



The American Society of Crime Laboratory Directors

"Excellence Through Leadership in Forensic Science Management"

March 17, 2009

The Honorable Patrick J. Leahy
Chairman, Senate Committee on the Judiciary
433 Russell Senate Office Building
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

On behalf of the American Society of Crime Laboratory Directors (ASCLD), we thank you for this opportunity to present our views with respect to the findings of the National Academy of Sciences report entitled "Strengthening Forensic Science in the United States: A Path Forward." **ASCLD believes the complexity of the report distills down to two fundamental issues that affect forensic laboratory operations: the need for (i) standardization in education, training and forensic science delivery and (ii) adequate, sustainable resources across the forensic community.** ASCLD has long been a strong advocate on these issues because they are critical in order to safeguard the integrity and value of our profession.

During the course of the NAS committee's work, ASCLD was invited to present its position concerning issues facing forensic science. These issues included critical needs in the following areas:

- **Technology and Scientific Advances** – *improving the current fragmented and inconsistent technology available in crime laboratories across the United States and addressing the need for standards in forensic science*
- **Personnel and Training** – *mandating ethics guidelines, ensuring quality through establishing standards for education, training, accreditation, certification, and use of common language*
- **Best Practices and Efficiencies** – *identifying means toward improvement such as benchmarking, process improvements, balancing service priorities*
- **Financial Resources** – *appropriating sustainable, flexible funding sources at the national, state and local levels*

ASCLD welcomes and appreciates the scientific and scholarly peer review of our profession as well as the constructive discussions and debates centering on science and policy issues. However, as you and your committee moves forward with policy and implementation strategies, we respectfully ask that you consider the perspectives of crime lab directors and managers across the United States.

Although ASCLD supports many of the important issues covered in the NAS report recommendations, we do not support the formation of a new government entity at this time. **Clearly, the need identified in the NAS report is directed specifically to enforceable standards.** However taking the current fiscal realities into mind, the need for enforceable standards within forensic science outweighs the ability to fund, create and implement a new national entity. **Congress should identify an existing government body that cuts across federal agencies and budgets at the highest level to be charged with this important task.** The report clearly identifies a wealth of existing resources within the professional scientific community; within our strategic partners in science, education and policy; and among the many criminal justice stakeholders available to the forensic science community that this body can partner with to strengthen the forensic sciences.

ASCLD supports proper and continuous funding that is critical for all forensic science laboratories and operations to meet their operational demands as well as their training and continuing education needs. Doing more with less, crime laboratories today are generally forced to address the heavy workload demands placed upon them with limited resources and ability to address equally important professional needs such as training, research and new, innovative technology development and transfer. The forensic community has benefited from grant funding, but the limited terms and conditions only provide temporary relief of symptoms. Fortunately, these all important funding needs have been equally recognized in the NAS report. **Congress should support funding that must be substantial and consistent for all disciplines (not just DNA) in order to provide accurate, timely and meaningful results that can identify the guilty and exonerate the innocent.**

ASCLD strongly supports the mandatory accreditation of all forensic science operations as an essential quality component and supports specific financial support for those forensic operations which have demonstrated a commitment to quality by seeking and maintaining accreditation. ASCLD was formed in 1974 after recognizing the need for improvements in forensic services and later implemented the ASCLD/LAB accreditation program in 1981. Current accreditation programs, with movement toward ISO/IEC 17025 based international standards as currently offered by our strategic partners, provides confidence and assurance to a parent organization, its employees, the criminal justice community, and the public that the operation can meet the most comprehensive forensic quality management system requirements. **Congress should implement mandatory accreditation as one of the key deliverables that can be achieved in the short term with the support of federal legislation and existing funding streams that would make immediate, substantial, and positive impacts toward the improvement of the practice and delivery of forensic science in the United States.**

ASCLD believes all forensic operations should require responsible, professional ethics and laboratory policies that guard against undue influence. The practice of forensic science is built on a foundation of ethics and objectivity and that must be supported at all levels in the organization. Therefore, regardless of whether a laboratory is a part of a police or sheriff's department, a local or state attorney's office, a medical examiner's office or any other parent agency, laboratory managers and employees of forensic laboratories must avoid any activity, interest, influence, or association that interferes or appears to interfere with their independent ability to exercise professional judgment. **Congress (i) should not remove crime laboratories from parent agencies if the parent agency is required to document how crime laboratories have**

scientific autonomy with the freedom to conduct testing and report results without pressure from activity, interest, or influence; and (ii) should support funding and research to explore the potential for influence or biases that could affect the quality of results in forensic laboratory operations to strengthen public confidence.

As a community working together with our stakeholders, ASCLD is committed to identifying and proving the existence of valid, reliable science and interpretations behind our forensic analyses. Many crime laboratories across the United States have robust, validated methods, and are confidently producing accurate and reliable scientific work. The erroneous public perception that our science is unreliable can only be changed through engagement, collaboration and healthy debate. One must remember the words of William Cowper: “The absence of proof is not the proof of absence.” Accordingly, although the validation documentation may not be readily available in or published in literature by some laboratories, the lack of that data does not mean the science is unreliable. **Congress should prioritize funding for research efforts to crime laboratories and educational institutions to create, publish and deliver the proper validation documentation to restore the trust and confidence regarding forensic science testing within the criminal justice system.**

In summary, ASCLD recognizes that the in-depth NAS report paves the way for a significant national focus on the needs of forensic science – a focus that includes policy, scientific and funding improvements. Laboratory directors and managers are doing their part to properly educate their staff and stakeholders on the issues raised in this report. The forensic science community understands that there will undoubtedly be on-going, intense discussion and debate with forensic science stakeholders. However, the immediate focus must remain on the two most important goals: (i) standardization in education, training and forensic science delivery and (ii) adequate, sustainable resources across the forensic community.

ASCLD is encouraged by and very thankful for all the efforts being made by the current Administration, Congress, the National Academies and our stakeholders to make forensic science a priority in national policy. ASCLD is committed to being a leading resource in the long process ahead to indeed create “a path forward” for forensic science that focuses on continuous improvement and excellence. Forensic science is an essential component of the criminal justice system, and with appropriate standardization and sufficient resources, it can become even more valuable to those we serve.

Respectfully Yours,



Dean Gialamas
ASCLD President
(714) 834-6380
DGialamas@fss.ocgov.com



Beth Greene
ASCLD President-Elect
(850) 595-2123
BethGreene@fdle.state.fl.us