



American Statistical Association

732 North Washington Street, Alexandria, Virginia 22314 USA
(703) 684-1221 • Fax: (703) 683-2307 • Email: asainfo@amstat.org
Website: www.amstat.org

March 31, 2011

The Honorable Patrick Leahy
Chairman, Senate Judiciary Committee
United States Senate
Washington, DC 20510

Dear Chairman Leahy,

Thank you for your forensic science reform efforts in S. 132, “The Criminal Justice and Forensic Science Reform Act.” A justice system informed by solid science is imperative. The 2009 National Academies’ report *Strengthening Forensic Science in the United States: A Path Forward* revealed the many weaknesses in forensic science and recommended measures that amount to no less than changing the culture of the forensic science community.

While creating an office of forensic science—as your bill does—addresses a *Strengthening Forensic Science* recommendation, its placement in the Department of Justice (DOJ) would not address the underlying issues. As *Strengthening Forensic Science* notes, DOJ’s “principal mission is to enforce the law and defend the interests of the United States according to the law.” A DOJ-hosted OFS therefore presents potential conflicts of interest precluding the independence required for a forensic science office to be effective at serving the entire forensic science community, including defendants. Furthermore, because DOJ is so integrally tied to the forensic science culture and current problems, a forensic science office must be independent of the DOJ to realize the necessary changes in a timely manner. Finally, DOJ lacks the expertise and infrastructure to support the scientific needs of a forensic science institute. The attached excerpt from *Strengthening Forensic Science* persuasively and compellingly captures our sentiments.

For these reasons, the American Statistical Association does not support S. 132 and we respectfully urge you to reconsider the placement of OFS in DOJ.

Thank you for your consideration. In addition to the *Strengthening Forensic Science* excerpt about DOJ hosting a forensic science office, I attach a copy of the statement by the ASA Board of Directors endorsing *Strengthening Forensic Science* and citing the importance of sound statistical practices to the success of an office of forensic science. I also attach the June 9, 2010, letter from 2009 ASA President Sally Morton to you regarding “Outline of Draft Forensic Reform Legislation.”

Sincerely,

A handwritten signature in cursive script that reads "Robert N. Rodriguez".

Robert N. Rodriguez, PhD
2012 President, American Statistical Association

Excerpt from *Strengthening Forensic Science in the United States: A Path Forward*, executive summary, p. 17:

There was also a strong consensus in the committee that no existing or new division or unit within DOJ would be an appropriate location for a new entity governing the forensic science community. DOJ's principal mission is to enforce the law and defend the interests of the United States according to the law. Agencies within DOJ operate pursuant to this mission. The FBI, for example, is the investigative arm of DOJ and its principal missions are to produce and use intelligence to protect the Nation from threats and to bring to justice those who violate the law. The work of these law enforcement units is critically important to the Nation, but the scope of the work done by DOJ units is much narrower than the promise of a strong forensic science community. Forensic science serves more than just law enforcement; and when it does serve law enforcement, it must be equally available to law enforcement officers, prosecutors, and defendants in the criminal justice system. The entity that is established to govern the forensic science community cannot be principally beholden to law enforcement. The potential for conflicts of interest between the needs of law enforcement and the broader needs of forensic science are too great. In addition, the committee determined that the research funding strategies of DOJ have not adequately served the broad needs of the forensic science community. This is understandable, but not acceptable when the issue is whether an agency is best suited to support and oversee the Nation's forensic science community. In sum, the committee concluded that advancing science in the forensic science enterprise is not likely to be achieved within the confines of DOJ.