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The Honorable Jeff Sessions
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530-0001

June 8, 2017

Dear Mr. Attorney General,

I am writing to you today on behalf of the more than 6,000 members of the Entomological Society of America (ESA) regarding the Notice of Public Comment Period on Advancing Forensic Science, Docket Number DOJ-LA-2017-0006. We oppose the Department of Justice's recent decisions to discontinue the National Commission on Forensic Science (NCFS) and to suspend work on setting uniform standards for forensic testimony. Rather, we strongly encourage the reinstatement of the Commission, or the creation of a new one dedicated to the rigorous application of the scientific method, for the continued improvement of the rapidly changing field of forensic data collection and analysis, bringing together forensic science practitioners with law enforcement officials.

Without oversight from a board such as the National Commission on Forensic Science, validity and reliability in forensics cannot be guaranteed. Without such guarantees, our criminal justice system cannot be executed in a manner that protects both the prosecution and defense, ensuring the guilty do not go free because juries doubt the validity of the forensic evidence brought before them.

In 2009, the National Research Council (NRC) provided a comprehensive review of forensic science and clearly articulated the need for enhanced scientific engagement to improve the reliability and rigor of forensic analysis. A major outcome of this report and subsequent initiatives was the establishment of the NCFS with a mission that includes increasing participation of the scientific community and general public in reviewing forensic practice. As part of this effort, experts in forensic entomology and other natural science disciplines were included as commissioners and invited to subcommittees to provide this needed scientific review.

Entomology is one discipline within the broader field of forensics, and it represents a significant example of why the NCFS is critical to informing policy and establishing standards that directly affect the outcomes of jurisprudence. The use of insects in forensic investigation includes stored-product litigation, urban pest issues, and medicolegal criminal cases. The latter category of medicolegal criminal cases often involves the collection, identification, and interpretation of insect evidence associated with death scenes and has had substantial influence on the outcome of criminal cases.

As is the case for forensic entomology, rigor and reliability are prerequisites for all fields involving analysis of evidence used in civil litigation and criminal prosecution. Indeed, the very nature of forensic

science is multidisciplinary. During casework, collaborations among expert scientists, including but not limited to statisticians, chemists, meteorologists, toxicologists, and pathologists, are routine. A strong scientific foundation for collecting, analyzing, interpreting, and integrating evidence is critical to justice.

The NCFS has played an important role in reviewing and establishing the scientific foundation for the reliability of forensic investigation. The mission and successes of the NCFS are clearly articulated in a recent report, *National Commission on Forensic Science: Reflecting Back—Looking Toward the Future*, by the National Institute of Standards and Technology, U.S. Department of Commerce. The NCFS has had only a few years to accomplish the objectives with which it is tasked, but since its founding it has had a demonstrable impact on enhancing the strength of the science involved in forensic analysis in the USA. The NRC recognized the need for critical, independent review of all sciences serving the legal system when it recommended the creation of the NCFS in 2009. A 2016 President’s Council of Advisors on Science and Technology (PCAST) report, “Forensic Science in Criminal Courts: Ensuring Scientific Validity of Feature-Comparison Methods,” indicates that the need remains to improve upon existing forensic analyses, to enhance clarity on the scientific standards of forensic analysis and to develop additional forensic tools and methods based on current science.

We respectfully ask you to reconsider your decision and allow the important work of the NCFS to continue.

Sincerely,

A handwritten signature in cursive script that reads "Susan J. Weller". The signature is written in black ink and is positioned below the word "Sincerely,".

Susan J. Weller, Ph.D.
President, ESA