

# What's Happening (or Not?) With Forensic Science Training for Officers of the Court

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**Opinions provided in this presentation are those of the authors and not necessarily those of the National Institute of Standards and Technology, the U.S. Department of Commerce, or the U.S. Government**



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# Agenda

- Recommendations
- Study Trigger
- What Currently Exists
- Emerging Programs
- Primary Considerations when Designing Officers of the Court Training
- Recommendations

# Recommendations

## **Forensic Science Training for Officers of the Court (OTC) should be:**

- Delivered Virtually – OTCs need it when they need it
- Delivered During Local In-Person Events – builds relationships
- Taught with Dual Instructors – Scientist & Legal Practitioner
- Taught in Law School – Forensic Science Foundation

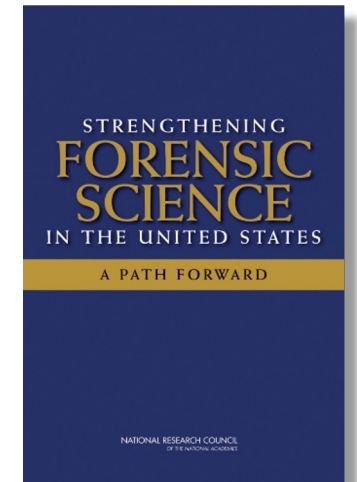


# Trigger: Consolidated Appropriation Act of 2021 (P.L. 116-260)

## **Joint Explanatory Statement language:**

*“Training Officers of the Court. —No later than 90 days after enactment of this Act, NIST is directed to submit a plan for how to implement training to help officers of the court understand the science and concepts underlying the professional analyses of forensic experts. The plan should include staffing needs, necessary funding required, and possible topics of instruction.” (12-27-2020)*

**2009 NAS Reference:** *In addition, lawyers and judges often have insufficient training and background in scientific methodology, and they often fail to fully comprehend the approaches employed by different forensic science disciplines and the reliability of forensic science evidence that is offered in trial.*



# What Currently Exists

- Traditional Programs
  - Annual Conferences with Topics of Interest
  - Digital Forensics
  - DNA trainings
- National
- State
  - Law School Programs



# National Programs

- **Judges:** The National Judicial College; National Courts and Science Institute - Benchbooks!
- **Defense:** National Criminal Defense College/National Forensic College at Cardozo Law School/Innocence Project/Quattrone Center (Penn Carey Law - University of Pennsylvania)
- **Prosecutor:** National District Attorneys Association



# National Programs



- National Clearinghouse for Science, Technology and the Law at Stetson Law School
- Founder, Carol Henderson



# State: North Carolina



- Numerous and varied training programs (science + trial advocacy) and resources
- Focused on Defense Training

# State: Arizona

- Basic Academy
- Advanced Academy
- Lecture Series
- Judicial Training



# State: Alaska

- Alaska Forensic Science Academy – modeled on Arizona; hybrid and includes judges



# State: Wisconsin

- Wisconsin State Laboratories Annual Symposium
- Since 2019 and very comprehensive; assisted by academics at University of Wisconsin in operations and symposium



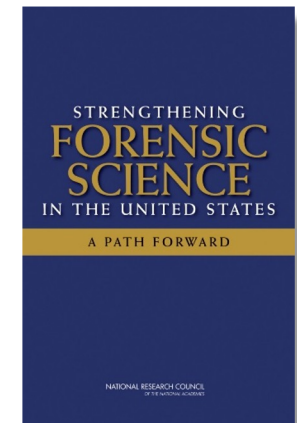
# States: NY, TX, VA, MA

- New York District Attorneys Association - robust
- Texas: Offers conferences and on-line programs
- Virginia Forensic Science Commission
- Massachusetts Forensic Science Commission

# Law Schools: McKinney (Indiana)

- IUPUI – Forensic & Investigative Sciences at Indiana University-Purdue University Indiana + Wrongful Conviction Clinic at Indiana University, McKinney School of Law
  - Law Students + non-thesis forensic science students share a course focusing on Federal Rule 702, Frye/Daubert standards

***2009 NAS Reference:** Law schools should enhance this connection by offering courses in the forensic science disciplines, by offering credit for forensic science courses taken in other colleges, and by developing joint degree programs.*





# Law Schools: Wisconsin & Duke

- Center for Integrity in Forensic Sciences and Wisconsin Law School
  - 3-credit class for law students + STEM graduate or undergraduate students
- Duke University School of Law – offers course on Forensic Science litigation for practitioners



## 2023 Forensic Trial Litigation CLE at Duke Law

January 25, 2023 // by Sarah Olson // [Leave a Comment](#)

February 24 (2 pm to 5 pm) and February 25 (9 am to 12 pm, 2 pm to 5 pm) (and 2 hours prerecorded)



# Law Schools: Oklahoma City

- University of Central Oklahoma Forensic Science Institute + Oklahoma City University School of Law + Oklahoma State Bureau of Investigation
  - Innocence Project – team law students & forensic science students to review claims of actual innocence
  - University of Central Oklahoma Forensic Science Course – Expert Witness
  - Emerging Program – micro-credential for lawyers in crime scene investigations



# Emerging Programs: National Center on Forensics (NCFS) I

- National Center on Forensics I ('20)
  - George Mason University
  - National Association of Attorneys General
  - American Society of Clinical Pathology
  - Montana Department of Forensic Science
  - University of Washington Schools of Medicine and Law
  - Montana County Attorneys Association



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THE NAAG TRAINING & RESEARCH ARM

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CENTER FOR ETHICS AND PUBLIC INTEGRITY

**2022 Forensic Genetic Genealogy Webinar Series**

CO-HOSTED WITH



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THE NATIONAL CENTER ON FORENSICS



GEORGE MASON UNIVERSITY  
College of Science

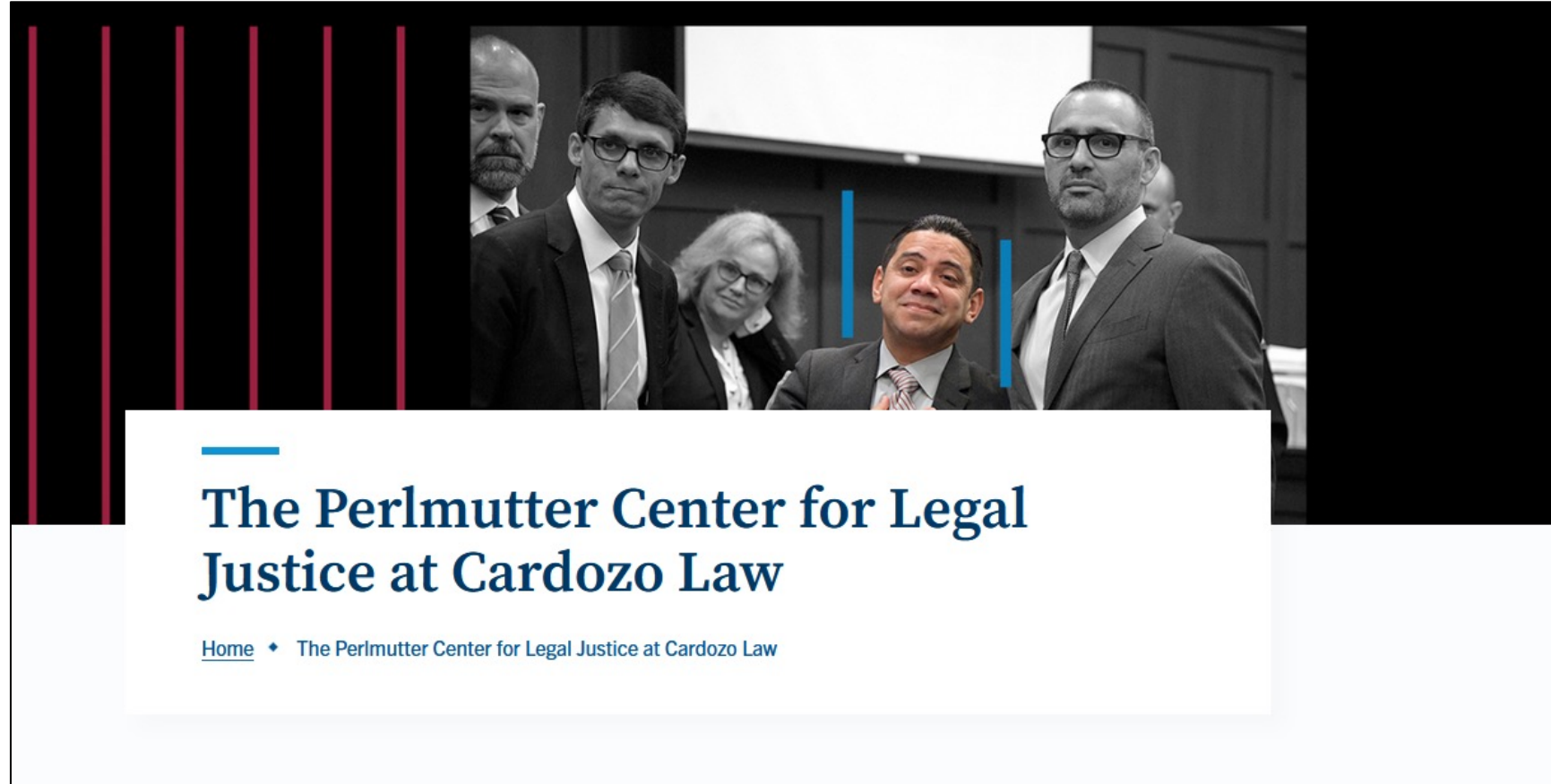
How to Ethically and Effectively Use This Powerful Tool to Solve Serious Crimes

# Emerging Programs: NCFS II & TXFSC/IP

- National Center on Forensics II (NCFS)('21)
  - University of Alabama System
  - The Alabama Department of Forensic Sciences
- Scientific Literacy Project
  - Texas Forensic Science Commission (TXFSC)
  - Innocence Project (IP)

# Emerging Program: Perlmutter Center for Legal Justice

- \$15M donation to support two new clinics and “continuing legal education courses for judges, prosecutors and criminal defense attorneys on forensic evidence and how it can be abused.”



<https://www.reuters.com/legal/legalindustry/marvel-chairman-commits-millions-law-school-fight-faulty-forensics-2022-10-27/>

# Primary Considerations when Designing OTC Training

- Who is your target audience?
  - Together or separate
- What type of content is being delivered?
  - Basic or Advanced – include Advocacy/Trial Skills
  - Minimum requirements to participate
- What type of instructors do you need?
- What is the best way to delivery this specific content?
  - Virtual (just recording or with live Q/A interaction)
  - In-person (conference room or laboratory)
- How do you provide resources?





# Special Considerations for Judges

- Judges
  - What education is really needed?
  - Role of the Gatekeeper
  - Right people prepared in the courtroom
  - Making the record

# Recommendations

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# Thank You & Questions

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