

American Society of Crime Laboratory Directors



EXECUTIVE EDUCATION DIGEST

*a leadership development resource for
forensic science laboratory directors and managers*

2010



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BOARD OF DIRECTORS

ASCLD President**Beth Greene**

Chief of Forensic Services
Pensacola Regional Operations Center
Investigations and Forensics
Florida Department of Law Enforcement
1301 N Palafox Street
Pensacola FL 32501

President Elect**Gregory Matheson**

Criminalistics Laboratory Director
Los Angeles Police Department
1800 Paseo Rancho Castilla
Los Angeles CA 90032

Secretary**Sid Popejoy**

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Laboratory Director
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5004 West Admiral Doyle Drive
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Director of Technical Services
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700 N Fifth Street
Richmond, VA 23219

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Executive Director
Arkansas State Crime Laboratory
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Missoula MT 59808

Soraya McClung

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Crime Laboratory Bureau
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Illinois State Police
1810 S. Main Street
Morton, IL 61550

Laura Sudkamp

Forensic Laboratory Manager
KY State Police Central Laboratory Branch
100 Sower Blvd Suite 102
Frankfort KY 40601

Ex-Officio: Past President**Dean Gialamas**

Crime Laboratory Director
L.A. County Sheriff's Department
Scientific Services Bureau
1800 Paseo Rancho Castilla
Los Angeles, CA 90032

Ex-Officio: ASCLD/LAB Chair**Mr. Michael Grubb**

Crime Laboratory Manager
San Diego Police Department Crime
Laboratory
1401 Broadway, MS 725
San Diego, CA 92101

Ex-Officio: FBI Representative**Melissa Smrz**

Deputy Assistant Director
FBI Laboratory
2501 Investigation Boulevard
Quantico VA 22135

Ex-Officio: NFSTC Representative**Mr. Joseph Polski**

Chief Operations Officer
International Association for Identification
2535 Pilot Knob Road, Suite 117
Mendota Heights MN 55120

ASCLD Executive Director**John M. Collins**

Michigan State Police
Director of the Forensic Science Division
7320 N. Canal Road
Lansing, MI 48913

Administrative Assistant**Cindy Harrison**

ASCLD
139 Technology Drive
Garner, NC 27529



A Message from our President

August 10, 2010

Dear ASCLD Members:

On behalf of the ASCLD Board of Directors I am pleased to present what we hope will become an important annual tradition for our association. This *2010 Executive Education Digest* is the first annual publication of its kind, which will be sent each August as a service to our members. Because ASCLD's main purpose is to advance the development of leadership talent and knowledge among our members, I am confident that future issues will continue to improve upon this concept. I encourage you and your laboratory staff members to consider contributing articles and commentaries for publication.



ASCLD President Beth Greene

In addition to the *Executive Education Digest*, each January ASCLD will publish a *Media and Membership Guide* which will showcase our new board of directors, recap the most recent symposium, and highlight many of the public outreach successes we are having across the country. As I approach the end of my tenure as your president, I am certain that our association is positioned to expand its relevance in the forensic science profession while delivering more value to our paying members. This, ultimately, is our primary strategic objective.

The 2010 calendar year will go down in our history as possibly the most invigorating and important for ASCLD, and our upcoming symposium will connect our members to the progress we've made and the opportunities that continue to emerge for our profession. This is a symposium that you will not want to miss.

I look forward to seeing you all in Baltimore. Please travel safely.

Beth Greene

2010 ASCLD SYMPOSIUM

**September 14 through 16, 2010
Baltimore, Maryland**



Registration is still open for the 38th Annual Symposium of the American Society of Crime Laboratory Directors being held at the Baltimore Waterfront Marriott. Please visit www.asclcd.org as soon as possible to register.

We have a packed schedule of events including top-notch workshops, entertaining speakers, and a program of educational material that will motivate and enable our attendees to navigate the challenging landscape of forensic science in the 21st Century.

Schedule of Events

Sun	September 12	Workshops and Board Meetings
Mon	September 13	Workshops and Board Meetings Welcome Reception at 5PM
Tue	September 14	Symposium Opening and Keynote
Wed	September 15	Plenary and Breakout Sessions
Thu	September 16	Presentations and Award Luncheon

Location and Lodging

Overlooking Baltimore's Inner Harbor, The Baltimore Marriott Waterfront offers an encompassing view of one of the city's greatest assets. There is a concierge level and lounge, one restaurant, lobby, lounge, bar and coffee bar. Amenities include an indoor pool, sauna and a fully-equipped exercise room. There is on-site parking for over 600 cars, water transportation to the Inner Harbor, a business center and a gift shop. Reservations may be made at the following address:

<https://resweb.passkey.com/go/asclcd>

The Baltimore Waterfront Marriott is located at 700 Aliceanna Street, Baltimore, MD 21202.



An Event You Don't Want to Miss

2010 is shaping up to be one of the most historic years in the history of our association. ASCLD appointed its first ever Executive Director in February and launched an unprecedented letter writing

campaign to influence potentially powerful legislation that we hope will support the operations of crime laboratories in the United States.

As ASCLD enters the second decade of this young century, the challenges facing our members and their laboratories are growing in complexity. But ASCLD has now positioned itself to provide unparalleled leadership and clarity to those seeking to navigate these turbulent waters with more confidence, more ability, and more enthusiasm.

A welcome reception will be held on Monday from 5 – 7:30PM for symposium registrants.

We look forward to seeing you in Baltimore! Please contact us at office@asclld.org or 919-773-2044 if you have any questions.

FULL DAY WORKSHOPS – SUNDAY



Corrective and Preventive Action – Keys to Effective Root Cause Analysis

Date: September 12, 2010

Instructor: Denise Robitaille

Fee: \$189

Denise Robitaille brings years of experience in business and industry to her work in the quality profession. As the principal of Robitaille Associates she has helped numerous companies in diverse fields including electronic assembly, biotechnology, machine shops, navigational instrumentation, packaging manufacturers and distributors to achieve ISO 9001 registration and to improve their quality management systems. Denise is a RAB certified lead assessor, an ASQ Certified Quality Auditor and a senior member of the American Society for Quality. She is also a member of US TAG to ISO/TC176, the committee responsible for updating the ISO 9001 family of standards. She is an internationally acclaimed speaker on a variety of topics. Denise is the author of numerous articles, a columnist for Inside Standards and the author of several books including: The Corrective Action Handbook, The Preventive Action Handbook and The Management Review Handbook.

FULL DAY WORKSHOPS – MONDAY



High Impact Leadership and HR Strategies for Crime Laboratory Managers

Date: September 13, 2010

Instructor: John M. Collins

Fee: \$189

John Collins is the Director of the Michigan State Police Forensic Science Division and serves as the Executive Director of the American Society of Crime Laboratory Directors. John has a master's degree in organizational management and is formally certified as a Senior Professional in Human

Resource Management (SPHR) through the Human Resource Certification Institute (HRCI). John is one of the very few forensic science professionals to have worked as a forensic scientist in federal, state, and local laboratories. John testified before the National Academy of Sciences committee on forensic science in 2007 and his work was cited in the committee's famous 2009 report. John now speaks frequently to groups about contemporary issues and policies in forensic science.



Uncertainty of Measurement Made Easier

Date: Monday September 12, 2010

Instructor: Mark Ruefenacht

Fee: \$189

Mark Ruefenacht is the Quality Assurance Manager at Heusser Neweigh, a family owned metrology laboratory specializing in forensic measurements, now in its 104th year. With twenty plus years of metrology and consulting experience, he implemented and administrates the ISO 17025 accredited quality management system for the company. He specializes in forensic metrology and related quality assurance and measurement assurance. His metrology experience includes calibration, testing, measurement assurance and uncertainty analysis. He received much of his metrology training at the U.S. National Institute of Standards & Technology (NIST) and actively participates in the NIST Measurement Assurance Program. He is currently coordinating, analyzing, and reporting regional and national proficiency testing for NIST and is a NIST NVLAP ISO 17025 quality and technical assessor.

Mr. Ruefenacht is a contributor to numerous national and international technical standards. Additionally, he is an instructor for NIST metrology and uncertainty seminars and courses. He also teaches principles of uncertainty and measurement assurance techniques at various international conferences.

HALF DAY WORKSHOPS - SUNDAY



Communication Skills and Strategies for Professionals – The Internal Challenge

Date: AM September 12, 2010

Instructor: Kelli Vrla

Fee: \$95

Kelli Vrla, CSP, (Ver-lah: **noun**: Road Warrior for Humor & Productivity in the Workplace; funny, entertaining, exciting, motivating, Greek) Texas-based corporate consultant, has enlightened and "entertrained" thousands in the U.S., Europe, and Central America with one of her dynamic programs *to help you deal more effectively with people, priorities and productivity*. She's successfully navigated through over 30 years of the corporate world, 16 years as a broadcast executive, and 14 of those years as CEO of her own consultant company. In addition to serving on the boards of the National Speakers Association-North Texas and the Dallas Classical Guitar Society, she has inspired clients ranging from : ABC, CBS, HBO, Lockheed Martin, NASA, The

FBI, The Federal Reserve, The US House & Senate, Texas A & M University, Wal-Mart, Burger King, IBM and Southwest Airlines.

As many of you have an “alphabet soup” of credential letters after your names, she, too, has a few: the **CSP** letters stand for Certified Speaking Professional, a designation earned by fewer than 7% of all the world’s speakers. Kelli captivates, inspires & delights! Catch her enthusiasm & see your results soar!



Developing your ASCLD/LAB International Conformance File

Date: Sunday (AM) September 12, 2010
Instructor: John Neuner and Patti Williams
Fee: \$95

John Neuner, who will be joined by ASCLD/LAB’s Proficiency Test Program Manager, **Patti Williams**, is the Program Manager for the ASCLD/LAB *International* accreditation program. In 2003 John retired from the North Carolina State Bureau of Investigation (NCSBI) Crime Laboratory, where he served during his career as a latent print analyst, Special Agent in Charge, Division Quality Manager, and finally as Deputy Assistant Director of Crime Laboratory Services. After leaving the NCSBI he became the ASCLD/LAB Quality Manager and in January 2004 accepted the position of Program Manager for the ASCLD/LAB-*International* accreditation program. Since mid-2003 he has coordinated ASCLD/LAB’s development and implementation of an ISO compliant accreditation program for crime laboratories. Mr. Neuner is a past vice-president and Board member of the International Association for Identification (IAI), past president of the North Carolina Division of the IAI, and a current member of the American Society of Crime Laboratory Directors.



Communication Skills and Strategies for Professionals – The External Frontier

Date: Sunday (PM Repeat) September 12, 2010
Instructor: Kelli Vrla
Fee: \$95

Kelli Vrla, CSP, (Ver-lah: **noun**: Road Warrior for Humor & Productivity in the Workplace; funny, entertaining, exciting, motivating, Greek) Texas-based corporate consultant, has enlightened and "entertrained" thousands in the U.S., Europe, and Central America with one of her dynamic programs *to help you deal more effectively with people, priorities and productivity*. She’s successfully navigated through over 30 years of the corporate world, 16 years as a broadcast executive, and 14 of those years as CEO of her own consultant company. In addition to serving on the boards of the National Speakers Association-North Texas and the Dallas Classical Guitar Society, she has inspired clients ranging from : ABC, CBS, HBO, Lockheed Martin, NASA, The FBI, The Federal Reserve, The US House & Senate, Texas A & M University, Wal-Mart, Burger King, IBM and Southwest Airlines.



Conducting Internal Laboratory Audits

Date: Sunday (PM) September 12, 2010
Instructor: Joseph Bono
Fee: \$95

Joseph P. Bono is an Adjunct Instructor in the Forensic and Investigative Sciences Program at Indiana University Purdue University Indianapolis (IUPUI). He is also the current President of American Academy of Forensic Sciences (AAFS). In 2006 he was awarded the AAFS Criminalistics Section Mary Cowan Distinguished Service Award. He is also a TRUSTEE of the Forensic Sciences Foundation. In 2007 he retired from federal service as the Laboratory Director of the United States Secret Service Laboratory in Washington, DC. His prior positions included the Quality Manager of the Drug Enforcement Administration (DEA), Office of Forensic Sciences. Mr. Bono has traveled extensively during his career, making presentations in the forensic analysis of drugs, laboratory accreditation and certification in the following countries: Venezuela, Colombia, Guyana, Ecuador, Austria, Oman, Pakistan, Taiwan, France, Turkey, Hong Kong, China, Germany, Sweden, and Italy.



An Overview of Ethics in the Workplace and Beyond

Date: Monday (AM) September 13, 2010
Instructor: Paul Voss
Fee: \$95



Ethical Considerations in Forensic Science

Date: Monday (PM) September 13, 2010
Instructor: Paul Voss and Jody Wolf
Fee: \$95

Paul J. Voss, Ph.D., is the President of Ethikos (www.ethikos.com) and an Associate Professor of Renaissance Literature at Georgia State University. His clients include the FBI Lab, DCFL, Home Depot, British Petroleum, PotashCorp, Global Payments, and many others. He publishes widely on many subjects and frequently appears on television and radio. His Forensic Science ethics webinars, as part of the Forensic Science Education component of RTI International (www.forensiced.org), have become a popular component of ethics educational programs in forensic laboratories. His presentations at ASCLD and AFQAM meetings are always a highlight. He is currently at work on his next book, "Loved or Feared: A Rejection of the Machiavellian Ethic."

Jody Wolf is currently the Assistant Crime Laboratory Administrator for the Phoenix Police Department Crime Laboratory in Phoenix, Arizona. The PPD Crime Lab serves the 5th largest City in the United States and employs over 150 scientists, crime scene specialists, technicians, and support staff. The PPD Crime Lab also processed over 40,000 cases this year and 69,000 items of evidence. Jody began her career with the Phoenix Police Department over nine years ago in the Controlled Substances Unit and later the Forensic Biology Unit. Prior to joining the Phoenix Police

Department, Jody has over 10 years of experience as an analytical chemist. Jody received her Bachelors of Science degrees in Biology and Chemistry from Regis University in Denver, Colorado and her Masters of Science degree in Chemistry from Arizona State University. She also received her Masters in Business Administration degree from the University of Phoenix.



Accreditation Issues for Digital Laboratories

Date: (PM) September 13, 2010
Instructor: John Barbara
Fee: \$95

John Barbara retired after twenty-six years as a Crime Laboratory Analyst/Supervisor for the Florida Department of Law Enforcement. During his last ten years with FDLE, he supervised the Computer Forensics Section. John became an ASCLD/LAB Legacy inspector in 1993 and an ASCLD/LAB International Assessor in 2004. He attained Lead Assessor status in 2009. John is also a Technical Assessor in Digital Forensics for the National Association of Testing Authorities (NATA) in Australia. He has participated in over forty laboratory inspections/assessments for both ASCLD/LAB and NATA, serving in the capacity as an Inspector, Site Leader, Team Captain, Technical Assessor, and/or Lead Assessor.

John assisted ASCLD/LAB with the training of their Digital & Multimedia Evidence Inspectors (May 2003, October 2004, and April 2006) and conducted ASCLD/LAB's first Legacy Digital Evidence inspection (August 2003). He also conducted ASCLD/LAB's first International Digital Evidence Assessment (September 2004). In December 2003, he was appointed by the ASCLD/LAB Board as Chairperson of the Digital Evidence Proficiency Review Committee and currently serves as a committee member.

WORKSHOP BLOCK SCHEDULE – SUNDAY & MONDAY

Sunday September 12, 2010	Communication Skills and Strategies for Professionals – The Internal Challenge 8:00 to 12:00	Corrective and Preventive Action – Keys to Effective Root Cause Analysis 8:00 to 5:00	Developing your ASCLD/LAB International Conformance File 8:00 to 12:00
	Communication Skills and Strategies for Professionals – The External Frontier 1:00 to 5:00		Conducting Internal Laboratory Audits 1:00 to 5:00

Monday September 13, 2010	Uncertainty of Measurement Made Easier 8:00 to 5:00	High Impact Leadership and HR Strategies for Crime Laboratory Managers 8:00 to 5:00	Overview of Ethics in the Workplace and Beyond 8:00 to 12:00	
			Ethical Considerations in Forensic Science 1:00 to 5:00	Accreditation Issues for Digital Laboratories 1:00 to 5:00
	Welcome Reception and Networking in the Vendor Area 5:00 to 7:30			

MAIN SYMPOSIUM PROGRAM

Tuesday September 14, 2010	7:30 – 8:30	Continental Breakfast in the Vendor Area
	8:30 – 10:00	<p>OPENING REMARKS President Beth Greene, President-Elect Greg Matheson</p> <p>KEYNOTE SPEAKER – John Collins <i>Keynote Address: Never Give Up on the Facts - A Profession Worth Defending</i></p>
	10:00 – 10:30	Networking and Refreshment Break in the Vendor Area
	10:30 – 12:00	<p>Forensic Science on Capitol Hill IWG Status – Melson CFSO Activities – Marone Influencing Legislation – Lavach</p>
	12:00 – 1:30	Lunch in Vendor Area Vendor Poster Session
	1:30 – 3:00	<p>Managing A Laboratory – Best Practices Crisis Management – Fisher Backlog Reduction w/NIBIN – Hudson Forensic Firestation – Wickenheiser</p>
	3:00 – 3:30	Networking and Refreshment Break in the Vendor Area

	3:30 – 5:00	Managing A Laboratory – Best Practices Management of a Rape Kit Backlog - Panel California's Familial Testing Policies and Procedures – Spriggs	
Wednesday September 15, 2010	7:30 – 8:30	Continental Breakfast in the Vendor Area & Meet ASCLD/LAB Board Candidates	
	8:30 – 10:00	Admissibility of Evidence and Educating the Judiciary Chief Magistrate Judge Paul W. Grimm	
	10:00 – 10:30	Networking and Refreshment Break in the Vendor Area	
	10:30 – 12:00	Whose Job is it Anyway – Sparks Selecting a LIMS System – Engler 2009 Census of Publically Funded Forensic Crime Laboratories – Walsh	Digital Forensics – Buratowski An International Direction – The Use of ISO/IEC 17020 for Crime Scene Accreditation – Neuner The Highs and Lows of ISO 17025 – Willis
	12:00 – 1:30	Networking and Boxed Lunch in the Vendor Area & Meet ASCLD Board and ASCLD/LAB Board Candidates & Poster Session	
	1:30 – 3:00	Work Authorization under ISO as an Alternative to Certification – Neuner History of QAS Education Requirements – Dahl Is My Lab a Calibration Lab – Farrell	RTI Forensic Research Forensic Biometrics – Department of Defense Lean Six Sigma Practices in Forensic Science – Kupferschmid
	3:00 – 3:30	Networking and Refreshment Break	
	3:30 – 5:00	ASCLD/LAB Delegate Assembly Meeting	
Thursday September 16, 2010	7:30 – 8:30	Continental Breakfast, Meet ASCLD Board Candidates	
	8:30 – 10:30	ASCLD Annual Business Meeting	
	10:30 – 10:50	Networking and Refreshment Break	

	10:50 – 12:00	The Testing Facility Paradigm and the Privatization of Forensic Science – DeForest, Matheson, Pizzola	Using Foresight to Improve your Forensic Laboratory - Houck
	12:00 – 2:00	ASCLD Luncheon and Awards Ceremony	
	2:00 – 3:30	A Live Interview With the Voices of History – Jarvis RFID Technology – Enhanced Evidence Tracking - Nagy	New Laboratory Facilities Through the Alternative Project Delivery and P3 Approach – Wright et al - Panel
	3:30 – 3:50	Networking and Refreshment Break	
	3:50 – 5:00	On-Line Training: A budget Friendly Training Option – NFSTC Fynan NFSTC NAMUS – Young	

2010 CANDIDATES FOR THE ASCLD BOARD

The ASCLD Nominating Committee is pleased to present the following list of candidates for positions that will be filled at our upcoming symposium in September. They are listed here in alphabetical order. Following this list are answers the candidates have provided in response to questions they were asked to consider as candidates for the ASCLD Board.

Barry C. Funck

City of Valdosta Valdosta-Lowndes Regional Crime Laboratory

Jay W. Henry

Utah Bureau of Forensic Services

Charles B. Morden

Michigan State Police

Forensic Science Division (Northville Laboratory)

Michael F. Sparks

Alabama Department of Forensic Sciences

Randall Wampler

Oregon State Police Forensic Services Division

Kris Cano Whitman

Scottsdale Police Department Crime Laboratory

Patricia C. Wojtowicz

New York City Office of Chief Medical Examiner

Department of Forensic Biology

BARRY C. FUNCK

City of Valdosta Valdosta-Lowndes Regional Crime Laboratory
1708 North Ashley Street, Valdosta, Georgia 31602

Office: 229-333-1898

Mobile: 229-251-9774

E-mail:

bfunk@valdostacity.com

Education:

B.S. Chemistry and Zoology

University of Florida, Gainesville, Florida July, 1974



Employment Experience:

- Laboratory Director, City of Valdosta, March 2010 to date
- Laboratory System Director, Forensic Program Office, Florida Department of Law Enforcement, 2006 to 2009 (retired)
- Laboratory Director, Florida Department of Law Enforcement, Tallahassee Headquarters Laboratory 2001 to 2006
- Forensic Services System Quality Manager, Florida Department of Law Enforcement, Forensic Program Office, 1998 to 2001
- Crime Laboratory Analyst Supervisor, Florida Department of Law Enforcement, Orlando Regional Crime Laboratory 1988 to 1998
- Senior Crime Laboratory Analyst, Florida Department of Law Enforcement, Orlando Regional Crime Laboratory—Toxicology 1978 to 1988
- Crime Laboratory Analyst, Florida Department of Law Enforcement, Orlando Regional Crime Laboratory—Drug Chemistry 1975 to 1978

Prior ASCLD experience (previous Board member, committee member, meeting volunteer, etc.):

Participated in the forensic survey provider of unaccredited labs for the SE region advocacy group

If elected, I am interested in working on the following ASCLD issues/committees:

Advocacy, membership, etc.

As a member of the Board, you may be asked to represent ASCLD at speaking engagements or develop written statements on behalf of the Board. How would you describe your ability to communicate ideas verbally and in writing?

Excellent, having held executive levels positions in the forensic sciences in the past, I effectively communicate within the agency/lab system, as well as externally with clients, customers, constituents, and other stakeholders on many occasions.

How committed are you to serving on the ASCLD board? What skills will you bring to the table?

I have extensive leadership experience, both at the section, the laboratory and the laboratory system level. I have a keen appreciation for the needs of both local and state crime laboratories. I have extensive prior experience interacting and communicating with local (city and county) governments, state legislative and US congressional membership on a variety of needs within the criminal justice community to include: forensic, law enforcement and judicial.

What role should ASCLD play in developing a strong future for forensic science laboratories?

ASCLD should be the primary focal point for access, garnering the support of and utilization of forensic practitioners, academia, law enforcement, and the judiciary in the contemplation of the forensic sciences strategic plan.

JAY W. HENRY

Utah Bureau of Forensic Services

4501 South 2700 West

801-965-4093

E-mail:

Jhenry@utah.gov

Education:

BS Degree – Forensic Science/ CSUS Sacramento

Employment Experience:

Sacramento County DA's Laboratory – 1989-1990

Utah Bureau of Forensic Services – 1990 - present

Criminalist I and II

Supervising Criminalist

Deputy Director

Laboratory Director



Prior ASCLD experience (previous Board member, committee member, meeting volunteer, etc.):

- Participated in the ASCLD accreditation mentoring program.
- Volunteered but have not been selected for any committee work.

If elected, I am interested in working on the following ASCLD issues/committees:

- Advocacy Committee
- Membership Committee
- Education and Training Committee
- Symposium Planning Committee

As a member of the Board, you may be asked to represent ASCLD at speaking engagements or develop written statements on behalf of the Board. How would you describe your ability to communicate ideas verbally and in writing?

I think my communication skills are fairly well rounded. However, my writing skills are probably better than my verbal. I am comfortable speaking in public and as director, have to frequently write articles, letters and memorandums.

How committed are you to serving on the ASCLD board? What skills will you bring to the table?

I have a very good understanding of the commitments required to serve on the ASCLD board. Whether it is policy, funding or oversight, I realize that there are many people relying on us (ASCLD) to get it right. We cannot let the profession down and we must act.

Although I haven't served on the board before, I bring enthusiasm, knowledge of the profession and a committed effort to work hard. I have strong verbal and written communication skills and a network of people that can help solve problems. I also have an enduring commitment and passion for forensic science. (After 20+ years, I still really like this job!)

What role should ASCLD play in developing a strong future for forensic science laboratories?

We should maintain and expand our influence with our nation's lawmakers and bridge the gap of misunderstanding that sometimes exists between our law enforcement and legal partners. Our role is central and crucial to making this profession better. I know of no other organization with the knowledge, experience and talent to help direct the course for implementing the recommendations within the NAS report, secure more funding for this unique profession and unite our benefactors.

Twenty years from now, when our younger protégés reflect on this period in time, they will say that they were thankful that ASCLD was there to make a stand against uninformed detractors, provide wisdom to law makers, and guide our other criminal justice colleagues. There is too much exacerbated media noise in our society regarding forensic science and CSI. ASCLD needs to continue to be the focal point for answers, the beacon of common sense and the resource that policy makers rely upon to make sound decisions.

CHARLES B. MORDEN

Michigan State Police – Forensic Science Division

Northville Forensic Laboratory
42145 W. Seven Mile Rd.
Northville, MI 48167
248.380.1000

E-mail:

mordenc@michigan.gov

Education:

Master of Science – Criminalistics/Forensic Science
Bachelor of Science - Chemistry

Employment Experience:

Laboratory Director (5/08 to Present)
Michigan State Police
Northville Forensic Laboratory



Unit Supervisor (6/06 - 5/08)
Latent Print Unit
Michigan State Police
Northville Forensic Laboratory

State Police Specialist – Latent Prints
Michigan State Police
Northville Forensic Laboratory (2/04 – 6/06)
Bridgeport Forensic Laboratory (11/00 – 2/04)

State Police Trooper (3/98 - 11/00)
Michigan State Police

Prior ASCLD experience (previous Board member, committee member, meeting volunteer, etc.):
ASCLD/LAB – Trained ISO Assessor

If elected, I am interested in working on the following ASCLD issues/committees:
I am interested in working and participating on any ASCLD issues/committees.

As a member of the Board, you may be asked to represent ASCLD at speaking engagements or develop written statements on behalf of the Board. How would you describe your ability to communicate ideas verbally and in writing?

As an adjunct instructor at local universities and a presenter for in-service officer training, I'm comfortable speaking to groups and communicating information in an organized manner. My writing skills are high quality as I prepare correspondences on a regular basis, proposals for equipment, and have written research papers for publication.

How committed are you to serving on the ASCLD board? What skills will you bring to the table?

I am very committed to serving on the board since ASCLD plays an integral role in the forensic science community. ASCLD's positions and responses to issues in the forensic science community are respected and provide guidelines for maintaining the integrity of the profession. My ability to analyze problems and provide solutions through creative and logical thinking while applying professional knowledge would be a benefit to the board.

What role should ASCLD play in developing a strong future for forensic science laboratories?

It is essential for ASCLD to continue to be an advocate for crime laboratories as challenges develop concerning the integrity and practices of the forensic science community. To meet challenges, collaboration with the Scientific Working Groups and professional forensic science organizations is crucial to ensure best practices, standards, and guidelines. These alliances ensure quality and uniformity throughout the forensic science community while developing a strong future for the forensic science laboratories.

MICHAEL F. SPARKS

Alabama Department of Forensic Sciences

991 Wire Road
PO Box 3510
Auburn, Alabama 36830

(334) 821-6255 ext 235

E-mail:

michael.sparks@adfs.alabama.gov

Education:

BS Biological Sciences-Auburn University
Masters Public Administration-University of Alabama-Birmingham



Employment Experience:

32 years with the Alabama Dept of Forensic Sciences at all levels.

Technician-1978 to 1980; Scientist-1980 to 1985;
Section Chief-1985 to 2005;
Assistant Director-2005 to 2007;
Director-2007 to present.

Prior ASCLD experience (previous Board member, committee member, meeting volunteer, etc.):

I became a member in 2009.

If elected, I am interested in working on the following ASCLD issues/committees:

Political & Policy issues; Position statements; NAS; Advocacy committee

As a member of the Board, you may be asked to represent ASCLD at speaking engagements or develop written statements on behalf of the Board. How would you describe your ability to communicate ideas verbally and in writing?

I am capable of adequately communicating my thoughts and opinions in both verbal and written formats.

How committed are you to serving on the ASCLD board? What skills will you bring to the table?

The times we live in are pivotal in the history of forensic science and I would welcome the opportunity to play a part in crafting the future course as a board member.

I believe I can discuss any pertinent topic with outside interest groups without alienating them in the process. I feel confident I possess the people skills necessary to serve as a board member.

What role should ASCLD play in developing a strong future for forensic science laboratories?

In my opinion, ASCLD should be the primary reference source for any question concerning the future organization of forensic science. The nationwide management of forensic science, as addressed by the National Academy of Science report, should contain a framework endorsed/written by ASCLD.

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Education:

B.S. Degree Microbiology – 1984 – Oregon State University

Employment Experience:

1985 – Present – Oregon State Police Forensic Services Division

1985-1986 – Laboratory Technician – Portland Forensic Lab

1986-2000 – Criminalist (Drug Chem, Tox, Serology, DNA) – Portland Forensic Lab

2000-2007 – Supervisor – Portland Forensic Lab

2007-2008 – Operations Manager – OSP Forensics Division – GHQ - Salem

2008-Present – Division Director – OSP Forensics Division – GHQ - Salem



Prior ASCLD experience (previous Board member, committee member, meeting volunteer, etc.):

Currently Serving as an Advocacy Committee Point of Contact for Northwest Region.

If elected, I am interested in working on the following ASCLD issues/committees:

I am currently working with the Advocacy committee and would like to continue in that arena.

As a member of the Board, you may be asked to represent ASCLD at speaking engagements or develop written statements on behalf of the Board. How would you describe your ability to communicate ideas verbally and in writing?

In my current capacity, I present both formally and informally to various groups within the state of Oregon. From testimony in front of legislative committees to large groups including chiefs and sheriffs or district attorneys. With proper preparation, I am fine with speaking to groups.

How committed are you to serving on the ASCLD board? What skills will you bring to the table?

I am very committed to serving on the ASCLD board, as this is a period of time that is crucial for Forensic Science and Crime Labs. Never before has there been a time that Forensics has been subject to external forces scrutinizing the field as is currently occurring. ASCLD must take a leadership role in the reshaping of Forensics as not only are we subject matter experts in the forensic disciplines, but also in the operational aspects of running crime labs.

I bring the skill of collaboration; working with other entities to work toward common ground. I have been a member of the Oregon Sexual Assault Task Force (SATF), a victim centered victim advocacy group. During that time, there was increased collaboration between the Oregon SATF, thus a cooperation for training, legislation and other efforts.

With twenty-five years of experience in forensics, covering a variety of disciplines, I have a well rounded understanding of the various forensic disciplines and their importance for all being considered as priorities for technological and quality assurance advancement. In addition, we must strive for increased funding opportunities for all disciplines as well as public laboratories in general.

What role should ASCLD play in developing a strong future for forensic science laboratories?
ASCLD must be leading the charge for the future of forensic science. No other organization is comprised of those both working as scientists as well as laboratory managers. The management of crime laboratories comes with many unique challenges that must be addressed as changes come to the forensic science field.

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Masters of Arts Degree – Chemistry
University of South Florida

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Employment Experience:

Crime Laboratory Director – Scottsdale Police Department Crime Laboratory

Manage the day to day operations of a full service crime laboratory that serves the City of Scottsdale and other contracted agencies.



Forensic Biology/DNA Examiner – US Army Criminal Investigation Laboratory and Florida Department of Law Enforcement

Prior to taking my position at SPD in 2002, I was a Forensic Biologist with the United States Army Criminal Investigation Laboratory in Forest Park, Georgia. I conducted Serological/DNA analysis for the Department of Defense and assisted in the quality assurance of the DNA section.

Prior ASCLD experience (previous Board member, committee member, meeting volunteer, etc.):

ASCLD Vendor Committee (2009 and 2010)
ASCLD Membership Committee (2010)
ASCLD Board Nominee (2009) Volunteer (2008 and 2009)
ASCLD Poster Presentations (2007 and 2008)
ASCLD/LAB Forensic Biology Proficiency Review Committee – 2009 to present
ASCLD/LAB Technical Advisory Board (Forensic Biology) – 2005 to present
ASCLD/LAB Mentoring Committee (2003-2004)
ASCLD/LAB – Legacy Assessor – 2002 to present
ASCLD/LAB- International Assessor – 2005 to present

If elected, I am interested in working on the following ASCLD issues/committees:

I would be interested in working on creating or maintaining best laboratory practices and creating consistency within each forensic discipline. In order to provide objective analysis, the standardization of common laboratory methods that would benefit our community would be a primary focus. With more challenges in court with regard to forensic science, I would like to serve the ASCLD membership by developing appropriate responses to those who criticize our science. The criticism we receive can make us better as a community but as an organization we should be prepared to address these challenges professionally and be prepared versus reactive.

I would enjoy being involved in the advocacy, membership and symposium committees. Being involved in the advocacy and membership committee would allow me to share my enthusiasm for this field with others and soliciting their involvement with the organization to make partnerships that will make this organization stronger. Making others aware of ASCLD and gaining external support will ensure our continued success as an organization in the future. The membership and symposium committee would also be exciting since I enjoy to plan and organize events.

As a member of the Board, you may be asked to represent ASCLD at speaking engagements or develop written statements on behalf of the Board. How would you describe your ability to communicate ideas verbally and in writing?

Throughout my career I have been involved with public speaking and business writing. I have written solicitations for grants that our laboratory has received and have provided training to all levels of law enforcement. I also have a significant amount of experience in court testimony which has provided me with the necessary skills to speak under pressure and against adversity. As a manager, I have also learned how to make educated decisions and formulate ideas to my superiors and subordinates in a manner that is respectful but gets my point across. My ability to communicate both verbally and in writing comes naturally as I am required to communicate in this manner on a

daily basis. I have also taken several management courses where I have gained the knowledge and skills in this area.

How committed are you to serving on the ASCLD board? What skills will you bring to the table?

I am extremely committed to serving on the ASCLD board which is demonstrated by my running in this election for a second year. I have been a member of this organization for several years now and would like the opportunity to become more involved by serving on the Board of Directors. I work in a laboratory environment that is strongly committed to this organization and will allow me the necessary time required to effectively serve this membership.

The skills that I bring to the table are that I can multi-task effectively and that I am dedicated, hard-working, organized and an enthusiastic member of this organization. I also have a diverse background where I have experience in larger and smaller organizations and understand the challenges that each type faces. I have a good fundamental understanding of most forensic science disciplines since I do manage multiple sections and I also have kept abreast more in depth with the DNA section and would have the necessary skills to address issues in this area of forensics.

What role should ASCLD play in developing a strong future for forensic science laboratories?

ASCLD should be involved in the support of forensic science laboratories. ASCLD should work with ASCLD/LAB to be the body which certifies all forensic scientists through the established accreditation programs. ASCLD membership should seek out appropriate funding sources for forensic laboratories to operate in a manner that ensures the highest quality of casework is produced. ASCLD should be an advocate for forensic science programs to develop new examiners and to keep up the training and skills for those more experienced examiners. ASCLD should also seek involvement from the current membership to attain the goals of the organization and provide a solid future organization for future laboratory directors.

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Education:

BA Augsburg College, Minneapolis, MN Major: Chemistry
MSFS, The George Washington University, Washington, D.C.



Employment Experience:

1979-80: Chemist A (Drug Chemistry), Virginia Bureau of Forensic Science, Merrifield, VA

1980-2005: Minnesota Bureau of Criminal Apprehension, St. Paul, MN

1980-1984: Forensic Scientist (Drug Chemistry)

1984-1987: Forensic Scientist (Microscopy-Serology)

1987-1989: Forensic Scientist (Serology)

1989-1998: Lead Forensic Scientist (Serology/DNA)

1998-2000: Forensic Science Supervisor & DNA Tech Lead (Biology/DNA Section)

2000-2005: Program Services Supervisor/Quality Manager

2005-2008: Manager of Accreditations, Forensic Quality Services, Largo, FL

2008-present: Deputy Director, Department of Forensic Biology, Office of Chief Medical Examiner, New York City

Prior ASCLD experience (previous Board member, committee member, meeting volunteer, etc.):

ASCLD Annual Symposium

Workshop Coordinator, 2004

Poster Coordinator, 2005

ASCLD Accreditation Mentor Program, 2003-2005

ASCLD Training & Education Committee member, 2004-2005

If elected, I am interested in working on the following ASCLD issues/committees:

I would be happy to serve wherever most needed; however, if given a choice my preference would be to work with the Education and Training Committee and/or the Advocacy Committee.

My interests with respect to Education and Training are (1) management training and (2) mentoring and development of bench level staff. Forensic laboratory managers need assistance to transition from “scientist” to “manager/leader” and prepare themselves to deal with a laboratory environment that has never held more challenges, including: increased scrutiny of laboratory operations; increased demands for the services forensic laboratories provide; increased needs for research and validation; rapid technology changes; expanding accreditation requirements; and significant staff training needs—all at a time when laboratory budgets are feeling the effects of the current economic climate. As well, continuity of operations and continual improvement of laboratories depends upon developing and mentoring bench staff—not only to enable them to work to their maximum potential now, but to prepare them to be the leaders of the future.

With respect to Advocacy, I am interested in issues surrounding the recommendations of the NAS, particularly how we as an organization can help to develop responses/proposals that have real value for enhancing our profession and are not just change for the sake of change.

As a member of the Board, you may be asked to represent ASCLD at speaking engagements or develop written statements on behalf of the Board. How would you describe your ability to communicate ideas verbally and in writing?

Effective communication is part of what puts the “forensic” in forensic science. I’d like to think that that I have been, and continue to be, an effective communicator. I enjoy writing, I enjoy public speaking and training, and I would have no qualms about being asked to do any of those things on behalf of ASCLD.

How committed are you to serving on the ASCLD board? What skills will you bring to the table?

One of my core beliefs is that promises and obligations should be honored--if I were not committed to serving on the ASCLD Board I would not be a candidate. I fully understand that it is a four-year term, and barring circumstances beyond my control, would fulfill the responsibilities that come with selection to the Board.

I have been fortunate in my career to have worked in a variety of laboratory and business environments. This gives me a broad perspective from which to evaluate issues that affect forensic science laboratories. I have strong analytical skills and love to grapple with problems, believing that there is always *some* solution to any problem. I enjoy collaborative efforts and the give-and-take of ideas that, hopefully, leads to the best outcomes.

What role should ASCLD play in developing a strong future for forensic science laboratories?

ASCLD’s great resource is the experience and knowledge of its membership. The challenge is to get greater involvement of those experienced and knowledgeable members in creating and shaping the forensic science institutions and practices that will develop in response to the NAS report and other influences. Sometimes it seems as though every group *but* forensic scientists is driving that discussion. ASCLD needs to: continue to be a strong advocate for laboratories; dispel misinformation about forensic science; propose solutions to address deficiencies in our field; help to provide “best practice” training for laboratory managers; and be a recognized “expert witness” for ethical and effective forensic laboratory operations.

2010 MANAGEMENT REVIEW

Contemporary Leadership Issues and Topics

*Compiled by John M. Collins
ASCLD Executive Director*

White House Encourages Workplace Flexibility

The President's Council of Economic Advisors issued a 35-page report titled *Work-Life Balance and the Economics of Workplace Flexibility*. The report was presented at a special forum hosted at the White House. The event drew attention to the changing workforce demographics and the benefits of flexible policies. The Society of Human Resource Management warned that although flexibility is a good thing, it should not be entirely legislated. "You have to have the incentives and the type of environment that encourage employers to experiment."

Training Simulators

Several companies are reporting success in training employees using online simulators instead of incurring the cost of creating mock job conditions in the real world. "Doctors in training can treat patients rushed to a virtual emergency room, and if they kill inadvertently kill a patient by failing to check for allergies to medications before treatment decisions, there is no real-world fallout or malpractice suit." Clark Aldrich is a simulation designer and author of *The Complete Guide to Simulations and Serious Games*. He argues that simulated learning stays with people longer and builds higher levels of confidence. *Source: Dave Zielinski writing for HR Magazine, March 2010*

Retaliation Doesn't Require a Complaint

The United States Supreme Court ruled that employers can be found liable for retaliation against an employee even though the employee did not file a formal complaint of harassment. The case related to a teacher, Vicky Crawford, in the Nashville, TN school system who assisted an investigation team that was looking into possible sexual harassment by others. The teacher mentioned to investigators that she had experienced harassing behavior in the past but had never filed a complaint. She was fired a short time later. The Supreme Court's ruling cleared the way for a jury to award her \$1.5 million in back pay, damages, and future wages. *Source: HR Magazine, March 2010*

Business Travel Won't Suffer from Terrorism Fears

A survey of travel managers recently found that 81% out of 152 respondents said that the attempted terrorist attack on Christmas Day 2009 of a U.S. bound flight will not cause companies to scale back international travel. *Source: HR Magazine, March 2010*

Economy Causes Employees to Go Active Online

The current economic situation in the United States is a problem for both employers and employees. But employees are increasingly protecting themselves from job insecurity by preparing themselves to be marketable in the event of a layoff. Crime laboratory directors should warn employees about the dangers of personal websites, online social networks, and other marketing activities, particularly during work hours. If your laboratory does not have a policy that protects your employees and your

organization, now is a good time to consider drafting one. Be sure to consult with a human resource expert during this process. *Source: HR Magazine, March 2010*

Employers Still Nervous About Pay Increases

Thirteen percent of U.S. employers cut pay in 2009 according to a survey conducted in October 2009. Fifteen to twenty percent of organizations reportedly expected to freeze pay in 2010. Thirty-seven percent of U.S. employers say they are still in a recession and are not planning to restore cut pay. Twenty-nine percent plan to restore pay in full. *Source: HR Magazine, March 2010*

Think Twice Before Blocking Twitter and Facebook

Many organizations use special software to block inappropriate internet content such as pornography and gambling. But experts argue that blocking social networking sites such as Twitter and Facebook is a mistake. While it is acceptable for organizations to set reasonable policies limiting their personal use during work hours, sites like Twitter and Facebook can have significant professional benefits that bring value to a business or government agency.

Organizational leaders should consider reading *The e-Policy Handbook* by Nancy Flynn. Flynn outlines several recommendations for ensuring that employees are supported by strong policies that provide guidance on the proper use of networking sites. She also encourages regular training in the proper application and interpretation of the policies. “If you combine training with policy, most employees will then comply, but it’s hard to expect compliance from employees who are operating in the dark.” - *Source: HR Magazine, December 2009*

Disciplining Employees Who Go Broke

Employers may discipline or terminate employees who declare bankruptcy; however, the declaration of bankruptcy cannot be the only reason for the personnel action. Other factors such as substandard performance or violations of policy must also be documented and included as part of the justification. *Source: Section 525(b) of the Bankruptcy Code*

Strong Management Techniques Lead to Healthy Employees

A congressional hearing in Washington, D.C. revealed that managers who help workers fulfill their personal responsibilities, such as family vacations and caring for sick children, contribute to a healthier and more productive workforce. Researchers at Michigan State University and Portland State University in Oregon found that companies who train supervisors to be supportive of employee’s families have lower rates of employee turnover and higher job satisfaction. One study illustrated how management practices correlate with cardiovascular risks and sleep duration. Good managers demand strong performance, but they also know how to be creative and flexible, which boosts employee morale and increases productivity. *Source: HR Magazine, December 2010*

Measure the Attitude of Your Scientists

Organizational leaders are wise to periodically survey employee attitudes on a variety of subjects. Such surveys can gauge employee morale, identify sources of employee discontent, and identify poor performers who may require counseling. The TRACOM Group (tracomcorp.com) has launched an employee attitude survey to measure employee engagement and commitment to their organization. The system can collect data on employee morale and identify opportunities to improve employee enthusiasm. But such systems aren’t entirely necessary. Well documented surveys

distribute to employees can reveal interesting data about the culture of an organization and its likelihood for success. For information and tips on creating employee surveys, visit the following webpage: <http://www.hr-survey.com/EmployeeAttitude.htm>

Workplace Fraud and Theft on the Rise

Occupational fraud and abuse are most likely to occur in manufacturing, banking, and insurance according to the Association of Certified Fraud Examiners (ACFE). But current economic pressures can adversely impact organizations in a variety of industries. In crime laboratories, directors and supervisors can mitigate the risk of employees stealing drug or currency evidence by maintaining strong communication ties and watching for employees who seem unusually depressed or irritable. But even the risk of that is relatively low. “People in every industry have the capacity to commit fraud,” according to the ACFE. “But those in upper management are more likely to do so.” Stay connected to your employees and, if you are a lab director, make sure your unit supervisors are producing a healthy and communicative culture. *Source: HR Magazine, February 2010*

FORENSIC SCIENCE POLICY

A Speech to the American Bar Association

By Mr. Joseph P. Bono, ASCLD Member and the current President of the American Academy of Forensic Sciences

Forward

The following speech was delivered June 4, 2010, by Joseph P. Bono, President of the American Academy of Forensic Sciences, at an ABA Conference at the Fordham University Law School in New York.

A few years ago I addressed an interesting issue in a workshop at the American Academy of Forensic Sciences meeting in Washington, DC:

Who have been the most influential people in the enhancements in forensic sciences over the past few years?

The response flowed off my tongue as if I knew the question was coming. Actually, my response was based on impulse rather than thought: Peter Neufeld and Barry Sheck. Ten years from now, if I am still around, and that might be questionable after what I am about to say this afternoon, my answer will probably be: Barry Sheck and Peter Neufeld. I will reverse the order because Barry is sitting in the audience. Barry and Peter and my other friends in the defense bar, including fellow Academy Board member Betty Layne DesPortes and my friend Steve Benjamin, have forced us to take a long hard look at what we are doing in forensic science and they are forcing us to do it better.

No matter what the endeavor, professionals at any level improve when challenged. We scientists think of ourselves as the purveyors of the truth.

We do not argue philosophy; we argue data. We do not appeal to emotion of the heart; we appeal to the processes in the head. However, we have a corresponding responsibility to address issues many of us are not equipped to address.

I am reluctant to say that too many of my colleagues take the “forensic” out of forensic science. Most of us have not been trained in the “forensic” part of forensic science. We are incapable of justifying our conclusions or methods if we must go beyond explaining charts, tables and photographs of images.

We are incapable of sorting through conflicting viewpoints and formulating sound responses during cross examinations or discussions similar to the forum we are conducting right now. We are reluctant to formulate cogent arguments because many of us are not trained to do so. My response to this: “Get over it” and learn to communicate in the social science arenas, including the courtroom. In the same vein I respectfully request that my colleagues on both sides of the bar educate themselves more on the basics of forensic science to be better prepared to question those who testify as expert witnesses.

Many have commented on my response to an article that appeared in recent issue of Newsweek.

The first requirement for a learned treatise or an authoritative text is that the author be learned or an authority. I have no evidence of that here, but it is insinuated. This author talked about convictions in the 1980s and 1990s based on “**faulty forensic science.**” Based on my response to the Newsweek article cited above, a close friend advised me, and I quote:

Take the high road, Joe. Be among those who call for rigor while avoiding quibbling over how much wrong was done when less powerful techniques were claimed to have more power than could be validated.

He advised me that I would be wise to **back down**. Here is what he wrote:

All I'm saying is that when IP insist faulty forensic testimony is responsible, it's not helpful to scream NOT TRUE. Methinks thou doth protest too much, as the Bard would say.

My response back included the following:

There is only one thing worse than protesting too much and that is protesting not at all. Methinks that too many have not protested enough.

That same issue of Newsweek included an article by former **United States Senator Alan Simpson of Wyoming**. In fact this article was on the page facing Sharon Begley's piece. Matt, you will appreciate what Senator Simpson said:

“You're entitled to be called a fool, idiot, bonehead, slob, screwball. But an attack unanswered is an attack believed.”

Many in forensic science have not been allowed to answer attacks, as suggested by Senator Simpson. I want to make the point that what I am saying here this afternoon would not have been possible three years ago when I worked for the federal government. Here is the reason: Whenever a government employee speaks in public, the speech must be cleared and usually watered down to ensure that it does not offend anyone.

And when the speech finally has been cleared for delivery, the message is usually lost. Afterwards someone will call a supervisor or write a letter of indignation to an elected official about what had been said. Guess who is going to prevail in a conflicting opinion discussion between a government employee and the constituent of a congressman?

I admire the work of the Innocence Project in evaluating claims where exoneration may be considered, and then through the use of DNA “exonerate” those where exculpatory evidence exists. What I do not agree with is the viewpoint and proclamation that faulty forensic science is accountable for many of those convictions.

Conclusions in science are based on the technology and protocols of the time. A re-evaluation of some forensic science testimony from the past disclosed that so-called forensic scientists had not properly examined the physical evidence they were responsible for analyzing. In most other cases from the 1970s and 1980s, physical evidence had been properly evaluated and conclusions were rendered with strong caveats.

Most of these cases included, but were not limited to hair/fiber/soil/glass examinations and blood-typing using A, B, O absorption inhibition techniques. There were no attempts to deceive, and results were reported based on protocols in existence at the time. Comparing blood types and the morphology of physical evidence were the accepted protocols. However, these conclusions should always have included caveats to ensure that there was no attempt to individualize those types of evidence to one person.

I repeat, those accepted protocols of the day were never intended to associate any of this trace evidence or blood to any particular individual. It should not have happened then; it certainly should not happen today. If that association argument was made, the advocacy system in our courts required the other side in the courtroom to challenge the veracity of such claims.

Some may take offense with what I am about to say, but here goes: It is easier to abrogate responsibility in such a case than to admit culpability in not providing a proper defense, or to admit embellishment of forensic science testimony in a closing argument.

Even more interesting was the fact that the forensic science testimony in many of these cases appeared much less significant in the outcome of the case than eye witness testimony or ineffective counsel. And yet charges of “faulty forensic science” remain the purported counterpoise on which the conviction is allegedly attributed.

To continue pointing at examples from 15-25 years ago and attributing the alleged norms then as the state of forensic science in 2010 is disingenuous at best. Forensic science is only one of many factors which contribute to the outcome of a trial. Forensic science does not convict or acquit; that is the responsibility for judges and juries.

Challenging the admissibility of forensic science testimony in court is the responsibility and the obligation of the defense and prosecution in all criminal cases. However, justification for doing so does not originate in the NAS report. Rather, it lies in the rules of evidence and appellate court decisions in the federal and state court systems. And these rules were in place long before FEBRUARY 19, 2009. The number of times these confrontations happen in Daubert/Kuhmo/Frye pre-trial hearings is quite small; and the number of times this happens during trial is even more negligible.

Nothing has prevented these challenges in the past; and nothing prevents them now. I encourage jurists on both sides to call to task anyone who believes that invalid forensic sciences are being used in a courtroom. I was the first to say “STOP” when actual faulty forensic science in the laboratory was brought to my attention. I am not about to change my approach to challenging those who claim “I’m right because I’ve been doing this for 30 years.” Being from Missouri, I’ve always said “Show Me the data or images and explain what they mean.”

To be clear, in an adversarial system, I will be the first to challenge the conclusions of the forensic scientist by evaluating the collection methods, examination methods, and data or images; however, those challenges are different from arguing that the testimony should not be admitted because the methods are unvalidated. In the use of “pattern evidence,” there are no standardized quantitative thresholds for a conclusion, and there should be. For example, how much undistorted friction ridge pattern is required for an association of a fingerprint to an individual? Or is this even possible when minimal detail is discernable?

Let’s examine for a moment what I refer to as one of the Mother of all Forensic Science mistakes. Let’s call it what it is: a Gigantic Mess-Up. I used another descriptor in the last draft of this speech; however, my wife made me remove it before I left for the airport yesterday: The Brandon Mayfield fingerprint debacle. There is little doubt in anyone’s mind that the examiners in that case, and I believe there were a total of four, one whom actually worked for the defense, agreed that the latent print image that was faxed and originated from the bag seized from the train in Madrid, belonged to Brandon Mayfield. The methodology was typical of what friction ridge pattern examiners do: examine friction ridge patterns images, usually from fingers.

These prints are transferred to evidence from a person at a crime scene. The examiners then compare these patterns with those from a ten-print card associated with a known individual. If the patterns are indistinguishable, they associate the latent with the individual.

That methodology was used here. However in this case, the conclusion was dead wrong. The print from the bag did not originate from Mr. Mayfield. As was later discovered in an examination conducted by the Spanish National Police using an INTERPOL AFIS system, the latent belonged to an Algerian later identified as having participated in the bombing in Madrid. What is interesting is that same comparison method using friction ridge patterns was employed. What changed? The quality of the print - the bag containing the latent was examined, not a faxed copy of the latent; and different examiners conducted the evaluation. The methodology of examining the friction ridge patterns was essentially the same.

This is an example of the use of a method, examining friction ridge patterns and proving the method to be valid when used properly, and invalid when used improperly. In both instances the examiners were trained and experienced. In a trial, where I believe the adversarial system would have worked, that so called individualization in Mayfield could have easily been debunked on cross-examination. In every case where a true forensic science error is made, there is always a smoking gun. Think about how many offenders have been identified based on friction ridge pattern identifications which used the current methodology properly. Does anyone remember how James Earl Ray was identified for the assassination of Dr. Martin Luther King in 1968? Truth can be irritating: You cannot be for a reality when it works for you and against it when you are losing an argument.

This leads me to discuss what I believe are the six most questionable words used to formulate the justification for a conclusion by any forensic analyst:

BASED ON MY TRAINING AND EXPERIENCE

Does anyone know how many years of training and experience the examiners in the Mayfield case possessed collectively? In looking objectively at some other forensic science errors, I soon realized that the mistakes were made by people who looked more like me than my 20-30 year old colleagues in this audience.

Now it's time to confront some of my colleagues here who work in the laboratory. Training and experience in the absence of demonstrative evidence mean little to me. A reputable examiner should be able to show the decision makers- the prosecutor, the defense attorney, the judge and the jury- the basis for a conclusion which is understandable and can be justified by data or images. If the examiner resorts to the "trust me, I know what I am doing logic," a red flag should immediately go up: DON'T TRUST HIM!

Some arguments that I have encountered recently advocate advancing forensic science by bringing in more theoreticians and academics while leaving out practitioners or prosecutors in the discussion of "true science" whatever that is. This sounds more like breaking eggs than making omelets. There are certain terms which are used in these arguments against forensic science which have taken on a life of their own and which I believe have no scientific meaning in the realm of applied science. One is these is "error rate."

The term had its legal genesis in *Daubert v. Merrill Dow Pharmaceutical*. Prior to 1993, I had never heard this term used as a requirement of any science. And even if it purportedly is a requirement of science, which it isn't, *Daubert* does not require an error rate. Interesting, if you turn to page 2, the *Daubert* decision speaks specifically of error rate in relation to voice print examinations, where many errors do occur.

Let's discuss for a moment the term "error rate." Rate means numerator over denominator. And until someone credibly and consistently defines the numerator and then the denominator in evaluating a forensic science discipline, it is illogical to discuss a calculation of error rate which applies to that scientific discipline. One can calculate the number of unacceptable results in a proficiency test in a forensic science discipline administered to a defined number of test takers. However, this number cannot be used to extrapolate to a conclusion regarding the number of unacceptable results that would occur in actual case work in the same forensic science discipline.

During the first week of May, I attended a Council of Scientific Society Presidents meeting in Washington, DC. I especially enjoyed this meeting because I listened to and learned from other scientists with similar - and different - experiences whose thought-processes were close to my own. They were, after all, trained in the scientific method which requires testing an hypothesis with data.

Two days later I spoke at a Superior Court Judges conference in Washington, DC. This conference was designed to examine the "Role of the Court in an Age of Developing Science and Technology." What an eye-opener that was! I was one of a few forensic scientist speakers on the program who had actually worked in a laboratory.

When I accepted the invitation, I thought this opportunity to speak in a "lawyers' forum" would be self-fulfilling and all that other "feel good stuff" I had come to expect from similar experiences behind a microphone. It didn't quite work out that way. I walked away from that conference

experiencing a “wake up call” best described as something from two movies I had recently viewed: “No Way Out” and the beach landing scene from “Saving Private Ryan.”

Social scientists do not view the world through the same prism as those who use the scientific method in directed problem solving. What I experienced was this: The validity of the arguments, “truth” or “fact,” call it whatever you choose, in the discussions that day were not based on what I regard as substantive definitions of terminology.

In the legal setting, “truth” may be, and too often is, determined by the most passionate argument. In many instances speakers defined their own terms with their own definitions. That day “error rate” was defined by many different people in many different ways. In discussions among some lawyers, truth has a way of being annoying yet negotiable.

There are those who believe in a forensic science discipline when it works for them, and against the same forensic science discipline when it does not work to their advantage. I realize that this apparent inconsistency forms the basis for the adversary system. In one case an attorney is expected to challenge the validity of a forensic science method if it is in his client’s best interest. In a totally different case he may embrace the same forensic science method if it is in his client’s best interest. In science we test a hypothesis with data. One can be more confident in an opinion specifically because the weight of the science supports the conclusion.

Many of us have encountered some legal settings where a conclusion seems to have been constructed by finding the citation of someone who, no matter how obscure, agrees with them, while overlooking the opinions of those myriad of others who disagree.

In reading much of the commentary and discussing some purported factual statements which are out there regarding “The Report,” I am convinced that many who have access to Wikipedia or Google, not matter how limited their backgrounds, believe they are experts at defining the rules for the forensic sciences. Actually, they are tailoring these rules to suit their own agendas.

I am confident that the United States Congress in the pending draft outline of forensic reform legislation will bring those who have experienced forensic science in the laboratory in the real world on a daily basis into the process to play a major role in determining the best legislation to strengthen forensic science. The Inter-Agency Working Groups (IWGs) for the White House Subcommittee on Forensic Science of the executive branch will also examine how best to accomplish this goal. I admire the efforts from both these branches of government for reaching out to forensic scientists from laboratories across this country and bringing forensic scientists into their fact finding processes.

I believe that the framework which will emanate from the legislative and executive branches of government on how best to strengthen forensic science will be based on the fact that what happens in the next 25 years will be predicated on our experiences and shortcomings of the past 25 years. Let’s not make the same mistake again by falling into the “it’s good enough trap.” Good enough seldom is!

A lot of “justice,” exonerations and convictions, have occurred in our court system because of the advances in the forensic sciences. However, we have a long way to go to ensure that the best

forensic science possible will be the work-product of the discussions and consensus building which will take place over the next few months.

President Obama, when speaking about those who have differing opinions, said:

“America evolves and sometimes those evolutions are painful. People don’t progress in a straight line.”

Scientists are people and therefore science never has and never will progress in a straight line. Even though some mistakenly believe “linear” defines “good science,” those of us who have worked in a laboratory realize that the line does not always pass through all the data points. We look for the “best fit” of the data.

To my colleagues in the laboratory, I say: These next few years may be painful. People are reluctant to rock the boat when they are in the boat. However, it is time we acknowledge the fact that we will not move forward by continuing to do things in the same way.

Face the fact that all of us must pay attention to what we knew pre-February 2009; we must do a better job formulating our conclusions, writing our reports, and enhancing the science in our scientific methods. I am talking about revisions in the way we approach our responsibilities to the justice system.

Let’s “get over it” and realize that while change can be painful; change is never permanent. Yet change for the sake of scientific improvement MUST be embraced. To my younger colleagues I suggest that you buckle up because you will probably be doing this again in a few years. You will be responsible for keeping this process moving forward.

NFL Commissioner Roger Goodell's delivered a commencement speech at the University of Massachusetts-Lowell Saturday, one week ago. He used a concept that I have used in many speeches. The quote was related to what some perceive as his attempts to bridge a gap between the NFL owners and the players union.

His words are on target for what we are now facing regarding tough decisions in forensic science. Here is what he said: “Listen to many different viewpoints, especially with those whom you disagree. Resist the temptation to make premature decisions and be open to finding a better solution. And if it's a better solution, it doesn't matter who it came from. The world needs a lot less finger-pointing and a lot more solutions.”

Thank you all very much for your attention this afternoon.

ARTICLES

Why is ASCLD important to the forensic management community?

By Dean M. Gialamas

Director, Los Angeles County Sheriff's Crime Lab

ASCLD Past-President

As you read the title, you may be wondering why on earth Dean would feel the need to write this article. Or perhaps you're thinking, come on, I already know! Or worse yet, you may be thinking who cares. Well, knowing many of you in our organization (as an active member myself), I know that you won't stop here and that many of you are deeply invested in the future of forensic science.

My amateur writing skills were tapped by our Executive Director John Collins and our President Beth Greene who asked me to cover this topic, particularly in light of the post-National Academy of Sciences activity since February 2009. We are all intimately familiar with the NAS report entitled, "Strengthening Forensic Science in the United States: A Path Forward." This is a great opportunity for many of us to "re-learn" about the American Society of Crime Laboratory Directors' history and its relevance in the forensic community, and perhaps most importantly, why it really is an organization that is critical to the future of the forensic community.

A Walk Down Memory Lane

First, let's take a walk down memory lane and recall how ASCLD got its start. ASCLD was founded in 1973 by a small group of crime lab directors convened by then FBI Lab Director Briggs White (for whom our most prestigious award is named after). The formation of this group was the result of a report issued by the Law Enforcement Assistance Administration (LEAA) that was a sweeping concern to the leaders in the criminal justice and forensic community (...hmmm ... sounds a little like *déjà vu* considering the NAS report!). The LEAA researched and reported results of a voluntary proficiency testing program that determined that "serious concerns" were identified regarding the quality of work in the nation's crime labs. Based on the data collected during this voluntary proficiency test, the results were not what was expected and varied significantly. The fact that so many labs with presumed similar methods could obtain such a wide degree of results was of great concern to the LEAA and the criminal justice community.

In 1974, ASCLD was incorporated as a non-profit professional organization with its primary focus on advocacy, communication and education. As a result of the LEAA report, a committee was formed called the Committee on Laboratory Evaluation and Standards to respond to the LEAA report. As the committee worked on its mission, it morphed in 1980 into the Committee on Laboratory Accreditation. In 1982, the committee was formalized into the Laboratory Accreditation Board. Then in 1988, the American Society of Crime Laboratory Directors / Laboratory Accreditation Board (ASCLD/LAB) was formally created as a new, independent corporate entity and spun off from ASCLD as a key strategic partner. Hence, the reason why so many mistakenly refer to the accreditation program as simply "ASCLD accreditation."

ASCLD Today

Today, ASCLD is composed of over 600 crime laboratory directors and forensic science managers dedicated to providing excellence in forensic science through leadership and innovation. They represent over 250 local, state, federal and private crime laboratories in the United States. Our membership also includes laboratory directors from 23 countries, as well as national and international academic affiliates. As an organization, ASCLD provides leadership in the forensic community as well as assistance to its members by providing information, training and networking opportunities that are unique to forensic science laboratory management.

Our Mission is:

“To promote the effectiveness of crime laboratory leaders throughout the world by facilitating communication among members, sharing critical information, providing relevant training, promoting crime laboratory accreditation, and encouraging scientific and managerial excellence in the global forensic community.”

Code of Ethics and Professional Responsibility

ASCLD, like any established professional body, has a robust code of ethics (though admittedly, I have seen none better than the California Association of Criminalists’ Code of Ethics) and is the only professional forensic membership association that has a guidelines document for the conduct of managers and supervisors of forensic laboratories to safeguard the integrity and objectives of the profession.

Our code of ethics is somewhat different than that of bench level professional organizations and for good reason. After all, forensic laboratory managers bear additional ethical responsibilities beyond those expected of bench scientists. They include additional responsibilities for:

- the integrity and quality of the work product of crime laboratory staff and operation,
- enforcing ethics and professional responsibility in the workplace,
- hiring, training and supervising subordinates, and
- budgeting and expenditure of authorized funds.

In 1987, ASCLD created its “Guidelines for Forensic Laboratory Management Practices.” It is still a “living” and current document today just as it was when it was created. Its key sections include guidelines for supervisors and managers in the following areas:

- Responsibility to the Employer – where the categories include Managerial Competency, Integrity, Quality, Efficiency, Productivity, Safety, Meeting Organization Expectations, Security, and Management Information Systems.
- Responsibility to the Employee – where the categories include Qualifications, Training, Employee Competency, Staff Development, Work Environment, Communication, Supervision, and Fiscal Obligations.
- Responsibility to the Public– where the categories include Conflicts of Interest, Responding to Public Needs, Professional Staffing, Legal Compliance, Fiscal Responsibility, Accountability, Disclosure and Discovery, and Work Quality.

- Responsibility to the Profession– where the categories include Accreditation, Certification, Ethics, Organization Participation, and Research.

These are the tenets and principles that very simply make a laboratory successful and accountable to those we serve. These guidelines comprise a set of principles that frame the concept of true professionalism for forensic managers and supervisors. This is what each and every ASCLD member strives for. This is not to say that all labs must meet each and every one of these, as these are guidelines not mandates. If you don't have a copy on your computer or at your desk, then you need to get one! (<http://www.asclد.org/files/library/labmgtguide.pdf>) But suffice it to say, I do wonder how many of the recent issues in forensic science could have been prevented or mitigated if we as laboratory managers strictly adhered to these guidelines.

Forensic Science in a Post-NAS World

Take a moment and RE-READ the guiding principle categories above with the frame of reference of the NAS report. Yes, I am serious. **STOP and RE-READ the guiding principles now.** I am not going to go into the NAS recommendations here, but having those 13 recommendations in mind, take a closer look at those guidelines which were developed 12 years prior to the NAS report.

Now more than ever, you can see how those guidelines along with the NAS report are going to shape the future of forensic science. You can see how today's leadership will set the future tone and direction for forensic science. This WILL impact you...and if we as a forensic community do this right, it will be for the better. If we don't do this right or we simply take the attitude that we don't care, then someone else will take of it for us. I have learned in life that everything happens for a reason. We can choose to moan and complain about challenges that come our way or we can look at them as tremendous opportunities to seize.

YOU are our future leadership. Those of you reading this right now are already today's crime lab leaders in your organizations. But statistically, less than 20% of you will take up your cause and become part of the change that will be inevitable for forensic science. EVERYONE in the laboratory has a professional obligation to meet the guidelines above. We owe it to our employers, our peers, the profession and, most importantly, the public we serve. You may not be accountable for making these principles happen on a national level, but you are each independently and professionally obligated to make sure you do your part to make them applicable in your laboratories!

The Consortium of Forensic Science Organizations

At the national level, many of you are already aware of the Consortium of Forensic Science Organizations (CFSO). The CFSO was formed in 2000 under the brainchild of retired LA Sheriff Crime Lab Director Barry Fisher. Barry has long been renowned for his crime scene books and his talent at being the "ambassador" of forensic science. His efforts in trying to get federal legislation to become a reality hit a stone wall when Congressional staffers told him that our profession was too small and did not speak with one voice to be on the radar screen. He is credited for starting a coalition of the major forensic science organizations which has now evolved into the CFSO. The participant agencies in the CFSO are:

- American Academy of Forensic Sciences (AAFS);
- American Society of Crime Laboratory Directors (ASCLD);

- American Society of Crime Laboratory Directors / Laboratory Accreditation Board (ASCLD/LAB);
- Forensic Quality Services (FQS);
- International Association for Identification (IAI);
- National Association of Medical Examiners (NAME); and
- Society of Forensic Toxicologists (SOFT) / American Board of Forensic Toxicology (ABFT).

These seven organizations now speak with one clear and unified voice for forensic science. The transition hasn't come easy. It is difficult to get several experienced, dedicated professional associations coming together and being unanimous in thought and voice. It has taken work, dialogue and compromise, but the end, the efforts are making significant impacts.

Recent activity within the CFSO has focused on the pending legislation and areas of consensus among the forensic science stakeholders with respect to the NAS report. As a professional community, we have been and will continue to work with our critics, strategic partners and stakeholders to respond not only to the contents of the report but also to provide testimony to the House and Senate Judiciary and Appropriations Committees, the White House and our colleagues in the forensic community.

Just as ASCLD was formed to deal with criticism brought to the community in the 1970's, so, too, will another body or office be developed to once again bring change to our field. Time will only tell what that final outcome will be. However, you should know that it is organizations like ASCLD that are active, behind the scenes, creating new paths and opportunities for our future.

As a leader in my agency and in the field in which we work, my mission as a lab director is to distinguish between issues that can be solved and dilemmas that need to be managed. I have shared and practiced that with my employees from day one as a lab director and with our Board while serving you as ASCLD President. My mission, in its most simplistic form is: To do the best job I can to help you do the best job you can. When you distill down all the leadership traits, qualities and activities, at the end of the day, the reason for having a lab director is to focus on and tackle all the issues and challenges that face the complex organization of a crime lab and the community allowing you to simply do what you do best – using science to serve justice. ASCLD's role is no different and our organization is here to help you do the best job you can.

ASCLD has and will continue to represent and demonstrate excellence in forensic science management and leadership... and that is why ASCLD is important to you as a lab director.

To Hell and Back: The Ethics of Science and the Science of Ethics

Paul J. Voss, President, Ethikos

The dictionary variously defines *science* as “the state of knowing” or “a system of knowledge covering general truths” or even the “operation of general laws as obtained and tested using the scientific method.” Science, so defined, concerns processes, rigor, replication, predictability, consistency, and verification. So considered, science possesses symmetry, harmony, and even beauty. Scientific excellence plays a fundamental role in daily life and, in many ways, holds the keys to a promising future.

Yet the human side of science—the scientist—does not always act according to scientific principles. As humans, we are not always predictable, rigorous, and consistent organisms. Humans tend to be complicated, messy, unpredictable, confusing, and even frustrating. Humanity, of course, displays great moments of beauty, harmony, and excellence, but we rarely see our lives as “scientific” in trajectory, meaning, or scope.

In the forensic lab, the world of scientific precision interacts with the world of human activity. While it might be easier to focus exclusively on scientific matters while in the lab, we must also nourish and cultivate the human side of any enterprise. Labs that ignore this human dimension do so at their own peril.

Fully appreciating this point rests upon the distinction between two words: *civilization* and *culture*. Although many people use these terms interchangeably and as synonyms, the words mean different things and clarity on this issue remains crucial for the creation of a healthy (and hence scientifically excellent) lab culture to flourish.

Civilization refers to those attributes that make life (and work) *possible*, including abundant supplies of drinking water, medicine, and food, not to mention public sanitation, transportation, education, and social harmony. In North America, this impressive civilization allows for a life expectancy of nearly 85 years for females and 78 years for males. Our civilization continues to provide new technological advances in medicine, communication, transportation, and other aspects that make long, healthy lives possible.

Culture, on the other hand, consists of those things that make life (and work) *worthwhile*—including those products of the human imagination such as art, music, literature, baseball, architecture, and many more. Culture is not merely life-sustaining; it is life-edifying. Culture is not simply the production and distribution of food (more proper to the sphere of civilization), but rather the pleasures of Mexican, Chinese, or Italian cuisine. Culture, derived from the Latin word *cultus* (meaning, among other things, “to cultivate”) requires hard work and attention. We create culture by how we think and relate with each other—within a community. If civilization refers to the *what* we do, culture refers to the *how* we do it.

How does this apply to lab culture and ethical behavior? Consider again the word civilization. In the forensic lab, civilization is the “what” you produce or the data you provide. Civilization is the end product. In most cases, we have little or no control over the civilization we use to arrive at our conclusions—technology advances rapidly and we adapt to the changing civilization. Civilization is a given and widespread--other people likely sell, produce, or market the same things (the same *what*) that your lab does. In other words, everything is becoming a commodity as intellectual capital becomes dispersed over the supply base.

Consequently, since the *what* is readily available for consumers (i.e., we have numerous choices for the goods and services we purchase) the only meaningful way to enhance your lab in a marketplace is to have a higher quality *how*. In fact, as we move forward, the *what* you produce or market will matter less and less than *how* you produce or market that good or service.

What connection does this distinction have on individual ethics, integrity, and science? Here’s the link: The *how* you produce or market your data has a clear and conspicuous ethical dimension. The *how* you do something is the human side of science and we need to get the human side of science right. What does that mean? What might serve as a guide for getting the human side right? It begins by having a discussion about ethics, culture, and leadership and bringing the human dimension into harmony with the scientific dimension. Finding the proper balance can be tricky; failing to try can be devastating.

Communication Tips and Techniques

By Kelli Vrla, CSP

Kelli Vrla, CSP, one of the scheduled workshop speakers at the ASCLD Symposium, will present a series of breakouts on Exceptional Communication. Here are some excerpts of some of the tips and techniques she'll share with you while in the sessions. One of the workshops will focus on Internal Communications, while the other will focus on External Communications. Participants will walk away with a Personal Action Plan from each.

You just cain't fix stupid...

Ask yourself right now: "How can I think before I engage in a frustrating encounter with one of my 'SAI' people? How can I remind myself to be more amused than mad?"

Dealing with the "severely aware impaired" (SAI) can be a daily frustrating challenge. Decide to be amused with people who just don't get it. Your other futile option is to get increasingly upset when they continue not to get it.

"Where's my surprise face?" If you continue to be surprised when they don't get it, perhaps you're becoming "severely aware impaired." Resist the urge to give FREE SEMINARS to people who did NOT sign up! Stop wasting precious time and energy explaining the whole enchilada, when the chips and salsa are all they can handle.

75/25 Rule

75% of dealing with difficult people and situations is understanding. 25% of dealing with difficult people and situations is skill and technique.

The good news is it's something we can all improve upon; most of us are not born with the ability to handle the sticky wickets among us. Practice every chance you get, as the opportunities are bountiful. Before diving in, strive to understand the person, the situation, the real issue, and the real obstacles. If all else fails, ask the person you're dealing with his/her take on the situation, so you can at least agree on where the gaps are.

So ask yourself: How can I better understand a person or situation this week I have perceived as "difficult"?

Next Best Steps

This is the best phrase for moving a conflict forward: "What's our Next Best Step here?"

Whether it's with a client, colleague or loved one, you will always be taking the high road if you'll remember this valuable phrase.

When we focus forward to fix facts, rather than back on blame, the conversation takes on a more productive dynamic. Some of us want to hang out in the limbo of “he said/she said,” when it doesn’t have anything to do with fixing the challenge at hand.

We like to be right. Best to focus your creative energies on the “next best step.” You’ll find a much quicker end to the discussions in the process and a plan to move it forward.

So today, ask yourself: “When can I use the “Next Best Step” phrase today? This week?”

Bless yore lil h-e-a-r-r-r-rr-t!!

Today, ask yourself: Is the comment I’m about to make a “blessing” (sincere praise) or a “dissing” (passive-aggressive)? If there’s doubt, probably best to leave it out.

In Texas we have this wonderful catch-all phrase and we use it like an etch-a-sketch erase of a back-handed compliment. Example: “Nice dress, but not on you...” “Bless yore lil h-e-a-r-r-r-rr-t !” You think you’ve been blessed, when you’ve really been ‘dissed.’

Back-handed compliments lurk everywhere. They’re like giant take-aways from a real issue. Comments like, “Did you lose your yard guy?” or “It must be frustrating gaining back all that weight...” or “It’s great knowing your kid passed...with the curved grade

Ethos, Pathos, Logos and Laugh-os

Today, Ask Yourself: Where can I practice “Laugh-os” this week and look at things more lightly?

Quote: “She who laughs, lasts.” Kelli S. Vrla, CSP

Distilled Nugget: What helps persuade others both in drama and in life?

- Ethos: having ethical, moral character
- Pathos: appealing with passion
- Logos: appealing with logic

But don’t forget to add my favorite Greek trait: Laugh-os (laff-os), the ability to look at things lightly and with a great sense of humor. Perhaps the greatest gift you can give yourself (and others) is a sense of humor. Find difficult situations amusing. Remember, you will always find what you seek. Seek lightness and it will lay itself at your feet.

Title: Ethos, Pathos, Logos, and Laugh-os

Let There Be P’s on Earth

Today, Ask Yourself About the Four “P’s”: Positive, Polite, Professional, Proactive: How many of the four Ps can I practice in my next interaction? In all my interactions?

Quote: “The glue that holds all relationships together – including the relationship between the leader and the led is trust, and trust is based on integrity.” Brian Tracy

Distilled Nugget: Practice the four Ps in all you do. Strive to be Positive, Polite, Professional, Proactive. Positive: Tell people what they can have or do, not what they can’t. Polite: Remember to use simple courtesies like “Please” and “Thank you.” Professional: Always be above board. Pretend you’re being followed by a paparazzi of cameras at all times. What would you like to see on the six o’clock news about you? Proactive: Be ever mindful of moving transactions forward. Focus forward on fixing, rather than backward on blaming.

Kelli Vrla, CSP, travels from the Hill Country in Texas, providing solutions for organizations in the areas of People, Priorities & Productivity. Your questions answered at: Kelli@KelliV.com. FREE Quick Tips for Busy People:

Kellivrla.wordpress.com To save a date or check avails: 888.434.HaHa (4242)

The Benefits of Measurement Assurance in Forensic Laboratories

By Mark Ruefenacht, Forensic Metrologist

Introduction

"Duplicate the process!" my mentor and instructor, Jerry Everheart, used to say to me as I was learning the fundamentals of measurement at the National Institute of Standards & Technology (NIST) in the late 1980's, "Just duplicate the process!" The concept is simple yet the implementation and evaluation of measurement assurance is more complex. What is measurement assurance and how can you benefit from implementation of a Measurement Assurance Program (MAP) in forensic laboratory measurements and tests?

Measurement Traceability

As forensic laboratories seek ISO 17025 accreditation a fundamental component of each accreditation is metrological traceability of all forensic measurements and tests. The measurement traceability chain is defined in the ISO International Vocabulary of Metrology (VIM) and by the International Laboratory Accreditation Cooperation (ILAC) to include six essential components:

- 1) **An unbroken chain of comparisons** going back to stated references, usually a national or international standard;
- 2)
- 3) The **uncertainty of measurement** for each step in the traceability chain must be calculated or estimated so that the overall uncertainty of the whole chain may be estimated and reported;
- 4) Each step of the chain must be performed according to **documented and accepted procedures**, with the results being recorded;
- 5) Each laboratory performing a measurement in the chain must be accredited or supply evidence of their **competence**;
- 6) The chain of measurements must, whenever possible, end at primary reference standards for the **realization of the *International System of Units***;
- 7) **Calibrations must be repeated at appropriate intervals** depending on a number of variables which may include uncertainty required, frequency of use, stability of the measurement equipment, etc.

Additionally, ISO 17025, Section 5.9 outlines requirements for assuring the quality of measurements and tests. However, ISO 17025 does not give guidance for implementation of quality checks or measurement assurance programs.

What is Measurement Assurance?

Measurement assurance is a system or a program of quality checks that verifies the effectiveness of each of the six links in a forensic laboratory's claim of measurement traceability. A properly implemented measurement assurance program will flag discrepant measurement results and/or discrepant estimated measurement uncertainties. Measurement assurance also gives the forensic analyst, and the forensic laboratory's customer, confidence in each performance of a measurement or test by validating the measurement or test process.

Examples of components in an encompassing Measurement Assurance Program (MAP) includes:

- inter- and intra-laboratory comparisons;
- proficiency testing;
- implementation of check standards in the measurement or testing process that replicates the actual measurement or test process;
- replicate measurements or tests of the same artifact or substance;
- control charts;
- statistical analysis of measurement and test data;
- statistical analysis of check standards data;
- a thorough understanding of the influences that effect a measurement or test.

Many forensic laboratories have implemented quality checks in their routine measurements and tests. For example, blood alcohol analysis may reference two independent standards to ensure the accuracy of the analysis.

Implementation of check standards and replicate reference materials, preferably of a higher order than the reference standards and reference materials used routinely in the laboratory is the required prerequisite for implementation of a MAP. Additionally, a check standard should, whenever possible, be an artifact or a reference material that most closely and practicably resembles the routine measurement process.

Process Measurement Assurance Example

For example, a forensic laboratory making routine measurements of a powdery controlled substance has a calibration performed on the laboratory weighing instruments by an accredited supplier. An uncertainty is provided by the accredited calibration supplier and incorporated as a component in the laboratory's controlled substances measurement uncertainty budget. Additionally, a stainless steel check weight (check standard) may be used, on a routine basis, to verify the calibration of the weighing instrument. A standard deviation is calculated from the routine use of the stainless steel check weight and is incorporated into the laboratory's uncertainty budget as reproducibility.

From the example above we could ask, "Does the routine use of the stainless steel check weight duplicate the process of measuring (weighing) controlled substances?" While the check weight has value in verifying the long-term stability of the weighing instrument calibration, it does not duplicate how the weighing instrument is routinely used. In fact, the check weight is probably used in a fashion that emulates *ideal* measurement conditions (e.g., environmental influences are minimized; the check weight is carefully centered and placed on the weighing instrument platform to avoid eccentric loading errors, etc.).

In order to effectively *duplicate* the measurement process a check standard could be developed using a powder. The powder would resemble the typical controlled substances measured on the weighing instrument. Enclosing the powder in a double-sealed evidence bag to avoid loss of powder from the evidence bag and to avoid hygroscopic losses or gains in the powder would ensure stability of the check standard. Each forensic analyst performing weighing measurements would then make opportunities to use the powder check standard during their routine use of the weighing instrument and the weighing result would be recorded.

The recorded data from the powder check standard can be plotted on control charts, statistically analyzed, warning and control limits established, trends identified, and changes in routine measurement process or degradation of reference standards immediately identified.

Measurement Assurance & Uncertainty

Measurement assurance programs also contribute to the verification and validation of estimated measurement and testing uncertainties. Informal studies have found that the reproducibility of a powder check standard may be considerably larger than the reproducibility of a stainless steel weight used as a check standard. In essence, the measurement uncertainty may be more accurately verified using the powder check standard which more closely simulates the measurement process routinely used in a controlled substance laboratory.

Practical Measurement Assurance Implementation

1. Identify and model the measurement or testing method in the laboratory.
2. Identify the reference standards or the reference materials. Do they meet the requirements of traceability?
3. Select a stable check standard or identify a secondary reference material that will evaluate the maximum random variation.
4. Measure (calibrate) the check standard or test the reference material, independent of the normal measurement or testing process. Create control charts and establish warning and control limits. Note: consider using the check standard immediately following a calibration or adjustment of measuring and test equipment used in the measurement/testing process to reestablish reference limits.
5. Make quality assurance measurements using the check standard or test the reference material during routine measurement and testing activities. Duplicate the measurement or testing process with the check standard.
6. Record the results of the control measurements.
7. Plot the check standard results on a control chart and statistically analyze the data. Evaluate the bias and the variability against established warning and action limits.
8. Repeat the process regularly during routine measurements or tests.

9. Using statistical tools, evaluate the measurement or testing process at specified intervals.
10. Make adjustments or improvements to the measurement/testing process, as needed.

Summary

Duplicate the measurement or testing process using verified control standards that most closely simulate the routine measurements. Use statistical tools to evaluate the measurement or testing process. Use the data from the control standards to verify the measurement or testing uncertainty budget. Finally, make improvements based on statistical evaluation of data obtained using a measurement assurance program.

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Performance Appraisals: The Coming End to a Failed Experiment?

By John M. Collins

Michigan State Police – Forensic Science Division

ASCLD Executive Director

The day is coming when formal performance appraisals will go away as we know them. It may not happen overnight, but we may begin seeing the elimination, or at least a major overhaul, of formal employee evaluations from the list of common human resource management practices of American employers.

Why? Because too few supervisors know how to do it right, and even the best supervisors struggle to completely eliminate their own biases from the process. The deck is stacked against them, which creates frustration, cynicism, and even legal liability.

If you can imagine a small company of five people working for a single owner, you can easily appreciate how employee performance is monitored and evaluated on an ongoing basis. When someone screws up, they are told about it and everyone hopefully moves on. If someone works extra hard to satisfy a demanding customer, he gets a pat on the back. There is nothing complex about it. It's a matter of basic interpersonal communication, courtesy, and honesty.

The branches of the United States military, for example, have long used performance appraisals to rate soldiers and employees. This goes back at least as far as World War I. But in the American economy, what really changed the ball game was the rise of large corporations and the growing distance between employees and the holders of the purse strings. In this new high stakes environment, corporate management needed a way to objectively rate employees in the ranks and distribute pay increases and other performance-related benefits as equitably as possible.

But the diagnosis is now grim. Upward creep of appraisal scores, subjective interpretations of performance, the playing of favorites, the complexities of collective bargaining, and, not to mention, the laughable practice of conducting performance appraisals when no benefit for top performers is forthcoming, have eroded the confidence of both employees and supervisors.

Writing for the *Wall Street Journal*, Samuel A. Culbert, author of [Get Rid of the Performance Evaluation](#), pulled no punches in expressing his disdain for performance appraisals. "This corporate sham is one of the most insidious, most damaging, and yet most ubiquitous of corporate activities."

But Culbert argues that there is hope. "The one-sided, boss dominated performance review needs to be replaced by a straight-talking relationship where the focus is on results, not personality, and where the boss is held accountable for the success of the subordinate instead of just using the performance review to blame the subordinate for any problems they're having."

Within any organizational setting, progress is enjoyed when goals are set and later achieved. It's all about the goals.

For top performing employees, goals tend to have more significance to organizational leaders and may directly impact the corporate bottom line. In a forensic science laboratory, the goals of your top scientists may directly reduce your backlog or improve analytical methods employed by your laboratory.

Conversely, for less skilled employees or those who may exhibit behavioral problems in the workplace, goals may be as uninspiring as simply trying to say “good morning” to coworkers in the hallway or may be focused on remediating competency problems that are potentially affecting quality. Either way, employees should be judged on their delivery of *value*, not their performance.

In this regard, the optimum process for understanding and expressing an employee’s value to organizational leaders might be to allow employees to periodically rate, in their own words, their value to the organization. It makes sense that part of having a job should be knowing how to describe how well you do it and why you are the right person for the job.

Most organizations have documents and procedures for conducting performance appraisals in the workplace. If you suspect that performance appraisals are here to stay, use whatever wriggle-room you have to make your existing procedures as healthy and constructive as possible. Consider turning your performance *appraisals* into performance *presentations* where you, the supervisor, become the listener. You will be amazed at how healthy and constructive the process can be.

Here are some tips:

- **Let your employees do the talking.** Schedule time, even if only once a year, to let them present to you their successes and failures, strengths and weaknesses. Do your homework and expect your employees to answer questions based upon your own observations and data. If your employee argues that they contribute to high morale in the workplace but you are concerned about occasional late arrivals, ask how their time management practices are being perceived by coworkers. When you make yourself the audience instead of the employee, you place yourself in a position of power while affording your top employees an opportunity to shine. You also relieve yourself of anxiety by simply listening and not falling prey to the temptation of trying to customize and deliver the perfect monologue to each employee. Based on the resulting interactions, you can work in partnership with your employee to prepare a fair appraisal of her performance.
- **Focus on the Goals.** Performance is personal, goals are objective. But don’t forget that you as a supervisor should have your own goals as well and your employees must be aware of them. The goals of your subordinates should somehow relate to the goals you have set for yourself and your team. If you don’t tie them all together, you lose a significant strategic opportunity to keep everyone on the same page and progress at a faster rate.
- **Use the Performance Presentation Concept to Identify Talent.** The manner in which employees present evidence of their high performance will tune you in to who may have potential in higher leadership positions later on down the road. Speaking and presentation skills are critical to successful management and require organization, time management, and

work prioritization skills. Let your employees present the evidence of their performance and keep an eye out for those who seem a cut above the rest.

- **Learn from what you hear.** It is difficult to learn when you are speaking. A performance presentation can be a great opportunity for a supervisor to better understand the nature of an employee's job. For forensic science laboratory directors who may only have technical expertise in one particular discipline, this can lead to better management practices and the emergence of opportunities to change how work is performed in the future. An informed supervisor is a better supervisor. But as important, an employee who feels he has the opportunity to educate and influence his supervisor is a happier, more satisfied employee.

In the end, as supervisors, we are expected to review and monitor the performance of our employees each and every day. Furthermore, we are expected to provide healthy feedback to our employees as necessary to keep them aware of how we view their overall contributions to our organizations. To do this, we have to nurture good relationships with our subordinates and ensure that everyone has the best interest of the organization in mind.

Why should any supervisor allow the traditional performance appraisal process to complicate these relationships and potentially lower the morale of her top performers?

The answer is we shouldn't.

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