

Setting the Legal Precedent: Bringing New Forensic Technology to the Courtroom

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Your laboratory has gone through the painstaking, expensive and time-consuming process of selecting a new technology. Months of work on an internal validation have been completed and reviewed, the standard operating procedures have been written, the staff has been trained and now you issue your first case report. So now what? The phone rings from a detective asking what this new statement means in his report. A month goes by... the State Attorney is calling saying they just received a motion in limine on your case and asking what the deal is with this new technology. With great advances in forensic science comes the challenge of introducing this technology to the courtroom and setting a legal precedent for the admissibility of this technology. Coming in to 2020 nearly half the United States has implemented some form of probabilistic genotyping, Rapid DNA instruments are popping up in booking stations and laboratories and forensic genealogy has changed the way we look at cold cases. Who will pioneer this technology for the courtroom, are you ready?

This talk will pose an introduction to the difference between preparing for trial testimony opposed to admissibility hearing testimony for the expert witness. Preparation for admissibility hearings includes submitting supporting evidence and affidavits in advance of the hearing, possible questions and answers as well as the different standards that need to be met. Individual laboratory training programs should include testimony training as an expert witness for both admissibility hearings as well as trials. Selecting designated individuals at a laboratory to testify for admissibility hearings is a viable option but the opportunity for an analyst to expand their testimony experience should not be overlooked. It is not always appropriate to have the reporting analyst provide the expert testimony for an admissibility hearing; the reasons and solutions for this distinction will also be explored. Record retention of existing case law and admissibility hearings is crucial for admissibility motion challenges presented in the future. Specific case examples of strengths and weaknesses in the presentation of expert evidence at previous admissibility hearings will serve as an example for laboratories moving forward.

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