

**Statement Of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee,
On Introduction Of The “Criminal Justice And Forensic Science Reform Act”
March 27, 2014**

From DNA to digital evidence, prosecutors, defense attorneys, and judges are becoming increasingly reliant on the collection and analysis of various forms of forensic evidence in a criminal investigation or prosecution. It is therefore all the more important that we strengthen our confidence in the criminal justice system, and the evidence it relies upon, by ensuring that forensic evidence and testimony is accurate, credible, and scientifically grounded.

I am proud to introduce today the Criminal Justice and Forensic Science Reform Act. This legislation represents a comprehensive and commonsense approach toward guaranteeing the effectiveness and scientific integrity of forensic evidence used in criminal cases, and in ensuring that Americans can have faith in their criminal justice system. The bill is also bipartisan, and I am pleased that Senator Cornyn has agreed to be a cosponsor of this legislation.

Over the course of the past five years, my staff and I have spent countless hours talking to prosecutors, defense attorneys, law enforcement officers, judges, forensic practitioners, academic experts, and many, many others to learn as much as we could about what is happening in the forensic sciences and what needs to be done. As this effort has progressed, I have been disturbed to learn about still more cases in which innocent people may have been convicted, and perhaps even executed, in part due to faulty forensic evidence or the lack of valid forensic evidence. Since the first post-conviction DNA exoneration in the United States in 1989, there have been 314 DNA exonerations. These exonerees spent an average of 13.5 years in prison, amounting to an astounding total of 4,202 years. It is a double tragedy when an innocent person is convicted. An innocent person suffers, and a guilty person remains free, leaving us all less safe. We must do everything we can to avoid that untenable outcome.

It has also become abundantly clear through the course of this inquiry that the men and women who test and analyze forensic evidence do tremendous work that is vital to our criminal justice system. I remember their important contributions and hard work from my days as a prosecutor in Vermont, and the rapid development and expansion of the forensic science disciplines since that time has been extraordinary. So their work is even more important today, and we need to strengthen the field of forensics – and the justice system’s confidence in it – so that their hard work can be consistently relied upon, as it should be.

Everyone recognizes the need for forensic evidence that is accurate and reliable. Prosecutors and law enforcement officers want evidence that can be relied upon to determine guilt and prove it beyond a reasonable doubt in a court of law. Defense attorneys want strong evidence that can be used to exclude innocent people from suspicion. Forensic science practitioners want their work to have as much certainty as possible and to be able to testify in court with confidence and integrity. All scientists and all attorneys who care about these issues want the scientific analysis that is admitted as evidence in the courtroom to meet the same rigorous testing and research standards found in the laboratory.

There is general agreement that the forensic sciences can be improved through strong and unassailable research to test and establish the validity of the forensic disciplines, as well as the application of consistent and established standards in the field. There is also a dire need for well managed and appropriately directed funding for research, development, training, and technical assistance. It is a good investment that will lead to fewer trials and appeals, and will reduce crime by ensuring that those who commit serious offenses are promptly captured and convicted. There is also broad consensus that all forensic laboratories should be required to meet rigorous accreditation standards and that forensic practitioners should be required to obtain meaningful certification.

Finally, there is wide acknowledgement about the need for comprehensive legislation to address all of these issues. I first introduced a version of this legislation in 2011, after an extensive process of consultation with experts and stakeholders that included three Judiciary Committee hearings, dozens of meetings with individuals and organizations, and multiple drafts and revisions of legislative proposals. We have continued to refine this bill over the past three years, and the legislation Senator Cornyn and I introduce today is the product of that ongoing conversation.

I have been encouraged by the efforts of the Department of Justice and National Institute of Standards and Technology (NIST) to implement administratively some of the basic structural reforms contained in our bill, pursuant to a Memorandum of Understanding that led to the formation of the National Commission on Forensic Science. However, executive action is not enough. Congress must enact comprehensive forensic science reform legislation, and I look forward to working with the Department of Justice, NIST, the National Science Foundation, and others to make sure we implement the necessary reforms as expeditiously as possible.

This is not a partisan issue. Improving the reliability of forensic evidence does not advance the interests of just prosecutors or defendants, or of Democrats or Republicans. It is in the interest of justice. Senator Cornyn recognizes this, and I am proud to have him as a cosponsor of this important legislation. We will continue to work diligently with senators on both sides of the aisle, and I hope many other senators will join us to cosponsor this legislation, and work with me to ensure its passage.

I want to thank the forensic science practitioners, experts, advocates, law enforcement personnel, judges, and so many others whose input forms the basis for this legislation. Their passion for this issue and for getting it right gives me confidence that we will work together successfully to make much needed progress in implementing comprehensive forensic reform legislation. I ask consent that my full statement and the text of the bill be printed in the Congressional Record.

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