

American Statistical Association

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March 31, 2011

The Honorable John D. Rockefeller IV
Chairman, Senate Commerce, Science, and Transportation Committee
United States Senate
Washington, DC 20510

Dear Chairman Rockefeller,

Thank you for making forensic science reform a priority for the Commerce, Science, and Transportation Committee in 2011. The forensic science system has serious problems that are undermining confidence in our justice system, as the National Academies' *Strengthening Forensic Science in the United States: A Path Forward* reveals. A justice system informed by solid science is imperative. To address the systemic deficiencies, *Strengthening Forensic Science* recommended measures that amount to no less than changing the culture of the forensic science community.

The board of directors for the American Statistical Association (ASA) issued a statement in April 2010 endorsing *Strengthening Forensic Science*, including its recommendations. On behalf of the ASA Board of Directors, I write to urge you to enact these recommendations, especially the creation of a National Institute of Forensic Science (NIFS) with the independence necessary to address the profound issues identified in *Strengthening Forensic Science*. A new agency is necessary because of the strong leadership required to address these issues and the current lack of any governance structure in the forensic science enterprise.

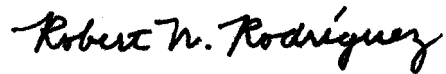
We believe an independent agency is the ideal and respectfully ask you to explore such an option to the extent possible. If the current environment precludes the establishment of a stand-alone NIFS, the National Institute of Standards and Technology (NIST) could serve as the incubator for NIFS, if the following conditions are met. Most importantly, placing NIFS within NIST should be temporary, with the legislation specifying that independence be considered after, say, three years and realized within, say, five years. NIFS also should have the autonomy and resources within NIST to meet its responsibilities and foster its independence. We emphasize the importance of a properly funded NIFS so that it doesn't tax the many other important and varied NIST activities. The guidance around Recommendation 1 in *Strengthening Forensic Science* also should be closely heeded in the creation of a NIFS temporarily hosted at NIST.

An independent NIFS—either from inception or after a short time in NIST—is important to the long-term success of NIFS because of the importance of strong relationships with the many stakeholder communities. These communities range from the Department of Justice (DOJ) to the forensic science community to scientists of other disciplines (typically associated with the National Science Foundation, National Institutes of Health, or other federal agencies). Hosting NIFS indefinitely at NIST will not develop the stature among the varied stakeholders necessary to transform the forensic science culture.

Independence from law enforcement agencies is especially fundamental to a successful NIFS for a number of reasons. A forensic science institute hosted at the DOJ, for example, presents inherent potential conflicts of interest because of DOJ's mission to enforce the law. Furthermore, because DOJ is so integrally tied to the forensic science culture and the current problems, a forensic science institute must be independent of DOJ to realize the necessary changes in a timely manner. Finally, DOJ lacks the expertise and infrastructure to support the scientific needs of a forensic science institute.

Thank you for your consideration. I attach a copy of the statement by the ASA Board of Directors endorsing the *Strengthening Forensic Science* report and citing the importance of sound statistical practices to the success of a forensic science institute.

Sincerely,

A handwritten signature in black ink that reads "Robert N. Rodriguez". The signature is written in a cursive, flowing style.

Robert N. Rodriguez, PhD
2012 President, American Statistical Association