The Arizona Forensic Science Academy: A Model Training Program for Prosecutors and Criminal Defense Lawyers

Submitted/Prepared by

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As more and more criminal cases involve forensic science evidentiary issues, the need for lawyers to possess a basic understanding of forensic science testing and techniques across a variety of disciplines has never been greater. Indeed, one of the recommendations in the 2009 National Academy of Science report, *Strengthening Forensic Science in the United States: A Path Forward*, was the education of prosecutors, defense attorneys and judges in all areas of forensic science. It is not uncommon for lawyers to have little to no science background. Available training can be expensive, and either not terribly comprehensive or too specific to be useful for general practice. In December 2012, JMI presented a webinar featuring a model program for training prosecutors and defense lawyers about various forensic science disciplines. The Arizona Forensic Science Academy differs from traditional CLE in several ways:

- The course is comprehensive, covering a wide range of topics delivered in eleven, 3-hour sessions meeting every other week.

- Classes combine lectures by science and technology subject matter experts, peer group discussion and field trips to witness forensic science professionals at work.

- Prosecutors and defense lawyers are trained together with a goal of equipping both sides with comparable scientific literacy.

The Academy was first developed in 2011 for Arizona practitioners by members of the Maricopa County criminal justice and forensic science communities at the suggestion of the Arizona Attorney General’s Office’s Forensic Science Advisory Committee. To date, the Academy has held two Basics Classes and two Advanced Classes, and begins another Basics Class in Spring 2013. The training has been well-received by practitioners who have graduated from the classes, and has fostered an increased comfort between forensic scientists and lawyers. While it was developed for Arizona lawyers, the model is replicable in other jurisdictions. This article recounts features of the program as presented on the webinar, with hopes that it encourages others to undertake similar training. The full webinar is available on JMI’s [website](#).
Panelists for the webinar included two of its creators, Marna McLendon and Hon. Ron Reinstein. McLendon, a lawyer who also holds a Masters of Forensic Science, recently retired from the Arizona Attorney General’s Office and, among other things, served as the elected State’s Attorney in Howard County, Maryland. Reinstein is a retired Maricopa County Superior Court judge who currently chairs the Arizona Forensic Science Advisory Committee and is a judicial consultant for the Arizona Supreme Court. Two graduates of the training, Maricopa County Deputy Legal Advocate Timothy Agan and Maricopa County Deputy County Attorney Alane Roby, rounded out the webinar panel. Agan and Roby now serve on the Academy’s Advisory Board.

Initially, the Education Committee of the Attorney General’s Arizona Forensic Science Advisory Committee pursued grant funding for its idea of providing joint training for prosecutors and criminal defense lawyers. When those efforts failed, McLendon and Jody Wolf, Assistant Crime Lab Administrator of the Phoenix Police Department, took stock and asked: what can we do with local resources? The initial model for the program was citizen police academies, which acquaint individuals who are not sworn police officers with the activities of their local police department. In this case, lawyers are introduced to the scientific method and different disciplines by forensic science experts from the Phoenix area.

During the webinar, the panelists provided suggestions for developing a forensic science training program based on their experiences.

**Form an Advisory Board:** The Advisory Board will develop and refine the curriculum and work out nitty gritty logistics, such as when and where to hold the classes and how to handle registration and payment for the classes. Arizona’s Advisory Board included representatives from the Forensic Science Advisory Committee’s Education Committee, the Department of Public Safety, and the Phoenix Crime Lab, plus the director of the Arizona Prosecuting Attorneys Advisory Council and the Defense Bar Training Coordinator. The Maricopa County Medical Examiner served on the Board and provided its training facility as the class venue.
**Line up faculty:** Having criminalists and other experts from the local community teach individual topics allowed Arizona lawyers to hear from the very people who conduct forensic evidence testing and testify in court in their area. Plus, seeing different faces kept classes engaging for participants and offered opportunities to network.

**Consider a text book:** Text books are expensive, often over $100 apiece, but publishers will provide review copies at no cost. The Arizona Advisory Board reviewed 5 or 6 textbooks and decided on Richard Safferstein’s *Criminalistics: An Introduction to Forensic Science* (10th Edition), largely because all criminalists who would be teaching utilize that text. Both Agan and Roby said that they continue to refer to the book in their daily practices.

**Tuition:** Keeping tuition affordable is essential, but even with local faculty donating their time, the Academy has costs. Attorneys are charged $300, which covers the text book and defrays costs of bringing practitioners from outside areas. So far public defender offices and the Arizona Prosecutors Association have been able to cover tuition costs for attendees, which help make it accessible to attorneys. Even without that support, the Academy provides more than 30 hours of CLE, which is far more than any lawyer needs in one year, making the class a bargain.

**Decide who will handle money:** The Arizona Attorney General’s Office served as fiscal agent for the Academy, but this will vary by jurisdiction.

**Create a timeframe:** Plan accordingly to 1) notify participating attorneys of class dates so they can clear their court calendars, 2) allow ample time to collect registration fees and order text books, and 3) permit time for texts to arrive prior to class. Text books can take more than a month to ship. In all, the Arizona Academy required a 6-month lead time prior to the first class.

**Consider schedule:** In Maricopa County, as in many jurisdictions, Fridays are quiet court days; therefore, classes were set to meet every other Friday.

**Get clearances for use of published documents:** In addition to the text book, participants in Arizona are given a binder with copies of relevant articles. Contact the publisher for use permission.

**Keep class size reasonable:** Discussion is better facilitated with smaller class sizes. In Arizona, classes with fewer than 40 participants made for better discussions.

**Register attorneys:** Registration facilitates communication and sets out expectations for participation. For its Basics Class, the Arizona planning team strove to include attorneys with between 3-7 years’ experience, and balanced the mix of defense lawyers and prosecutors. Lawyers were asked to commit to attending at least 80 percent of the classes.

**Seek Evaluations:** Participant feedback is valuable for fine-tuning future classes.
Training Content

When the decision was made to train prosecutors and defense attorneys together, the focus was placed on understanding the science behind the different disciplines, not on legal advocacy training. The classroom approach is non-adversarial and respectful. However, when participants in the initial Basics Class were offered the chance to present a mock case to practice what they had learned, reception was lukewarm. Many attorneys did not feel comfortable performing in front of their peers. Agan and Roby feel this was a missed opportunity they hope to address with a different approach in the future. Participants did enjoy an interactive session in which a judge held moot hearings on a motion to exclude. Indeed, greater involvement of judges is another goal for future training.

The curriculum for the Basics Class is broad, with classes covering:

- The Scientific Method
- *Daubert* in Arizona
- Forensic Biology and DNA
- Toxicology
- Controlled Substances
- Firearms Analysis
- Introduction to the National Clearinghouse for Science Technology and the Law
- Questioned Documents
- Arson/Trace Analysis
- Friction Ridge Analysis
- Death Investigation
- Digital Forensics (Computers/Cell Phones)

Field trips include visits to the Phoenix Police Crime Laboratory, Maricopa County Medical Examiner, the Arizona Department of Public Safety Crime Laboratory, and the Arizona Computer Forensic Laboratory. Demonstrations of how trace analysis is conducted, ballistics analysis, crime scene
preservation, officer administration of field tests, and observation of an autopsy contribute to far better understanding of actual forensic science techniques, protocols and limitations.

The Advanced Class was developed as a result of evaluation comments from attendees of the Basics Class, and focuses on just three topics: ballistics, DNA testimony and fingerprints. It features presentations from national experts.

Plans for future expansion include a possible class for attorneys practicing primarily in limited jurisdiction courts, where cases involving DUI or blunt force trauma are common. Plans are also underway to develop judicial training in forensic science. Another goal is development of a web-based training for lawyers who cannot easily travel to the Phoenix area.

In addition to offering the Forensic Science Academy courses, the Forensic Science Advisory Committee began a speakers series where national experts address forensic science topics, such as Ethics and Courtroom Presentation. More than 200 individuals, including judges, attorneys and forensic scientists, attended three speakers events held in 2012.

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RESOURCES

For questions about the Arizona Forensic Science Academy, contact Ron Reinstein, RReinstein@courts.az.gov; Marna McLendon, Marnamc@cox.net; or Jody Wolf, Assistant Crime Lab Administrator of the Phoenix Crime Lab and Chair of the Academy’s Board, jody.wolf@phoenix.gov.

Helpful Websites:


- DNA expert and elected District Attorney for Denver, Colorado, Mitch Morrissey maintains a terrific website with resources and information about DNA: [http://www.denverda.org/dna/dna_index.htm](http://www.denverda.org/dna/dna_index.htm)