April 6, 2017

Hon. Jefferson B. Sessions
United States Attorney General
U.S. Department of Justice
Robert Kennedy Building
950 Pennsylvania Avenue, NW
Washington, DC 20530

Dr. Kent Rochford
Acting Under Secretary of Commerce for Standards and Technology
Acting Director of National Institute of Standards and Technology
100 Bureau Drive
Gaithersburg, MD 20899

Dear Attorney General Sessions and Acting Director Rochford:

As Commissioners who were appointed because of our contributions to the basic sciences – biology, psychology, chemistry and physics – we would like to thank the Department of Justice (DOJ) and the National Institute of Standards and Technology (NIST) for establishing the National Commission on Forensic Science (NCFS). This landmark advisory body represents the first time the Federal government has convened the full complement of forensic science stakeholders to work together with independent academic scientists to "enhance the practice and improve the reliability of forensic science."[1] We are gratified that in the development of the Commission, the DOJ and NIST acknowledged the role scientists from a variety of disciplines play in strengthening forensic science. We believe this Commission has made a positive and indelible impact on the criminal justice system and we encourage you to renew the charter for the National Commission on Forensic Science. Historically, the community associated with forensic science was limited to criminal justice participants, sometimes at the expense of foundational science. Many forensic science disciplines have not fully benefitted from the resources and lessons gained by researchers in contributing fields.

Our expertise has offered a new dimension to forensic science policy development that is evident in the work that has come through all the subcommittees of the Commission, and in particular, the Scientific Inquiry & Research and Human Factors Subcommittees. For

[1] Justice.gov, *National Commission on Forensic Science*, available at https://www.justice.gov/ncfs (last accessed, March 7, 2017).
[2] National Research Council. 2009. Strengthening Forensic Science in the United States: A Path Forward. Washington, DC: The National Academies Press. doi:https://doi.org/10.17226/12589.
[3] President's Council of Advisors on Science and Technology, Forensic Science in Criminal Courts: Ensuring

example, the Commission recommended that henceforth NIST be tasked with evaluation of the technical merit of forensic science methods and practice to improve the quality of forensic evidence used in the courtroom, and expressed the view that to reduce cognitive bias forensic analyses must be restricted to task relevant information. We have been buoyed by the DOJ's and NIST's support of, and response to, our efforts.

For too long, decisions regarding forensic science have been made without the input of the research science community. The disconnection between the fundamental principles of science and some forensic disciplines is one of the primary themes of the 2009 National Academy of Sciences report[2] and the 2016 President's Council of Advisors on Science and Technology report.[3] Limiting the "relevant scientific community" to forensic practitioners is a disservice to that field and to the criminal justice system. The inclusion of an array of research scientists is necessary to further improve the foundation and practice of forensic science and to the justice system. The representation of these fields has been one of the strengths of this Commission and has been critical to its success. Any forum for forensic science issues must include significant numbers of independent scientists and researchers. Forensic science as an academic discipline is very young, and we are committed to guiding and cultivating a robust research culture. We hope you will provide us with the opportunity to continue to engage in this critical effort to strengthen forensic science and the criminal justice system.

This Commission has demonstrated that the diverse stakeholders in the criminal justice and forensic science systems can work together to advance forensic science. Together, the Commission has made recommendations and opined on foundational scientific issues, operational issues to improve quality assurance and quality control, as well as infrastructure and capacity issues. Most importantly, the Commission has facilitated an important discussion regarding issues at the intersection of science and law that are unique to forensics and require the full diversity of the Commission's members to solve. Many of the issues the Commission has taken on would have been examined in only a narrow or cursory manner, or in some cases would not have been debated at all, had we not been able to participate in this work.

This Commission's existence is an indispensable way for the DOJ to communicate its commitment to high quality and rigorous forensic science. The Commission will issue a report at its closing April meeting that describes the foundational, operational, and relational issues that have been addressed through the various work products, and the

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[2] National Research Council. 2009. Strengthening Forensic Science in the United States: A Path Forward. Washington, DC: The National Academies Press. doi:https://doi.org/10.17226/12589.

[3] President's Council of Advisors on Science and Technology, Forensic Science in Criminal Courts: Ensuring Scientific Validity of Feature-Comparison Methods, September 2016. Available at https://obamawhitehouse.archives.gov/blog/2016/09/20/pcast-releases-report-forensic-science-criminal-courts (last accessed, March 12, 2017).

issues that remain to be considered. This significant report will not receive the broad stakeholder and public review it deserves should the Commission end its operations on April 11, 2017. We believe that the Commission's charter must be renewed for the forensic science community to realize the benefits of the work that has been initiated, but will be left incomplete, should the Commission be allowed to end.

Respectfully submitted,

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