

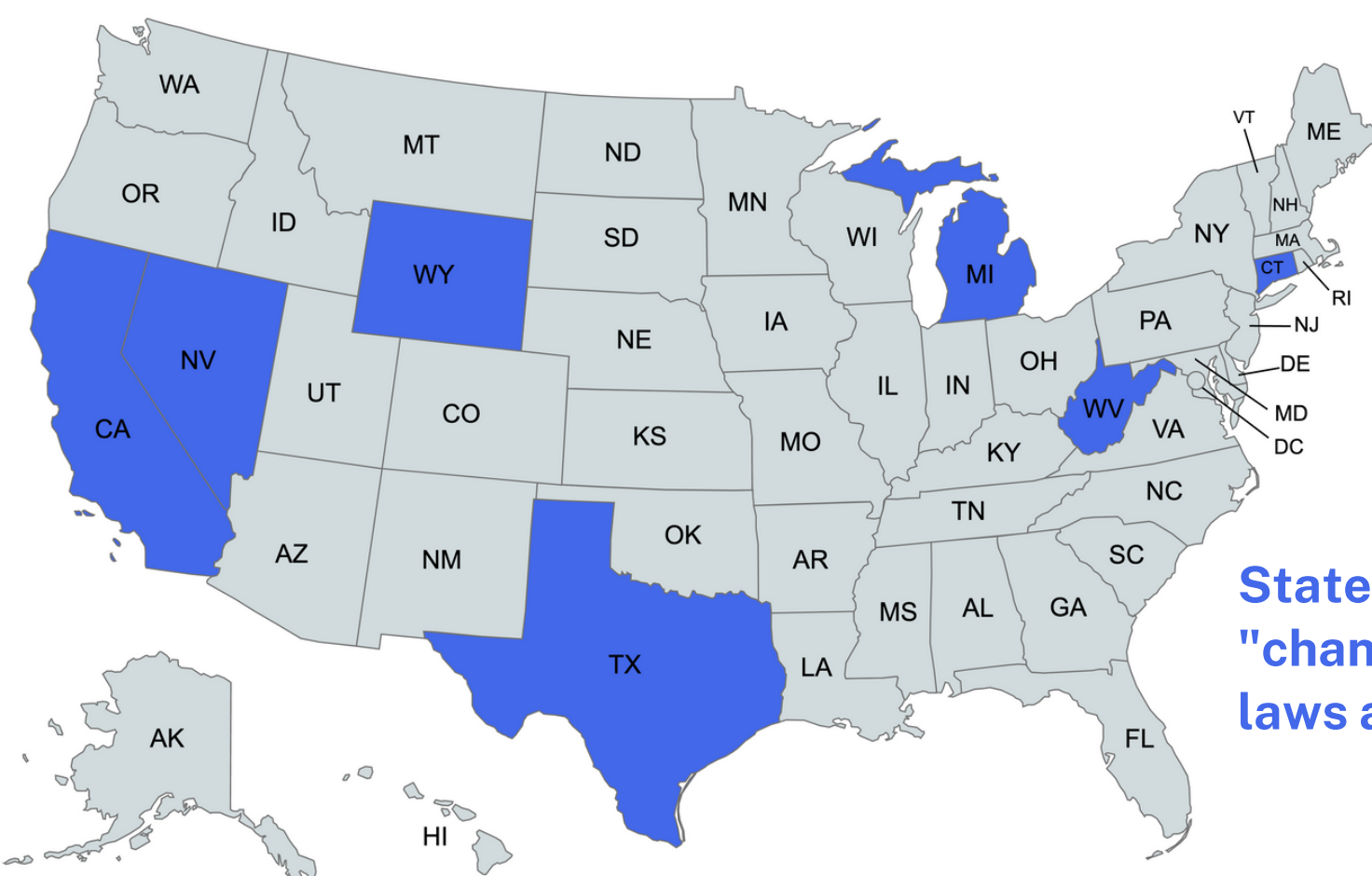
**MISAPPLIED FORENSIC SCIENCE CONTINUES TO STEAL THE LIVES OF INNOCENT PEOPLE, DENY JUSTICE TO VICTIMS, AND COST STATES MILLIONS**

## FLAWED FORENSICS

**The integrity of our criminal justice system depends on accurate and reliable information.** Forensic evidence is often heavily relied upon to deliver just outcomes in criminal cases, but bad science was a contributing factor in nearly a quarter of all exonerations nationwide.

**In Oregon, more than 50% of wrongful convictions involved false or misleading forensics.** This includes the use of unreliable or insufficiently validated methods (e.g., microscopic hair comparisons or bite mark comparisons), misleading expert testimony, human error, and explicit misconduct.

Because shifts in scientific understanding often take decades to emerge, people whose conviction rely on bad science face enormous procedural barriers that keep them out of the courthouse. **Oregon does not recognize discredited scientific evidence as "new" evidence that can overcome those procedural barriers. The wrongfully convicted need a reliable mechanism to get back into court** if the forensic evidence used to convict them is undermined by scientific advancements, guidelines, or repudiations of expert testimony. **Seven states have already implemented this important reform.**



States where "changes in science" laws are in effect

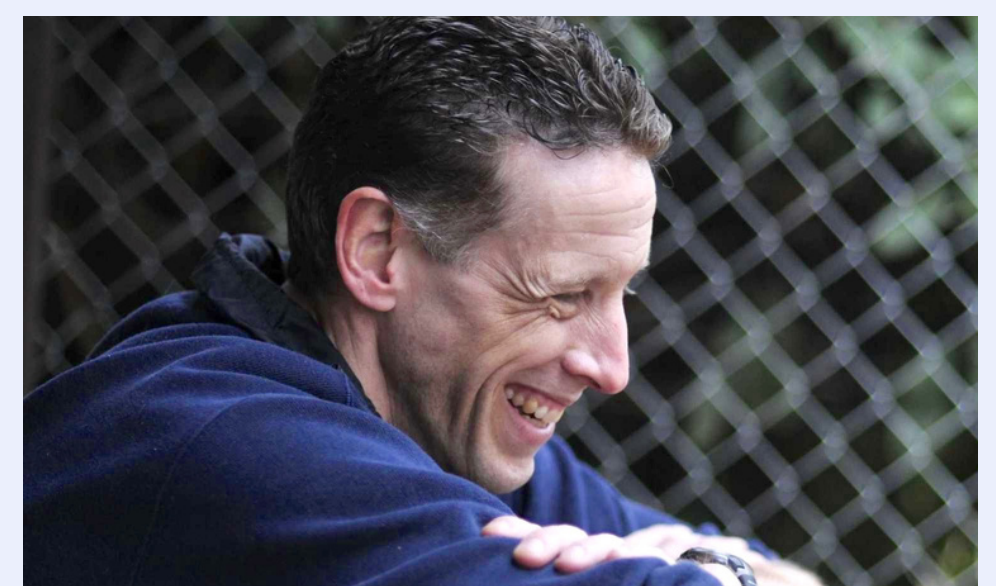


Photo: Associated Press

### Philip Scott Cannon

*Polk County, Oregon Exoneree*  
*Sentence: Life Without Parole*  
*Date Exonerated: 2009*  
*Age at Time of Reported Crime: 32*

Philip Scott Cannon was wrongfully convicted of a 1998 murder. Prosecutors and ballistics experts testified that comparative bullet lead analysis proved the bullets in the victims came from Cannon's home.

The FBI stopped using CBLA in 2005 after a National Academy of Sciences report found significant issues with the field. Cannon was eventually granted a new trial because his attorney had failed to challenge the analysis. The charges were then dismissed. Evidence later surfaced that the Oregon State Police crime lab had declined to conduct CBLA in the case because it did not consider it scientifically reliable.

**Philip Scott Cannon spent 9 years in prison for a crime he did not commit.**



Christopher Boots, Photo: KGW-TV

## Christopher Boots & Eric Proctor

Lane County, Oregon Exonerees

Sentence: 20 to Life

Date Exonerated: 1995

Age at Time of Reported Crime: 16

Civil Settlement: **\$2 million**

Springfield teenagers Christopher Boots and Eric Proctor were wrongfully convicted of murdering a gas station clerk primarily on the basis of expert testimony regarding bloodstain pattern analysis (BPA) and gunshot residue found on the two boys.

Later, after the real perpetrator was identified, DNA testing proved the BPA testimony was wrong, and further testing showed there was never any gunpowder on either boy. A comprehensive 2009 National Academy of Sciences report concluded that "the uncertainties associated with bloodstain pattern analysis are enormous," and that purported bloodstain pattern experts' opinions are "more subjective than scientific."

**Christopher and Eric each spent 8 years in prison for a crime they did not commit.** They settled a civil lawsuit for \$2 million in 1998.

## HOW WOULD THIS BILL HELP

This bill will help individuals wrongfully convicted in Oregon by:

- allowing innocent people back into court after the existing two-year statute of limitations has expired for post-conviction claims, and
- allowing courts to decide whether the original conviction was based on flawed science that has since changed and should justify a new trial.

## TYPES OF INVALIDATED METHODS

Major flaws have been revealed in many forensic disciplines used to convict people around the country:

- **Hair comparisons:** In 2015 the FBI announced that its hair microscopy experts overstated the probability of a match between hair evidence and the defendant's hair in 95 percent of the cases it reviewed.
- **Arson:** A 1992 National Fire Protection Association (NFPA) report concluded that many of the physical signs previously used to indicate that a fire was intentionally set – such as "alligatoring" of wood, crazed glass, and sagged furniture springs – could actually occur in accidental fires.
- **Comparative Bullet Lead Analysis (CBLA):** In 2005 the FBI stopped using comparative bullet lead analysis. The technique was thought to be able to match a specific crime scene bullet with a specific bullet in the possession of the defendant, based on the assumption that each batch of lead used for bullet manufacturing has a unique makeup. That assumption was proved to be wrong and scientifically invalid.

*"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."*

- 2009 National Academy of Sciences report on forensic sciences and need for reform

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