advisors continue to lead this effort. NIST OSAC groups continue development of standards processed through OSAC and several standards development organizations for inclusion on the OSAC Registry. This panel will discuss the changes to existing standards and new standards in development and how labs, accrediting bodies, governmental organizations, and others can encourage, persuade, and potentially require implementation by laboratories.
8	3:45– 5:00	LEGAL ETHICS The panel will address issues raised by two crime laboratory scandals that led to the dismissal of tens of thousands of cases in Massachusetts. In the latter case, arising from a single "bad apple," that is, crime laboratory technician who used drugs that were booked into evidence to get high and falsified results (potentially thousands of times) the Assistant Attorney Generals assigned to uncover the scope of the misconduct covered it up. As a result, they were called to account for committing a fraud on the court.

		Looking back at these two scandals, the careers they ruined and the wrongful convictions that resulted, what lessons can we learn? Are there best practices that can be instituted--at the crime laboratory, at the District Attorney's office, and at the Attorney General's Office, that can address these problems before they spiral out of control? How can we set up better systems to catch rogue actors in crime laboratories and ensure that prosecutors are communicating all of the impeachment and exculpatory information in their possession to defense counsel in the context of forensic evidence?
	5:00-6:00	Reception

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