



The American Society of Crime Laboratory Directors

"Excellence Through Leadership in Forensic Science Management"

ASCLD Comments Regarding NIST Guidance Groups

The American Society of Crime Laboratory Directors (ASCLD) applauds efforts to advance forensic science and provide "a framework for coordination across forensic science disciplines," however; we have concerns with the proposed model and the direction toward which the questions in the Federal Register appear to be leading the audience. Please find below our specific thoughts:

- 1) **Structure:** We strongly believe any new framework must build off of the existing model(s) of the current Scientific Working Groups (SWGs) and include a formal coordinating body. Scientific Working Groups have a very productive history of strong leadership. SWGs have researched and aided implementation of industry standards, provided technical guidance, recommended best practices, provided training and education, supported forensic meetings, and engaged their discipline practitioners on ALL levels of government and even internationally. SWG members are dedicated professionals who recognize the importance of their work. What they lack is a coordinating body and consistent support, including funding. We do not believe the proposed guidance groups will solve that problem as they appear to be based on foundational science, rather than applied, discipline-specific science and lack the single coordinating factor of an Office of Forensic Science. In fact, we believe the proposed solution will be costly, divisive, and disruptive to the forensic science community. We do believe a federal entity should play the role of coordinator and be supportive of the efforts and the model as proposed in Senator Leahy's July 2012 version of S132, the Criminal Justice and Forensic Science Reform Act of 2011, for an Office of Forensic Science in the Department of Justice with a Board of 11 scientists, 6 of whom are practitioners providing guidance to Committees. However, we believe those Committees should be the current SWGs. We are also concerned with the statement made in the Federal Register that the proposed Guidance Groups would not report to DOJ or NIST. If this is the case, how will coordination be achieved and where will the leadership come from? There are several international models from which to glean information toward advancement of the existing system in addition to the legislation currently being written by Senator Leahy and Senator Cornyn:
 - i) The Australian National Institute of Forensic Science (NIFS) is successful in supporting the development and propagation of forensic science that works on a daily basis with Specialist Advisory Groups (SAGs) (8 of them) covering a broad range of disciplines within the forensic sciences. It develops Annual Action Plans with the SAGs which identify and prioritize work plans to resolve pressing technical and scientific needs. This has assisted in reaching national agreement on issues such as standards, accreditation, certification, R&D and education and training. The core functions of NIFS are: 1) sponsor and support research in forensic science; 2) assistance with the development and co-ordination of forensic science services between jurisdictions; 3) facilitation and information exchange between relevant parties; 4) support, co-ordinate and conduct training programs in forensic science and 5) co-ordination of the delivery of relevant forensic science quality assurance programs.
 - ii) The European Network of Forensic Science Institutes (ENFSI) is an organization that implements mutual agreements to participate and cooperate but accomplishes this without a standards development organization (SDO). While standards development is important, ENFSI's level of cooperation, information exchange, consensus standards, proficiency testing sharing, etc. is a good model to emulate, especially when implementing forensic processes for such a huge, multi-jurisdictional, legal community as the United States, which bases its consensus on a voluntary system.

- 2) **Impact:** The question of impact and how to best address the matters relating to the operation of a crime laboratory is quite simple. For instance, in most states, to date, accreditation and certification have been voluntary. While ASCLD certainly supports the idea of accreditation for all crime laboratories, mandating this on the federal level without the proper organization and funding essentially creates an unfunded mandate that makes implementation impossible. Accreditation and certification is necessary and receipt of federal funds should be contingent on compliance or work towards compliance. A similar strategy could be used by the Office of Forensic Science to encourage laboratories to adopt the recommendations made by the SWGs. Research needs and priorities must be developed with a strong input from the practitioners who deal with the issues on a daily basis. Again, the model proposed by Senator Leahy is movement in the right direction.
- 3) **Representation:** The premise behind these questions is flawed. The SWGs should remain predominately represented by the practitioner community as they deal with matters which relate to and directly impact the operation of a crime laboratory. The best resource for suggesting best practices and developing research priorities are the scientists who actually do the work every day. SWGs are vital to crime laboratories as the published standards for each forensic discipline are used for the development of validation plans, training and research programs, and laboratory procedures. In order for the SWGs to be more effective and efficient, there must be coordination from an Office of Forensic Science devoted to ensuring the SWGs meet regularly, providing a budget foundation and disseminating forensic discipline documentation.
- 4) **Scope:** As we stated above, all Scientific Working Groups, including Digital Evidence, should be moved to become the basis for the Sub-committees. They should not be grouped into larger “related” Committees, however, as the discipline specific details and nuances will be diluted. While there may be similarities in equipment and analysis schemes such as in Drug Analysis and Toxicology, there are significant differences such as solid dosage forms as opposed to concentrations of drugs and metabolites extracted from various matrices. Similarly, while latent prints and firearms identification are both types of pattern evidence, there remain many differences in how the patterns are made or applied and issues of distortion or reproducibility, etc. The discipline specific committees must remain as the standard setting group, without having the work product filtered through a hierarchy of committees/boards.

ASCLD supports efforts to strengthen Forensic Science. Unfortunately, the Federal Register solicitation appears to present the foregone conclusion that SWGs will be dismantled and replaced with NIST Guidance Groups and, at the same time, asks for comments on positive aspects of the current SWGs to emulate. This feels like a “create something new just because” approach which has ASCLD questioning whether this is a wise or fiscally prudent way to strengthen Forensic Science.



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