



RESOLUTION

WHEREAS the House of Delegates of the American Bar Association approved Standards on Criminal Justice relating to DNA Evidence at its annual meeting in August 2006; and

WHEREAS the various drafts of the proposed ABA standards have been reviewed and discussed by the Science and Technology Committee of the National District Attorneys Association at every meeting of that body occurring during the adoption process; and

WHEREAS the National District Attorneys Association, its individual members and affiliated associations have offered recommendations, concerns and objections to those drafts in the interest of improving those standards, the use of DNA technology and the criminal justice system; and

WHEREAS much that is contained within the adopted ABA standards are consistent with the National District Attorneys Association's policy on DNA evidence which was first adopted by this Association in 2001 and revised in 2003; and

WHEREAS other standards and policies have been adopted by the Congress of the United States, the various state legislatures, the people of various states through the initiative and referendum process, the scientific community and our partners in law enforcement to the end that DNA technology be utilized in a manner optimizing its effectiveness in the ascertainment of the truth through the investigation and prosecution of crime while respecting the individual rights of defendants, victims and innocent third parties alike; and

WHEREAS portions of the adopted ABA standards are inconsistent with those pre-existing statutes, regulations, standards and policies; and

WHEREAS portions of the adopted ABA standards are ambiguous or represent a significant departure from long-standing and firmly established principles and policies of the law; and

WHEREAS proposals contained within these ABA standards represent poor public policy.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the National District Attorneys Association urges the American Bar Association to clarify and reconsider portions of the already adopted ABA standards regarding DNA evidence, which will be articulated by separate memorandum to be submitted by NDAA's Science and Technology Committee in the near future; and

BE IT FURTHER RESOLVED that the National District Attorneys Association offers its assistance in that effort so that justice is best served for victim and defendant alike; and

BE IT FURTHER RESOLVED that the National District Attorneys Association urges courts and legislatures to avoid the wholesale adoption of principles contained within American Bar Association standards without careful and critical consideration of its content. It is the view of the National District Attorneys Association that state courts and legislatures are best suited to determine policy and procedure within each states criminal justice framework.

Adopted by the Board of Directors this 18th day of November, 2006.
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