

MESSAGE

from the Executive Director

SCOTT BURNS



Priorities at NDAA

THINGS WERE SLOW IN D.C. during the August recess, but not at NDAA. Our priorities for the next 60 days are full funding of the NAC (4.5 million) and trying to hang on to the 10 million dollar mark for John R. Justice loan forgiveness that Senator Durbin of Illinois has been championing for us.

Specifically related to the NAC, we are working to obtain one letter from each state, signed by all the elected prosecutors in that state and forwarded to each state's U.S. Senators and U.S. Representatives; in addition, when Congress comes back in September, we will take those letters to key appropriators and as many individual members as we can. I know that many of you have personally met with or called your members of Congress, or e-mailed, or written individual letters in addition to the combined letter campaign—for those of you who haven't reached out to your members of Congress, PLEASE CALL them today and convey how important it is to fully fund the National Advocacy Center. (I should note that NAPC has been extremely helpful in rallying support and writing letters).

I'm pleased to report that training and research grants are starting to be awarded to NDAA by the Department of Justice, we continue to engage key stakeholders on a number of issues that affect prosecutors and have met with (and will continue to meet with) White House officials and Attorney General Holder and his staff. I should also note that we filed an amicus brief in *Padilla v. Kentucky* (collateral consequences issues that could dramatically impact prosecutors) and will file a brief in *Graham and Sullivan v. Florida*, the cases addressing Juvenile Life without Parole (JLWOP) out of Florida. We have forged great relationships with the NAAG, IACP, FOP, NSA, and many more great groups that work on criminal justice issues.

Of particular concern right now is the National Academy of Sciences report, and I anticipate that many of you will be approached by the media and asked to comment. With that in mind, NDAA has put together the fol-

lowing information to help you understand the issues and respond to inquiries:

- In February, the National Academy of Sciences released a report on the Strengthening of Forensic Sciences in the United States. The study was ordered by Congress at the request of the forensic science community. The NAS chose to interpret the charge from Congress in a different manner than intended, but ultimately many of the recommendations have merit and deserve consideration by Congress and the Administration. However, there were two particular proposed actions that many in the law enforcement community and the Department of Justice (including NDAA) took exception with: (1) the creation of a new independent bureaucracy to oversee all issues surrounding forensic sciences called the National Institute for Forensic Sciences; and (2) the removal of all forensic science activities from the law enforcement community. A more in depth response by NDAA to the report can be found on the NDAA Web site at: http://www.ndaa.org/pdf/NDAA_Consortium_NAS_Comments_09.pdf
- Unfortunately, the media, the defense bar, and the innocence movement have chosen to interpret the report as an indictment of forensic science and the prosecutors that use the science to find truth and ensure that justice is served. The party line from media seems to surround the theory that the forensic science system is "broken." In fact, the study makes no such assertion. The report does not, despite what media indicates, invalidate any broadly used forensic techniques but rather raises the point that certain techniques have not been through the level of rigorous testing and validation the NAS believes necessary. This does not mean that these techniques are not valid or provide value in a trial situation. It does suggest the need for additional research into the validity of forensic techniques and disciplines as well as technician bias, which NDAA supports. Clearly, prosecutors will always support efforts to

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based on this report was held September 9. NDAA had two representatives who presented oral statements during this hearing.

Other Legislation

Here is a list of legislation which NDAA has taken an official position with over the past several months:

July 21, 2009 – support for an amendment offered by Rep. Patrick Murphy (D-PA) to H.R. 3200, requiring providers and suppliers who participate in Medicare and Medicaid to send payments directly to participants' bank accounts to prevent fraud.

July 29, 2009 – opposition to H.R. 3327, the Ramos-Compean Justice Act of 2009, which would eliminate mandatory minimum sentencing guidelines.

September 16, 2009 – support for H.R. 1741, the Witness Security and Protection Grant Program Act of 2009, which would create a grant program for additional witness protection and relocation efforts for state and local governments

Moving Forward

While there are other issues of importance to NDAA that come up daily, these are the issues that are receiving the most attention on Capitol Hill during the next few months. As always, we will be sure to keep you up-to-date on all major developments. If you have any questions on any of these topics, please feel free to contact me directly: Jason Baker, 703.519.1666, jbaker@ndaa.org.

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enhance the ability to protect the innocent, bring the guilty to justice, and support the efficient and fair administration of justice.

- The study also recommends additional training of all those involved in forensic evidence (from police officers to prosecutors and judges), accreditation of all labs conducting forensic sciences, certification of forensic scientist, and a variety of other positive measures. NDAA agrees with the NAS study that there are many things that can be done surrounding forensic evidence that will make our justice system better and allow prosecutors to continue to ensure that the truth is always the goal of a trial and the evidence that supports the case.
- NDAA has been working closely with stakeholder groups (Consortium of Forensic Science Organizations (CFSO) and IACP particularly), Congress and the Administration since the report was released to ensure that the concerns of the nation's state and local prosecutors are heard. While the nation's prosecutors did not agree with the entire report, there are many worthwhile proposals that deserve discussion and vetting by stakeholders, Congress and the Administration. The most likely next step is additional

congressional hearings and the development of draft legislation. NDAA has been grateful and impressed with Congress and the Justice Department's level of engagement and the willingness to take input from state and local stakeholders. Ultimately, the findings of the report will require congressional and executive action and, as importantly, the funding to implement the legislation. The response to the NAS study will have a major impact on state and local prosecutors, considering their involvement in over 95 percent of all criminal prosecutions in the United States, and we intend to stay involved.

- To learn more about the NAS study and NDAA's efforts, please visit the NDAA Web site at www.ndaa.org or call 703.549.9222. Additional testimony from stakeholders such as the CFSO and DOJ can be found at: http://judiciary.house.gov/hearings/hear_090513.html

Please know that everyone at NDAA (in Alexandria and Columbia) is working very hard to respond to your requests for technical assistance, to put on incredible trainings at the NAC and across the country, and to represent your interests on crucial issues we all face. As always, if you have any questions or if we can do anything for you, pick up the phone and call me at 703.549.9222 or e-mail me at sburns@ndaa.org.