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## Forensic science errors are cited; strict rules urged

A panel calls for better training, pointing to a finding that such mistakes are key in DNA exoneration cases.

By John Spano  
 Times Staff Writer

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An influential California commission said Thursday that forensic science errors are a major contributor to wrongful convictions and called for better training, more monitoring and stronger standards in the real world of "CSI."

The report cited the Innocence Project at New York's Cardozo Law School, which identified forensic science testing errors in 63% of a set of nationwide DNA exoneration cases analyzed.

The California commission also raised a red flag over the ability of the criminal justice system to expose mistakes in scientific evidence.

The document was the fifth report from the Commission on the Fair Administration of Justice, which has sounded warnings about false confessions, DNA backlogs in crime labs, the use of police informants and mistaken eyewitness identifications.

The panel called for the creation of a commission to set standards for scientific analysis and evidence.

"This is long overdue," said Gerald F. Uelman, head of the administration of justice commission and professor at the Santa Clara University School of Law. "We're in a world where forensic science is playing a greater role in all criminal cases. It puts a lot of pressure on the system — not defense lawyers, but prosecutors and the criminalists themselves," he said.

The commission recommended that local prosecutors look into allegations of irregularities in expert testimony and that a council set state standards for forensic experts.

The report's recommendations are vague and problematic, said Devallis Rutledge, special counsel to Los Angeles County Dist. Atty. Steve Cooley.

Some address issues now covered by the justice system, Rutledge said. He added that setting standards to determine who can be an expert witness would be a huge task.

"I can't imagine that any statewide commission would have enough people qualified to set standards in all of the scientific disciplines about who could and could not testify," Rutledge said.

The commission said public confidence in scientific investigation "requires the involvement of a government entity that is truly independent of the police and sheriff agencies that operate the laboratories."

Commissioners expressed some doubt that the give-and-take between prosecutors and defense lawyers can ferret out problems with scientific evidence. The report cited the rapid development of DNA evidence and the need to train lawyers and judges in its use and misuse.

"The traditional reliance upon the adversary system to expose errors may break down when it comes to forensic science evidence," the report said. "Many of the examples of wrongful convictions attributable to misconduct or negligence by forensic experts could have been avoided if defense lawyers were fully competent to challenge the evidence."

The Innocence Project found that forensic science errors were the second most common factor contributing to wrongful convictions in the DNA exoneration cases. The leading cause was eyewitness error, appearing in 71% of the cases. More than one factor was found in many cases.

The California commission is made up of 20 members, including academics, prosecutors, defense attorneys and judges. It is chaired by former state Atty. Gen. John K. Van de Kamp.

The commission's past recommendations on informants, eyewitnesses and confessions have been written into legislation that is pending.

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