



NATIONAL COMMISSION ON FORENSIC SCIENCE

NIST
National Institute of
Standards and Technology
U.S. Department of Commerce

National Code of Professional Responsibility for Forensic Science and Forensic Medicine Service Providers

Subcommittee Interim Solutions

Type of Work Product

Adjudication of Public Comments on Final Draft Views Document

Summary

Following public comments received in April and May of 2015, the Interim Solutions Subcommittee of the National Commission on Forensic Science (NCFS) significantly revised the proposed National Code of Professional Responsibility for Forensic Science and Forensic Medicine Service Providers. Given the nature of the changes, the revised “Code” was again provided to the public for comment in late 2015. This document summarizes those comments and provides a high-level explanation of modifications made to the Code.

The Interim Solutions Subcommittee received comments on the November 5, 2015 draft of the National Code of Professional Responsibility from 22 separate submissions. While most commenters supported the concept of a National Code, a few suggested that existing ethical codes already exist. The Interim Solutions Subcommittee considered existing codes in developing the current National Code; however, members of the Subcommittee believe that a single National Code for all Forensic Science and Forensic Medicine Service Providers is important for the field and was strongly recommended by the National Academies of Science report in 2009.

A few commenters expressed concern about Code enforcement. While the Subcommittee acknowledges that enforcement is one of the most critical aspects of a National Code, the Implementation Section of the document provides a solution to help ensure more uniform application. In addition, direct enforcement capability by the Department of Justice is limited.

Over 60% of commenters expressed concern with how item 16 of the Code was written. Specifically, a number of commenters were troubled by the suggestion that individual practitioners would be responsible for directly contacting victims and defendants. Some indicated that such notifications would require considerable resources and that this duty should be the responsibility of the prosecutor. Multiple commenters wanted “nonconformities” to be defined. Some also expressed concern that items 14 and 16 appeared repetitive. Others expressed that 14, 15 and 16 were too ambiguous. As a result of these comments, as well as the discussion about item 16 at the December 2015 NCFS Meeting, the Subcommittee revised the November 5, 2015 draft to attempt to clarify the roles related to item 16. Further, revisions to language in items 14, 15 and 16 were made to address the comments, as well as providing a definition of nonconformities.

Some commenters also suggested that “ethical standards” mentioned in certain elements of the Code may contradict the earlier statement that the Code was not specifically covering ethics as indicated in the statement: “The subcommittee chose professional responsibility rather than ethics as the title because ethics is a much broader term referring to many issues beyond those directly associated with forensic science and forensic medicine service providers’ professional responsibilities.” For this reason, “ethical standards” was changed to “professional standards” in items 14 and 16 of the Code.

One commenter suggested that, as written, items 6, 7, 11, and 13 had a negative connotation. The Subcommittee agreed and much of the commenter’s suggested wording for these items was inserted into the latest draft of the Code.

Finally, a number of other commenters also suggested “improved” language and formatting for a number of the Code’s clauses. With the exception of the changes mentioned above, suggested minor wording revisions were nonpersuasive. Changes to the document were minimized.