

United States Senate

WASHINGTON, DC 20510

May 18, 2015

The Honorable Willie E. May, PhD
Under Secretary of Commerce for Standards and Technology
Director, National Institute of Standards and Technology
U.S. Department of Commerce
100 Bureau Drive, Stop 100
Gaithersburg, MD 20899

The Honorable Sally Quillian Yates
Deputy Attorney General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dear Undersecretary May and Deputy Attorney General Yates:

In light of recent reports on misrepresented forensic evidence, our nation's scientific and criminal justice agencies must reinforce existing partnerships and continue strengthening the science and standards of forensics. To ensure success, it is critical that independent scientific experts are represented in developing forensic science standards and protocols, guiding the appropriate use of scientific evidence in the courtroom, and developing forensics-related policy recommendations.

In its 2009 report, *Strengthening Forensic Science in the United States*, the National Research Council (NRC) strongly advocated for increasing the role of scientific research expertise in forensic practice, noting that "some forensic science disciplines are supported by little rigorous systematic research" and "have never been exposed to stringent scientific scrutiny." In response, the NRC called for an independent Federal entity that would establish best practices, promote scholarly research and technical development, and improve the use of forensics in the courtroom. Cognizant of the NRC recommendations, we therefore ask that DOJ and NIST continue an equal partnership on forensic science and take the steps outlined below.


First, DOJ and NIST should ensure that the newly re-chartered National Commission on Forensic Science strongly emphasize both scientific and criminal justice expertise. We request that, in selecting new Commissioners, DOJ and NIST emphasize the need for practicing research scientists and ensure balanced representation for legal and law enforcement professionals, forensic science practitioners, and independent scientific experts. Further, we ask that Commission bylaws establish a fully transparent administrative committee that has a clearly defined role and is responsive to the interests of all Commissioners. As the only Federal body capable of responding to the NRC recommendation above, the Commission deserves broad latitude and independence in addressing issues in the forensic sciences.

Second, in developing and recommending consensus-based forensic science standards, NIST must assure an open and transparent process that recognizes the needs of the criminal justice community while prioritizing and enhancing scientific validity. We request that NIST, in coordination with DOJ and other partners, develop and share with the Congress a strategy that establishes priorities for research, testing, and validation for forensic science practices and methods.

Finally, we request that both DOJ and NIST transmit to the Congress the newly negotiated Memorandum of Understanding governing their cooperation in the forensic sciences. Ensuring the integrity of forensic evidence is critical not only to the criminal justice system but also to the reputation of our Federal science agencies and therefore demands full Congressional oversight.

Scientific and technological innovation has long been recognized as integral to U.S. global leadership, permeating every aspect of American life. In the criminal justice system, evidence based on forensic science engenders trust and can prove critical to jury decisions. However, misinterpretations of forensic measurements, such as in flawed hair fiber analyses, erode the public confidence and undermine the pursuit of justice. Fortunately, DOJ and NIST can take steps now to together ensure that forensic tools, standards, and practices reflect the best available science and help to correctly identify criminals, exonerate the innocent, and secure justice.

Sincerely,



Gary C. Peters
UNITED STATES SENATE



Christopher Coons
UNITED STATES SENATE



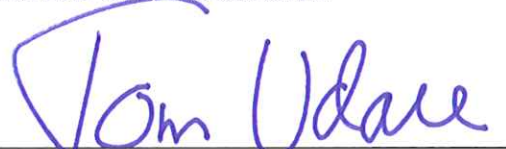
Edward J. Markey
UNITED STATES SENATE



Richard Blumenthal
UNITED STATES SENATE



Richard J. Durbin
UNITED STATES SENATE



Tom Udall
UNITED STATES SENATE