

IAI Response to the Report to the President 'Forensic Science in Criminal Courts Ensuring Scientific Validity of Feature-Comparison Methods' issued by the President's Council of Advisors on Science and Technology (PCAST) in September 2016.

The PCAST report states its purpose is to explore a way forward ensuring the scientific reliability of forensic evidence, and within the report addresses disciplines that are represented by the IAI including Friction Ridge, Footwear and Tire Track Examination.

The report concludes that friction ridge examination meets an evidence reliability standard; however the report makes the assertion that latent print evidence has high false positive rates based on studies that have been conducted. The IAI does not agree with this interpretation of current research in this field, and stands behind the accuracy and reliability of this evidence.

The report concludes that footwear examination does not meet an evidence reliability standard. The IAI does not agree with this assessment, and finds the report lacking in basis and in content, and improper in some of the statements that are made. There are significant research efforts that are not included in the report, including a black box study currently being conducted by West Virginia University and studies related to the evaluation of shoe damage.

The report claims at the outset that footwear and tire evidence are responsible for wrongful convictions that have resulted in later exonerations, and cites the cases listed on the Innocence Project website. The report further states that these cases reflect a systemic problem. This set of assertions is a complete mischaracterization; only one case relates to footwear evidence. The problem in the case was 'non-expert' testimony, in fact two footwear experts had testified appropriately.

It is noted that, although the report lists tire examination in the outset, it includes no discussion or evaluation about the reliability of this evidence type.

It is the position of the IAI that evaluations of a forensic evidence type are only accurate and reliable if an understanding of the discipline is a part of the process. The PCAST committee did not sufficiently include forensic science experts, and it is evident that the input of the forensic science community was not sufficiently regarded. Experts, including IAI members, provided information related to the methods, basis and research conducted in these fields that was not fully presented or addressed in the report.

The PCAST report generally recommends that additional research be conducted. It is the constant and continual position of the IAI that critical evaluation of the practice of forensic evidence is welcome. Scrutiny by stakeholders, academics, peers and others is an important process to continue to develop the reliability of evidence that is utilized in the criminal justice system. In order for an evaluation process to result in positive movement forward there should be an expectation of impartiality, and must be conducted in a manner that includes sufficient knowledge of the discipline to be evaluated. It is also imperative that the evaluation include all published and in process research. The PCAST report falls short of these expectations.

A handwritten signature in black ink, appearing to read "H Ruslander", followed by a long horizontal line extending to the right.

Harold Ruslander, President