

Forensic Science and Social Justice

Tharinia Dukes Robinson¹, Ashraf Esmail²
(1. Piedmont College, USA; 2. Dillard University, USA)

Abstract: Throughout history there have been many social injustices committed against those often viewed as lesser or “non-important” members of society. Often there may have been malice behind such injustices because these members of society were of a particular race or socioeconomic status. However, what also could have played a role in social injustices against certain sectors of society was simply due to the limitations of law enforcement when it came to evidence. Forensic science has come to play an important role over the past few decades when it comes to correcting social injustices. Admittedly, there have been instances where forensic science has been used erroneously but overall the technology has prevented social injustices to a multitude of individuals. Forensic science has not only become a tool utilized to help law enforcement “catch the bad guys” but forensic science also has been a big aide in correcting social injustices.

Key words: forensic science, law enforcement, social injustice

What is forensic science? There are many definitions as to what forensic science entails but the basic definition more commonly used is the application or use of science in law or legal proceedings (American Academy of Forensic Sciences, 2008; Sykes, Holland, & Shaler, 2006). What forensic science is not is a science that can miraculously deliver rapid responses as to the who, what, where, and why of a crime, which is perhaps the biggest misconception due to the popularity of media forensic science (Finneran, 2003; Ramsland, 2009; Williams, Rickard, & Fisher, 2005).

As demonstrated by the barrage of television shows and other media, forensic science has never been more popular. The field has not seen such an interest in forensics since the 1970s when television shows such as Quincy, MD thrust forensics into the spotlight. In the 1980s interest in forensics seemed to dwindle. However, in the 1990s with the breakthrough of DNA analysis, forensic science once again became one of the most popular fields of study and work. Today forensic shows such as the CSI and Law & Order franchises have sensationalized forensic science and its capabilities....some of those capabilities real, some capabilities displayed are half-truths, while other capabilities are non-existent or fiction. One thing that is true about forensic science is that because of forensic technology individuals who come in contact with the criminal justice system have a better chance at being exonerated than individuals in the past that came in contact with the criminal justice system. Forensic science and forensic technology has had a tremendous impact on evidence processing and law enforcement casework, which in many cases has been the difference between freedom and social injustices such as life imprisonment or death.

Tharinia Dukes-Robinson, Ph.D., Piedmont College; research areas/interests: forensic science/criminal justice. E-mail: trobinson@piedmont.edu.

Ashraf Esmail, Ph.D., Dillard University; research areas/interests: criminal justice, criminology, social problems. E-mail: ashesmail@aol.com.

For decades in law enforcement, there have been many social injustices committed against those often viewed as lesser or “non-important” members of society. Often there may have been malice behind such injustices because these members of society were of a particular race or socioeconomic status. However, what also could have played a role in social injustices against certain sectors of society was simply due to the limitations of law enforcement when it came to evidence. With the strengthening of the forensic science discipline and all its technological advances, EVERY individual who is exposed to the criminal justice system today has a much better opportunity of receiving equal social justice when it comes to the evidence against them than individuals of yesteryear.

In forensic science, the evidence assists in determining guilt or innocence and not simply relies on the word or guesswork of law enforcement officials. This minimizes such things as prejudice, false or malicious prosecution with fallible evidence, and other social injustices. However, let us not get too overzealous in thinking that abuse and social injustices that occur within the criminal justice system will be completely eradicated because of this new forensic technology. On the contrary, according to Murphy (2007), even though we have this wonderful technology at our disposal to assist with minimizing social injustices by giving us more reliability and certainty within the criminal justice system there is still the potential for abuse. The Innocence Project (2014) also agree that individuals are still falling victim to injustices within the criminal justice system due to such issues as being misidentified by witnesses, overzealous police and prosecutors, incompetent defense counsel, and even forensic science that is invalid or improperly done. Again, forensic science is a great tool in preventing and rectifying social injustices but just like any other discipline or profession there are always a few individuals who may improperly use this technology by taking short cuts or manipulate the technology to support their own “agenda”. For example, I'm sure you have seen cases in the news where one or two forensic analysts have manipulated their results to either pad their case success numbers or interpret the data the way the prosecutor wants because the defendant “deserves to be put away”.

Sure, there are instances where forensic science has been used erroneously but overall the technology has prevented social injustices to a multitude of individuals. Also, due in part to forensic science numerous past social injustices that have been committed to certain sectors of society have been revealed and situations are being rectified as best as can be. Even though the compensation is usually monetary, such social injustices in the criminal justice field cannot restore the years or life that was lost to individuals. The key to prevent such situations is to make use of all tools available in determining guilt or innocence and forensic science has been increasingly playing a key role in doing such. Modern forensic science has replaced traditional investigative methods with sound scientifically proven methodology when it comes to casework and evidence processing. Essentially, forensic science has taken a lot of the assumption and guesswork out of such processes.

Because forensic science is more scientific and does not rely on “guesswork”, there are a number of potential social injustices in the criminal justice system that has been averted. More importantly social injustices that were committed against past individuals, those wrongfully convicted, are now being corrected as a result of modern forensic science. This is especially true when it comes to DNA cases. Not only is DNA evidence convicting individuals who actually commit crimes but DNA evidence and modern processing techniques has seen the release of falsely convicted individuals who were convicted of offenses during a time when DNA processing technology wasn't available. We are seeing more and more of these exoneration stories often on today's evening news. According to information on The Innocence Project website, there have been 312 post-conviction DNA exonerations in the U. S. (The Innocence Project, 2014). Here are some case examples of social injustices from

The Project Innocence website where forensic science (DNA) has played a key role:

- **Ryan Matthews** served **five years** on Louisiana's death row for a murder he didn't commit before he was exonerated by DNA testing in 2004. His co-defendant, Travis Hayes, was sentenced to **life in prison** and served **eight years** before he was cleared in 2007.
- **Curtis McCarty** served **21 years** in an Oklahoma prison — including nearly **18 years on death row** — for a murder he didn't commit before DNA tests secured by the Innocence Project led to his exoneration in 2007. He was convicted twice and sentenced to death three times based on forensic misconduct.
- **Kennedy Brewer**, an Innocence Project client, served **15 years** behind bars — including seven years on death row — for a murder and sexual assault he didn't commit before DNA testing from 2001 finally led to his exoneration in 2008.
- **Michael Blair** served **13 years** on death row for a murder he didn't commit before DNA testing obtained by his lawyers at the Innocence Project proved his innocence and led to his exoneration in 2008.
- **Kirk Bloodworth** served **eight years** in a Maryland prison — including **two years on death row** — for a murder and rape of a nine year old girl that he didn't commit, before he was exonerated in 1993.
- **Earl Washington**, a Virginia man with **limited mental capacity**, was sentenced to death after he allegedly confessed to committing a 1982 murder he didn't commit. He served **a decade on death row**, once coming within nine days of execution before receiving a stay. He would **serve a total of 17 years** behind bars before DNA testing obtained by the Innocence Project cleared him in 2000.

With all these cases of social injustice, how do you get back what these individuals have lost? Time? Money? Family? What about those individuals who were wrongfully convicted of a crime involving a child? We know what prisoners think of convicts who are there because of a child related conviction. What about those individuals who possessed limited mental capacities and were housed in general population? No amount of monetary compensation can get back all of these things lost. This is why in forensic science the majority of us strive to make sure that our work is completed following rigid and scientifically proven protocol as well as done with high ethics, integrity, and honesty. Just as we don't want a guilty person to get away with a crime, we don't want an innocent person to enter a system where he doesn't belong.

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