



Task Number: 2016-008

Article Title: Who speaks for science? A response to the National Academy of Sciences Report on forensic science.

Origin: Oxford University Press - 2009

Date Published: 2009

Author: Simon Cole

Article's Subject Matter:

Article questions the authority of Forensic Science and its use in the legal system. It questions if the Courts, Forensic Identification Examiners, or Scientific groups such as NAS or other bodies of science, should be dictating the process of forensic comparisons.

Testimony of Cole in court is proffered to show that his (science?) arguments against fingerprint identification have not been accepted by the courts. (*Cole – People v Caradine, 2008*)

Key Points in Article

- 2005 *amicus curiae* brief signed by members of NAS (*Siegel et al – 2006*) stating reliability of latent print individualization had not been demonstrated – dismissed by courts.
- Frye (1923) asks if a claim made by an expert is generally accepted by the relevant scientific community – Cole suggests it's not being used correctly
- Courts have accepted fingerprint evidence for over 100 years and are reluctant to reverse decisions or go against generally accepted fingerprint comparison principles
- 'Judicially Certified' used as phrase in NAS to term court accepted evidence, that lacks scientific backing
- 'Opinionization' – couching latent report reports as opinions rather than determinations, conclusions, or facts

Fallacies and or Issues

- Some of the issues brought up (individualization, zero error rate, to the exclusion of all others) have been addressed by the Forensic Examiner community in the years since the NAS Report, and this article.
- In *People v Caradine*, the author admits that not all scientists agree with, or subscribe to, arguments that 'fingerprinting' should be rejected as a scientific process
- Cole's arguments about 'judicial certification' is interesting in that in North America, some courts are beginning to question the judiciousness of the process and are preventing examiners in some cases from making absolute statements on the evidence at hand.
- As society changes with demographics and generational influences, we may see more questioning of 'the establishment' or statements that lead to judicial certification/acceptance by the legal community.