

OPENING REMARKS

BY

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TO

**THE FACULTY OF MEDICAL SCIENCE ANNUAL RESEARCH CONFERENCE
“THE ROLE OF FORENSIC MEDICINE IN ARBITRATING JUSTICE”
WEDNESDAY, NOVEMBER 12, 2008**

INTRODUCTION

1. I am happy to have been invited to bring greetings to you on this topic “The Role of Forensic Medicine in the Arbitration of Justice”, which I view as integral to the justice system, both criminal and civil.
2. This conference is well timed, given the Government’s focus on justice reform. Forensic medicine and the broader branch of forensic science are not only valuable tools in criminal prosecutions but are central to the machinery of justice, generally.
3. In countless cases the use of forensic science has served to identify the suspect, convict the guilty, and bring some solace to the victims and their families.
4. In other cases it has exonerated the innocent, at times, regrettably, after years of unjust imprisonment. Outside of the

criminal justice arena, forensic science has been useful in settling issues of paternity in the area of family law.

5. The capacity of forensic examinations to illuminate the empirical truth provides us with the opportunity to use it for enhancing the efficiency, effectiveness, equity, and credibility of justice throughout our country.
6. However, forensic science and, in particular, forensic medicine, has to be advanced to a greater level, in harmony with the improvements within the justice system.
7. Not only is there need for improved methodology, new techniques and increased emphasis on research and development but this advance must, of necessity, also include focus on education and training, the development of proper facilities, and the forming of partnerships between the groups which make up the wider forensic community.
8. These groups include forensic scientists, law enforcement, personnel, medical and criminal justice agencies and the public at large. Partnerships must also be formed with the wider science and academic communities.

9. The limited resources, and facilities and properly trained forensic scientists and pathologists not only inhibit the effectiveness of the new and well established forensic technologies but also affects the quality of justice which is delivered.

10. To achieve this improvement, the following areas will require more focused national attention:

Firstly Education & Training

- (i) Criminal justice professionals need to be educated about the value and limitations of forensic evidence. The police, prosecutors, defense counsel, judges and juries all require some degree of training in order to do their jobs properly.

Enhanced training for investigators, medical examiners, coroners, crime scene investigators, and other related professionals in evidence identification, collection, preservation, and court presentation is essential for the effective use of new forensic technologies.

Forensic experts, and in particular, forensic pathologists, must be sensitized to the new court procedures and the importance of timely analysis and submission of reports. The delays in obtaining these reports contribute, to some degree, to the backlog of cases in our courts.

The adage, “justice delayed is justice denied” is quite apt in circumstances where the outcome of the trial depends on expert forensic reports which is not forthcoming.

There is also a need for forensic science to become much more transparent so that the scrutiny which should and indeed must take place can to a greater extent, take place prior to any court proceedings.

Public Education Program

- (ii) Education must also include public awareness of the meaning and importance of forensic medicine. Matters such as DNA sampling, for example, must be explained in simple language so that the Public understands what it is. Post Mortem and other expert reports must be simplified and made more reader friendly.

The establishment of a DNA data base

- (iii) Cabinet approved the introduction of legislation to deal with the collection, storage and disposal of DNA evidence. This legislation will establish a central data base where DNA profiles of certain specified categories of offenders will be held.

It is recognized that, as DNA analysis becomes a mainstay of criminal justice operations, legal issues and privacy concerns will emerge.

Questions about which offenders to sample (at what stage in the criminal justice process), how long samples are retained and under what conditions, the extent of post-conviction access to and preservation of DNA evidence of convicted offenders, have all been raised and continue to be discussed.

In the final analysis, the questions must be resolved in the interest of justice a principle with which we all can identify.

Laboratory Standards and capacity

- (iv) The increased reliance on forensic evidence in criminal justice has placed great demands on the forensic laboratory. Lab capacity (both public and private) will need to grow to meet that demand. Labs must operate according to national and international quality assurance standards and accreditation models. The State has to take the lead.

The Government has to make the timely analysis of forensic evidence a priority and need.

Partnerships

- (v) There is need for partnership between the government and institutions of higher learning (both public and private) to develop the education and training programs needed to meet the demand for qualified forensic scientists and technologists.

Also dear to my heart is the Justice Training Institute, we have one and it is my will and purpose to make this Institute up to world class standards. It is an important arm of the Justice system. The Justice Training Institute

has the capacity and it is the policy and my aim to develop the Institute as a training institution for all professionals involved in the justice system. It is my vision that persons with the requisite expertise, such as yourselves, will offer your services to the Institute in the area of training.

Funding of research aimed at improving the use of forensic evidence in criminal justice is also critical. Both Private and public sector partnership can play an important role in this area.

CONCLUSION

11. Forensic medicine is an integral part of the justice system. Forensic experts and medical professionals, such as pathologists, doctors, nurses, and technicians who analyze evidence, apply their medical training in the pursuit of justice.

12. There is a need to place greater emphasis on training and education, not only of the professionals directly involved in the justice system but also of the general public.

13. Again, I must emphasize the importance of conferences of this nature which facilitates much needed discourse on the important linkages between forensic medicine and the efficient delivery of justice.

I wish for you a successful Conference and God's blessings.

THANK YOU