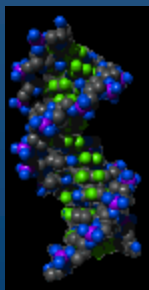


# ORGANIZATION OF SCIENTIFIC AREA COMMITTEES “THE” LEGAL RESOURCE COMMITTEE (LRC)

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*Attorneys and Standards?*



Organization of Scientific Area Committees  
Gaithersburg, Maryland  
June 5<sup>th</sup>, 2019



*Hon. Christopher J. Plourd  
Chair, LRC*

# ■ SCIENCE IN THE COURTROOM



**AND THE LAW**



# LEGAL RESOURCE COMMITTEE MISSION

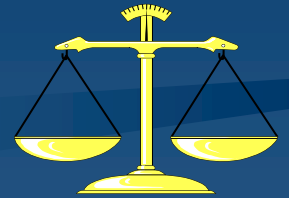
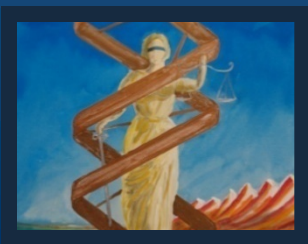
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*The OSAC LRC supports OSAC subcommittee's and task groups with legal issues relating to the development and finalization of high quality Forensic Science standards.*



# LEGAL RESOURCE COMMITTEE (LRC)

- Judges.
- Prosecutors.
- Defense attorneys.
- Innocence network attorneys.
- Academic and Government representatives.





# CHRISTOPHER J. PLOURD



***LRC Chairman***



# JUDICIAL

RON REINSTIEN



KENT CATTANI



# PROSECUTION

LORI L. VARNELL



ELIZABETH GEDDIS



# DEFENSE ATTORNEYS

JENNIFER FRIEDMAN



JOHN ELLIS



# GOVERNMENT INNOCENCE NET WORK

LYNN ROBATELLI GARCIA



BARRY SCHECK





# ACADEMIA

ANDREA ROTH



JULES EPSTEIN



# AFFILATES

TED HUNT



LINDSEY HERF





# AFFILATES

MATT REDLE

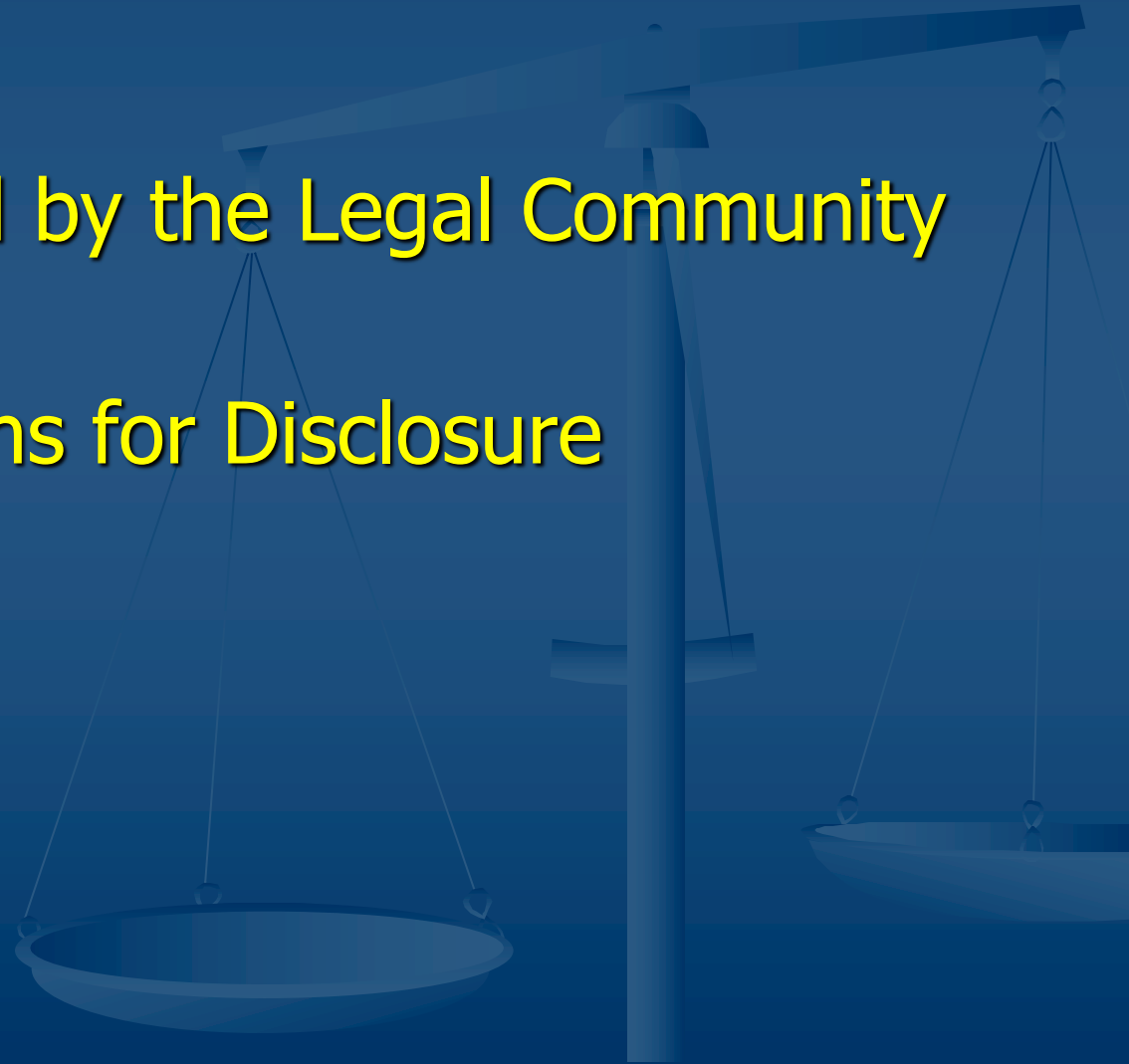


DAVID KAYE



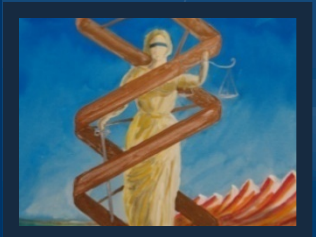
# USE OF STANDARD BY LEGAL SYSTEM

- What is needed by the Legal Community
- Legal Obligations for Disclosure



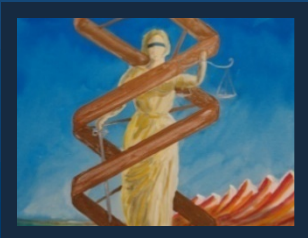
# WHAT DOES THE LEGAL RESOURCE COMMITTEE (LRC) DO?

- Input to Scientific Area Committee (SACs) and Subcommittees.
- Maintain Open Dialog through liaisons.
- Evaluation of Standards.



# LEGAL RESOURCE COMMITTEE MISSION

- The Legal Ramifications of Standards.
- Meaningful use of Forensic Science Standards by the Legal System.



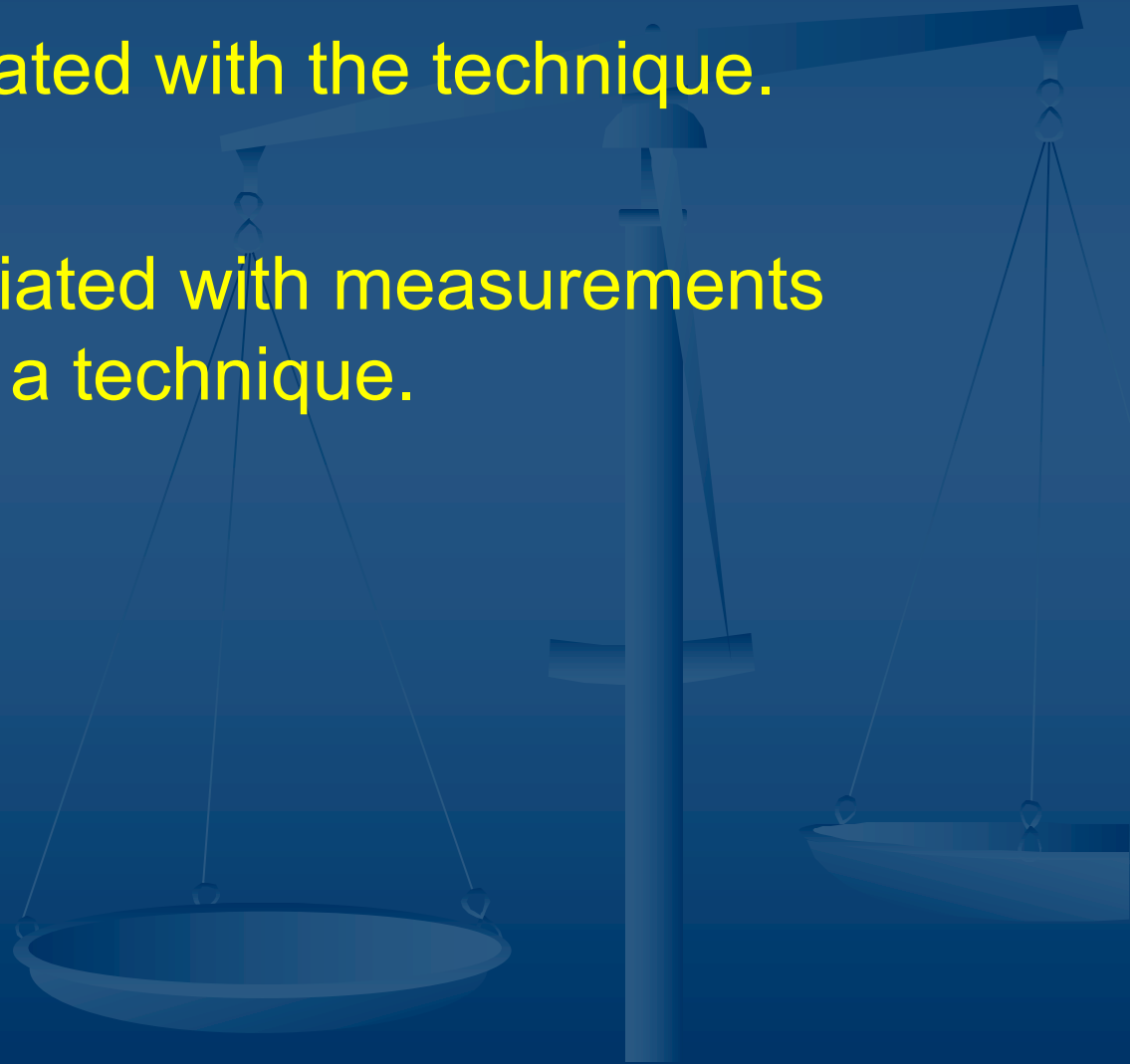
# LRC QUESTIONS

- Does existing research or data support the standard? If so, where can these be found?
- To what extent and how has the technique been validated?



# LRC QUESTIONS

- Error rates associated with the technique.
- Uncertainty associated with measurements obtained by using a technique.



**A LRC FOCUS IS COMMENTING ON  
REOCCURRING ISSUES IN THE  
DEVELOPMENT OF STANDARDS.**

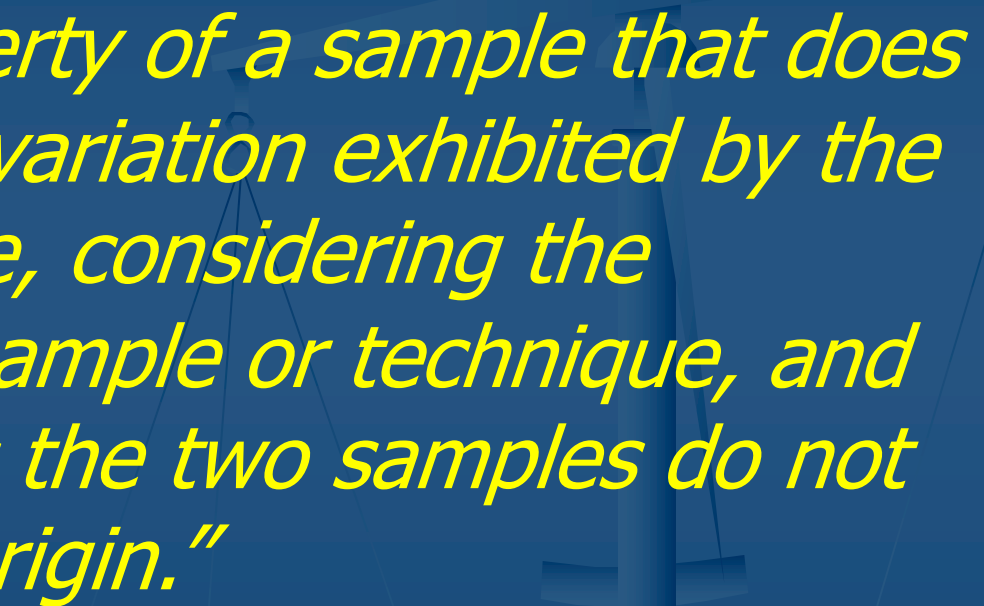
*The use of the term “Meaningful difference”.*





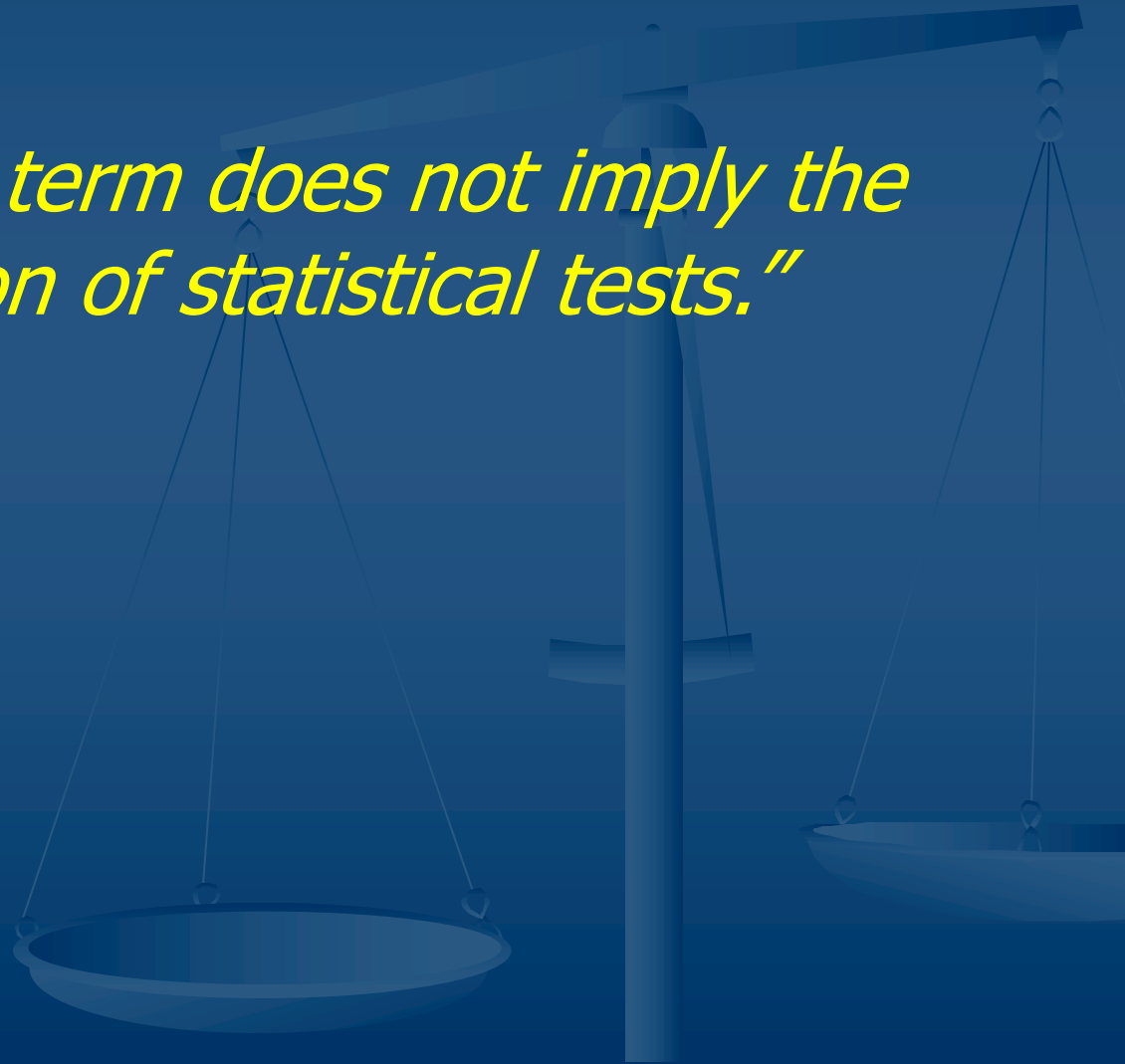
# “Meaningful Difference”

*“A feature or property of a sample that does not fall within the variation exhibited by the comparison sample, considering the limitations of the sample or technique, and therefore indicates the two samples do not share a common origin.”*



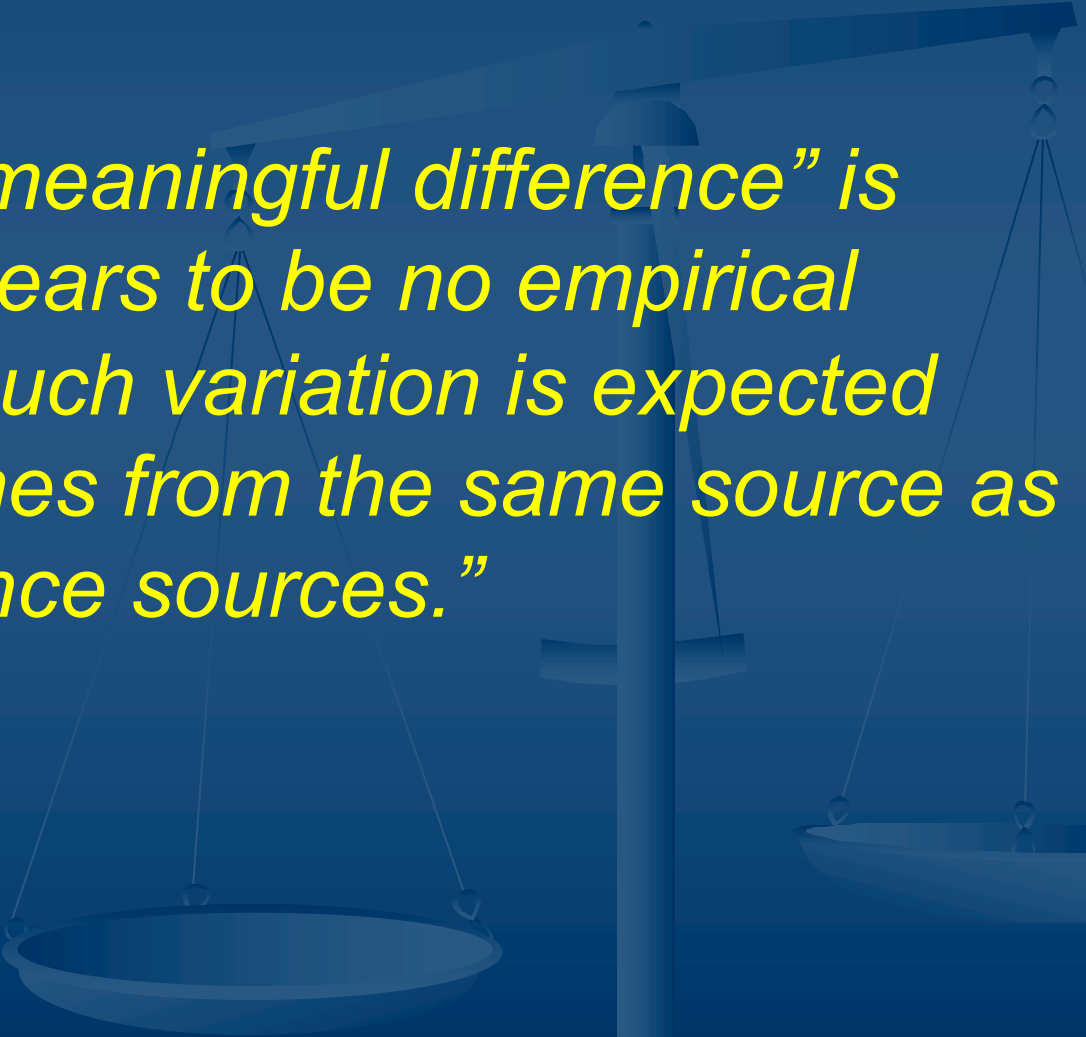
# “Meaningful Difference”:

*“The use of this term does not imply the formal application of statistical tests.”*



# LRC COMMENT

*“The definition of “meaningful difference” is circular. There appears to be no empirical evidence of how much variation is expected when the tape comes from the same source as opposed to difference sources.”*



# LRC COMMENT

*“This definition essentially states that two samples came from the same source if there are no meaningful differences and there are no meaningful differences if the two samples came from the same source. In other words, the definition does nothing to standardize the technique and provides not guidance to the examiner.”*

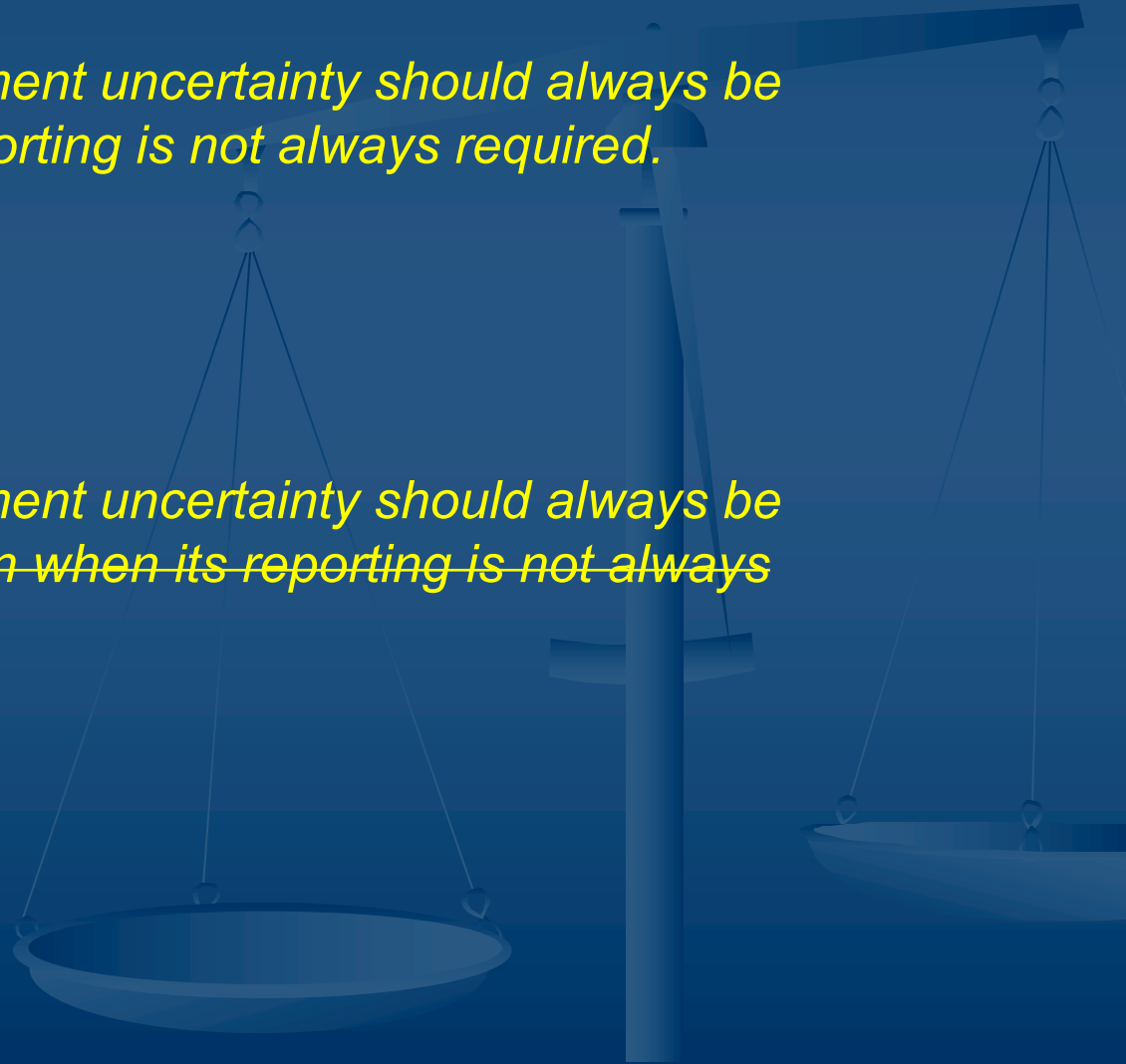
*“Furthermore, there is no discussion of what limitations there are based on the sample or the technique used.”*

# LANGUAGE IN STANDARD:

*5.2 A calculation of measurement uncertainty should always be performed, even when its reporting is not always required.*

*LRC suggested Change:*

*5.2 A calculation of measurement uncertainty should always be performed and reported., ~~even when its reporting is not always required.~~*

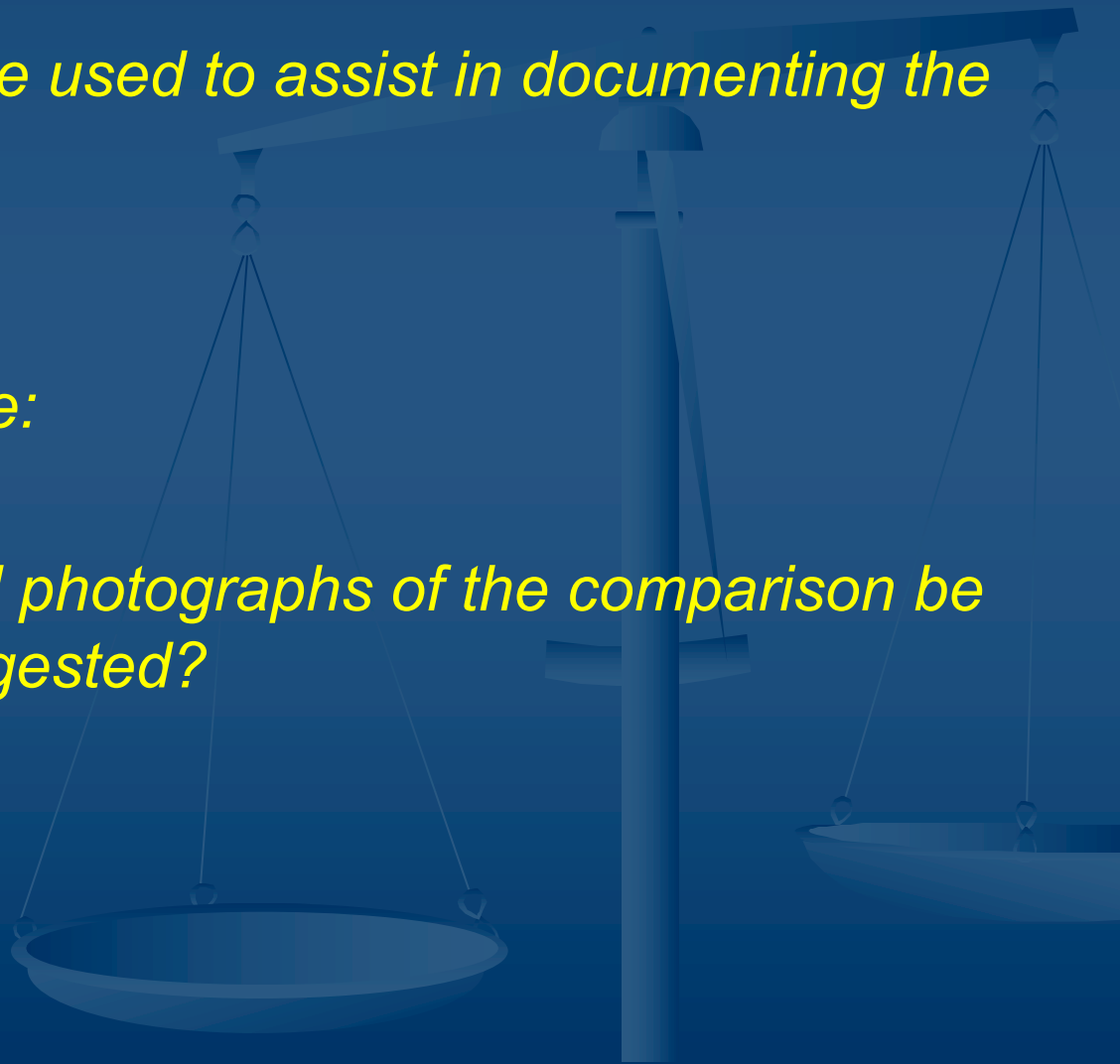


# DOCUMENTATION

*12.2 Photographs may be used to assist in documenting the following:*

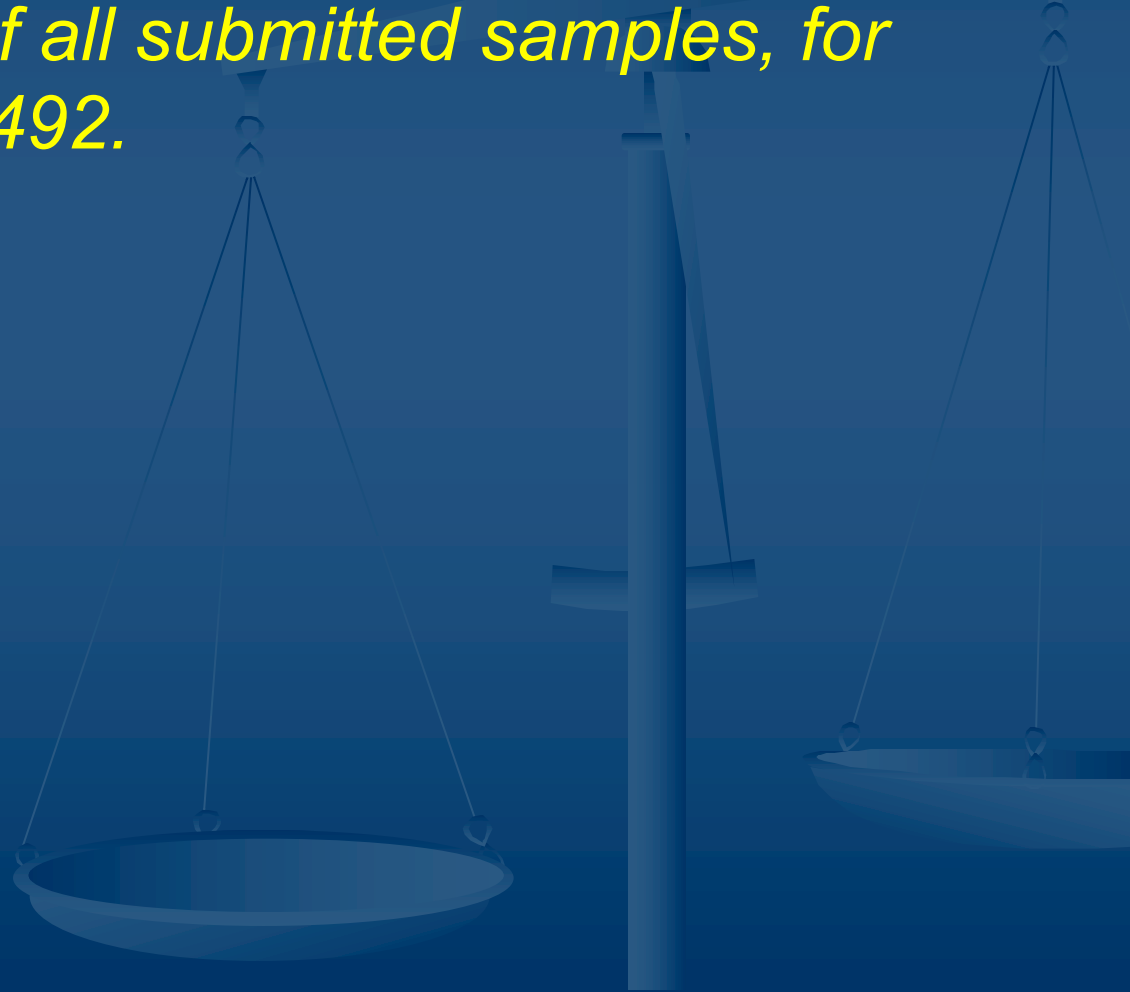
*LRC suggested Change:*

*Why not require? Should photographs of the comparison be required rather than suggested?*



# SUGGESTED CHANGE

*6.4 Observe the appropriate procedures for handling and documentation of all submitted samples, for example Practice E1492.*





# SUGGESTED CHANGE

*Comment: "Define appropriate."*




# SUGGESTED CHANGE

*Comment: Define “appropriate,” perhaps by stating that examiners should follow procedures for documenting and handling submitted samples that conform to ASTM Practice E1492.*



The LRC has also recently focused on assisting the OSAC Subcommittees by taking the lead on a recently Forensic Science Standards Board (FSSB) approved Virtual Subcommittee to develop a standard for minimum legal education requirements for forensic practitioners



# LEGAL EDUCATION STANDARD



*The document will address the gathering of evidence, testing, evidence preservation, and documentation.*

*Also covered will be rules of evidence related to expert testimony presented at per-trial hearings and trials.*

*The document will represent the consensus view of LRC, including judges, prosecutors, defense attorneys, legal academics and the members of the virtual subcommittee.*



***Is something bad about to happen?***

# QUESTIONS?



[Christopher.Plourd@imperial.courts.ca.gov](mailto:Christopher.Plourd@imperial.courts.ca.gov)

