

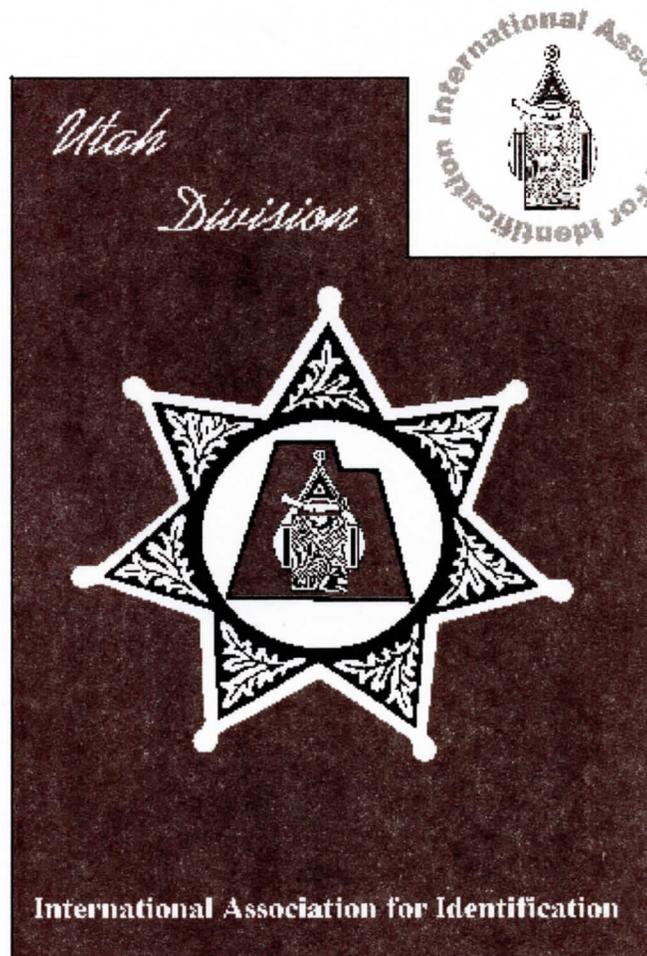
# THE “PATENT PRINT”

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## *President's Message*

Greetings! I hope everyone is enjoying this great summer season so far. I have loved all the rain and the cool temperatures we have had this June, but I am sure 90 to 100 degree days are just around the corner.

I would like to welcome Rob Clegg from the Tooele County District Attorney's Office as our newest member of the Utah Division of the IAI Board, and thank him for his willingness to serve as our legal representative. We are looking forward to getting to know Rob and appreciate the knowledge and experience he brings with him to our division.

We had a great turn-out at our Spring Conference Training at the Swanson Tactical Training Center in Ogden. If you have not had an opportunity to visit that facility, I highly recommend it. The facility is really cool. I would like to thank all who attended, the great staff at Swanson, as well as those who helped in the planning of this event. A special thank you goes out to Elisa Farmer and Justin Bechaver who were our instructors for the day. These events take a lot of planning and many hours of preparation by the instructors, and they did a great job.

**SAVE THE DATE:** I want to encourage all of you to attend this year's Tri-Division Fall Conference which is being held in Las Vegas at the Texas Station Hotel and Casino. The dates are October 6-9, 2009. This should be a great training opportunity and I highly recommend that you put this on your calendars now and plan on attending. I attended the conference last time it was held in Las Vegas back in 2006. It was a lot of fun and the classes were excellent. The schedule for this year looks equally impressive so far. We will be sending out more details as they become available

I thank all of you for supporting the Utah Division of the IAI. We are always open to ideas and suggestions for future trainings. Please don't hesitate to contact us if you have any questions regarding IAI certifications, trainings, or any other concerns. And good luck keeping cool this summer.

Bonnie Stewart

# Spring Conference Review

By Scott Scriven Salt Lake City Police Crime Lab

On April 30, 2009 the Utah division of the IAI held its spring conference at the Swanson Tactical Training center in Ogden, Utah. The topic of the conference was Night time photography tips and tricks. The training was taught using several division members, but was spearheaded by Justin Bechaver and Elisa Farmer from the Utah Bureau of Forensic Services.

The Swanson Center was located near the north end of what used to be known as Defense Depot Ogden or DDO. The facility has a 32,000 square foot building, large parking area, and outdoor range. Inside of the lobby area of the building there were specialty stores for weapons (Impact Guns) and gear (Officers Only) which were popular with those in attendance.

The rest of the facility is a secure one, so weapons and ammunition needed to be stored properly in lockers, or secured in vehicles before entry. A thorough security inspection using metal detecting wands was also conducted on everyone before entry was granted. The facility has 5 large classrooms, a break area, 3200 square foot defensive tactics area, an indoor 3D tactical situation simulator, and the larger main "scenario" section of the building. Several cameras were set up in the areas so reviews of training using the scenarios can be conducted.

The Swanson center has several scenario based sections in the facility that are comparable to having movie or theatre sets for each scenario. The areas included typical home or apartment dwellings, a convenience store, bank, and school setting. The facility also had a two story open area with enough lights to create a near daylight situation, as well as being able to create dark enough situations to simulate night time conditions.

A tour of the facility was given by a "tactical kilt" clad instructor from the UK. A brief instructional period was then conducted by Justin and Elisa covering the topics of the conference. The attendance was very high with approximately 75 members and/or students from across the state. The participants were then divided into groups and were introduced to the different exercises for the training.

A bullet trajectory scenario was set up in the convenience store using a mannequin, a weapon, and a laser. Another scenario was outside of the "bank" which was set up for painting with light or extended shutter openings to document the scene. The facility was able to add a degree of reality to its scenarios by utilizing real world items in each scenario. The bank "set" was donated by Zions bank and included items from the bank that was removed from downtown Salt Lake City to make room for the City Creek Center, and the convenience store included items from Pepsi who is also a sponsor for the facility.

A Bluestar blood detection scenario was set up in one of the classrooms in the school set. A scenario for documenting shoe impressions was set up outside the School using some dirt and the headlights from a vehicle. And another low light situation was set up in the defensive tactics area.

Several attendees reported that they were very pleased with the hands on approach and the freedom to go back and work through a scenario. Some went and toured the shooting ranges at lunch and were impressed by the facilities attention to detail. Overall the opinion seems to be that the training was both informative and useful. Please submit comments on this or any of the other training conferences, and ideas for future conferences to a member of the board.



Class photo from Spring Training

# Study of Forensic Testimony and Wrongful Convictions Supports Need for Scientific Reform

This article is reprinted from the March 16, 2009, Edition of the Virginia Law news  
[http://www.law.virginia.edu/html/news/2009\\_spr/garrett.htm](http://www.law.virginia.edu/html/news/2009_spr/garrett.htm)

Flawed testimony by forensic experts contributed to the conviction of innocent defendants, according to a new study co-authored by University of Virginia Law School professor Brandon Garrett.

The findings of the study are featured in an [article](#), “Invalid Forensic Science Testimony and Wrongful Convictions,” published in the March 2009 issue of the [Virginia Law Review](#).

Garrett and Innocence Project co-director Peter Neufeld studied the transcripts of 137 trials in which prosecution forensic analysts testified, and the defendants were years later exonerated by post-conviction DNA testing.

The pair found that in 60 percent of those wrongful conviction cases, forensic analysts gave “invalid testimony that overstated the evidence,” Garrett said.

“What we mean by ‘invalid’ is simply that the testimony was unscientific or contrary to empirical data,” he said. “Just because a wrong statistic was offered, does not mean that the testimony necessarily caused the wrongful conviction. However, these powerful examples support efforts to adopt and enforce scientific standards governing forensic reporting and testimony.”

The flawed testimony uncovered by Garrett and Neufeld included erroneous or unsupported testimony about the accuracy and results of forensic techniques including hair comparison, bite-mark comparison, fingerprint comparison and even DNA testing.

The study originated with a request to Garrett — who conducted previous research on wrongful convictions — from the National Academy of Sciences (NAS) committee examining the needs of the forensic science community, asking him to present at one of the committee’s public hearings.

Garrett and Neufeld then spent more than a year compiling and analyzing trial transcripts from the cases of people later exonerated by DNA evidence. Several scientists and forensic scientists also reviewed the categories used for analysis and examined transcripts in particular cases.

The majority of the cases were rape cases from the 1980s, and many included testimony about forensic techniques that are still used today, according to Neufeld, co-director and co-founder of the Innocence Project, a national litigation and public policy organization that uses DNA testing to exonerate wrongfully convicted people and seeks to reform the criminal justice system to prevent injustice.

The NAS report, “Strengthening Forensic Science in the United States: A Path Forward,” was released in February, and recommends the establishment of a national institute of forensic

science, an independent scientific entity to adopt and enforce standards for forensic report writing and testimony.

“With the exception of nuclear DNA analysis . . . no forensic method has been rigorously shown to have the capacity to consistently, and with a high degree of certainty, demonstrate a connection between evidence and a specific individual or source,” the NAS report says.

In their study, Garrett and Neufeld found that forensic analysts often testified that a particular piece of evidence — such as a hair or a fingerprint — was closely connected to the innocent defendant, despite the fact that no scientific data permitted analysts to reach such conclusions.

In one case an analyst told a jury that only 5 percent of the population had a certain type of hair pigment discovered at a crime scene, and that the defendant was among them. But there is no empirical data about the frequency of particular hair pigments, Garrett said.

“These trial transcripts were fascinating to read, because in retrospect we know that all of the defendants were innocent,” he said. “Yet few have looked at these records. Even after these wrongful convictions came to light, crime laboratories rarely conducted audits or investigations to review the forensic evidence presented at the trial.”

The study doesn’t speak to the state of mind of analysts; it’s impossible to tell from trial materials whether they were simply inexperienced or poorly supervised or acting in bad faith, Garrett said.

“Nor do we know how many cases involved concealment of forensic evidence,” he said. “In 13 exonerees’ cases it has since come to light that forensic evidence was concealed that would have helped to prove innocence. Similarly, we do not know from reading trial transcripts in how many cases errors were made in the laboratory, although in a few exonerees’ cases in which the underlying evidence was reexamined, gross errors have come to light.”

The study also notes that the criminal justice system is not well-suited to prevent unscientific testimony. Reasons include that the presentation of forensic evidence is almost entirely one-sided, Garrett said.

“Defense counsel rarely cross-examined analysts concerning invalid testimony and rarely retained experts, since courts routinely deny funding for defense experts.”

Only 19 of the eventual exonerees whose cases were examined had defense experts.

“Prosecutors, moreover, presented erroneous accounts of the forensic evidence during closing arguments,” Garrett said.

The study’s authors agree with the NAS report’s assessment that a set of national scientific standards should be established to ensure the valid presentation of forensic analysis. Neufeld called the NAS report “a major breakthrough toward ensuring that so-called scientific evidence in criminal cases is solid, validated and reliable.”

## **Our new Legal Representative**

We would like to extend a warm welcome to the newest member of the board, Rob Clegg. Rob Clegg grew up in Tooele, Utah, the oldest of nine children. He met his wife while they were going to school in Logan, Utah. He attended law school at Gonzaga University in Spokane, Washington. Rob currently works at the Tooele County Attorney's Office as a prosecutor. He has one 23 month old daughter and another daughter on the way. His hobbies include outdoor stuff, working out, and doing ranch work.

## **IAI Latent Print Certification**

For those who are interested in acquiring IAI Latent Print Certification, a study group will be held the second Thursday of each month at 11:00 until noon at the West Jordan Police Department at 8040 South Redwood Road. Park on the Westside of the building and enter through the west glass doors and through the room immediately to your left. There will be a sign. Hopefully individuals wanting to attend will have the support of their agency as certification at least once a month.

The group will be mentored by individuals who have obtained their Latent Print Certification. We will have free reading material available for those who wish to attend. Have those who are interested in attending bring their lunch and enjoy learning while feasting! For further information or directions contact Francine Bardole at [francine@wjordan.com](mailto:francine@wjordan.com).

## **IAI Crime Scene Certification**

For those individuals interested in acquiring IAI Crime Scene Certification please contact Jeff Itami at [newhome@sisna.com](mailto:newhome@sisna.com), or Derek Mears at [derek.mears@slcgov.com](mailto:derek.mears@slcgov.com).

## **FBI Virtual Academy**

In January, 2002, the FBI National Academy at Quantico, VA, began a new method of allowing police personnel to register for courses offered by the FBI. The new system is called the Virtual Academy. If your department or crime lab has not registered yet, you can simply go to their site and fill out the registration form. The address is: <https://fbiva.fbiacademy.edu/>. When the homepage comes on screen simply click on "register" on the menu bar at the top and follow the directions. Remember, all of their courses at Quantico are free. A list of available classes and dates are available on the FBI website at <http://www.fbi.gov/hq/lab/html/train1schedule.htm>

# Upcoming Training

## International Association for Identification's annual International Educational Conference

Dates: August 16-22, 2009

Location: Tampa Convention Center, Tampa, Florida

Cost: \$295.00 IAI members, \$395.00 non-members, plus applicable workshop fees.

Additional Information: [www.theiai.org](http://www.theiai.org)

## Complex Latent Print Examinations

Instructors: Charles Richardson and Debbie Benningfield

Dates: September 21 - 25, 2009

Location: Utah Cultural Celebration Center

Cost: \$600.00 - Payable to Ron Smith and Associates

Additional Information: [www.ronsmithandassociates.com](http://www.ronsmithandassociates.com)

## Bloodstain Pattern Analysis

Instructors: Harold Nichols and Paulette Sutton (University of Tennessee "Body Farm")

Dates: September 28 - October 2, 2009

Location: West Jordan Police Department

Cost: \$200.00

Additional Information: Register online at: <http://leic.tennessee.edu/training/index.shtml> or contact Jennifer Benson at (865) 946-3235 or [jennifer.benson@tennessee.edu](mailto:jennifer.benson@tennessee.edu)

## Southern California Association of Fingerprint Officers (SCAFO) Annual Training Conference

Instructors: Various

Dates: October 2 - 3, 2009

Location: Holiday Inn - Burbank Media Center, Burbank, CA

Cost: Varies

Additional Information: Please visit [www.scafo.org](http://www.scafo.org) for registration form and other information.

## 4th Annual Tri-Division Educational Conference

Instructors: Various

Dates: October 6 - 9, 2009

Location: Venue TBD - Las Vegas, Nevada

Cost: TBD

Additional Information: [www.utahiai.org](http://www.utahiai.org) (as we receive it)

## ANY NEWS IS GOOD NEWS

Anyone having any news or articles and would like to see them published, please send it to our Newsletter Editor, Derek Mears. He requests that it be in Word or PDF format. Thank you.