

# ASCLD CODE OF ETHICS

## Section 1: Policy

The AMERICAN SOCIETY OF CRIME LABORATORY DIRECTORS (ASCLD) recognizes that laboratory managers bear additional ethical responsibilities beyond those expected of forensic scientists involved in analytical casework. Ethical issues can arise from activities for which managers are accountable, such as: hiring, training, and supervising subordinates; establishing policies and procedures for evidence handling and analysis; providing quality assurance; budgeting and expenditure of authorized funds; and proper handling of agency property and supplies. While laboratory managers might not be involved directly in the analysis of evidence and presentation of courtroom testimony, their actions as managers can have a profound impact on the integrity and quality of the work product of a crime laboratory.

## Section 2: Code

As members of ASCLD, we will strive to foster an atmosphere within our laboratories which will actively encourage our employees to understand and follow ethical practices. We shall report, to the extent permitted by law, to the Board of Directors any potential ethics violation committed by another member of ASCLD. Further, we shall endeavor to discharge our responsibilities toward the public, our employers, our employees, and the profession of forensic science in accordance with the following ASCLD Code of Conduct:

1. No member of ASCLD shall engage in any conduct that is harmful to the profession of forensic science, including, but not limited to, any proven illegal activity, any documented technical misrepresentation or distortion, any scholarly falsification as pertaining to membership requirements in ASCLD or their employment.
2. No member of ASCLD shall discriminate against any current or prospective employee in his or her organization based on race, color, religion, national origin, sex, age, disability, or sexual orientation.
3. No member of ASCLD shall use their management position to develop or require the implementation of policies and procedures that would force or encourage an employee to arrive at a conclusion that is not supported by scientific data.
4. No member of ASCLD shall misrepresent their expertise or credentials in any professional capacity.
5. No member of ASCLD will knowingly fail to address or attempt to cover-up any misrepresentation and/or falsification of analytical work or testimonial presentations or the improper handling of evidentiary material by an employee of their laboratory.
6. No member of ASCLD will knowingly fail to notify customer(s), through proper laboratory management channels, of material nonconformities, or breaches of law, or professional standards that adversely affect a previously issued report or testimony from their laboratory.
7. No member of ASCLD shall make written or oral statements which imply that the member is speaking on behalf of ASCLD or the Board of Directors without the permission of the President.

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8. No individual shall retain their membership in ASCLD if they have been convicted of a felony offense.

## Section 3: Enforcement Procedures

The President shall appoint an Ethics Committee to make inquiries and act upon violations to the Code of Ethics (hereafter "Code") brought to the Board of Director's attention. Such enforcement shall be fair and impartial, and shall be conducted in accordance with the following procedures.

### THE ALLEGATION AND ITS INQUIRY:

#### A. The Allegation:

1. An "allegation" is a complaint or accusation that an ASCLD member has violated one or more of the ASCLD Ethics Codes of Conduct.
2. An allegation of a violation (hereafter "allegation") must be submitted in writing using the Ethics Allegation Form located on the website to the President and signed by the accuser. An allegation sent to an officer or member other than the President shall be forwarded immediately to the President and shall not be officially deemed received by ASCLD until it is received by the President. ("President", as used herein, shall mean that person then serving as President or such person who shall assume the duties of the President in his/her absence.)
3. An allegation may be submitted by any person, whether a member of ASCLD or not.
4. An allegation must refer to facts and circumstances as specifically as possible, referencing the specific Code of Conduct violation.
5. Anonymous allegations shall not be considered.

#### B. Referral to the Ethics Committee and Inquiry:

1. The allegation shall be forwarded within 30 days of receipt by the President of ASCLD to the Chair of the Ethics Committee (hereafter "Chair").
2. The Ethics Committee shall review the allegation to determine if there is probable cause to believe that it violates a specific code of conduct, that there is probable cause to believe that the allegation is well founded, and that it falls within the jurisdiction of the Ethics Committee.
3. If the Ethics Committee, in its preliminary determination, finds that it does not have jurisdiction, or that there is a lack of probable cause or insufficient information is provided to believe that the allegation may be well founded, or that it does not violate any Code of Conduct, it shall issue a report within 30 days to the Board of Directors, setting forth the basic facts (but omitting the names of the parties), and stating the reasons for its recommendation to dismiss. If the Board agrees to dismiss by majority vote, notice of the filing of the allegation and subsequent dismissal shall also be given to the Accused and Accuser by the President or his/her designee.
4. If the Ethics Committee finds that it has jurisdiction, that there is probable cause that the allegation violates a specific Code of Conduct, and that there is probable cause to

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- believe that the allegation may be well founded, it shall issue a report to the Board of Directors, setting forth the basic facts (but omitting the names of the parties), and stating the reasons for its recommendation to proceed with the inquiry. If the Board agrees to proceed by majority vote, the President or his/her designee shall give notice of the filing of an allegation to the Accused. In accordance with Rules and Procedures formulated by the Ethics Committee and approved by the Board of Directors, the Ethics Committee then shall assemble such written data from both the Accused and the Accuser(s) which will permit the Board of Directors to determine whether the allegation requires further action.
5. If, as a result of an inquiry, the Ethics Committee determines that charges should be dismissed without a formal hearing, it shall issue a report to the Board of Directors setting forth the basic facts (but omitting the names of the parties) and stating the reason(s) for its decision. If the Board of Directors agrees by majority vote, the President or his/her designee shall notify the Accused and the Accuser(s) of its decision. A copy of the report shall also be given to the Accused.
  6. If the Board of Directors decides that the Ethics Committee should formally hear the charge(s), the Ethics Committee shall give both the Accused and the Accuser(s) a reasonable opportunity to be heard and to confront each other. The Ethics Committee shall then make a report within 120 days after notification by the Board of Directors to the accused and accuser about its recommendation for further action. No member of the Board of Directors who is the subject of a pending accusation shall sit in deliberation on any matter concerning ethics, nor shall any member of the Board sit in deliberation on any matter pertaining to an accusation of Ethics Code violations when the Accused or the Accuser are employed by the same employer as the member of the Board.
  7. Following receipt of a report of the Ethics Committee and upon a majority vote of the members of the Board of Directors, the party accused of unethical or wrongful conduct may be removed from membership in ASCLD or no disciplinary action taken. The Accused will be notified of the Board's decision by registered mail.
  8. The Accused has the right to appeal the action of the Board of Directors to the general membership at the annual meeting. In effecting an appeal, the appellant must file a brief written notice of the appeal, together with any written statement he/she may wish to submit in his/her behalf, with the ASCLD Executive Director not less than 120 days prior to the next Annual Meeting. The Executive Director shall immediately advise each member of the Board of Directors of the appeal and shall forward to each a copy of the supporting papers submitted by the appellant.
  9. The Board of Directors shall then prepare a written statement of the reasons for its actions and file the same with the Executive Director not less than 40 days prior to the next Annual Meeting.
  10. Within 20 days thereafter, the Executive Director shall mail (electronic mailing is acceptable) to each voting member of ASCLD a copy of the appellant's notice of appeal and his supporting statement, if any, and a copy of the Board of Directors statement.

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11. A vote of two thirds (2/3) of the members present and voting at the Annual Business Meeting shall be required to overrule the action of the Board of Directors regarding removal of a member.

## C. Rules and Procedures of the Ethics Committee

### INQUIRIES:

1. Upon receipt of an allegation from the President concerning a member or receipt of any information which may require further inquiry, the Chair shall open a file on the case and consult with the regular members of the Ethics Committee (hereafter "Committee"), to determine whether the Committee has jurisdiction and whether there is sufficient information or probable cause to warrant further inquiry. Members shall confirm their opinion in writing to the Chair. Jurisdiction will be established if the following criterion are met:
  - a. The accused is a member of ASCLD.
  - b. The accusation is related to or associated with a published ASCLD Ethics Code requirement.
  - c. An investigation, if undertaken, will not infringe upon any current or pending legal, civil or employer investigation involving the accused or the accused's employer.
  - d. The investigation will not require access to employee personnel files or the files of any investigation conducted by the accused's employer unless those files are legally included along with the accusation or provided to the committee by the accused.
  - e. The investigation will not require the committee to research and/or order transcripts of courtroom testimony and or other related legal interviews unless those transcripts are included along with the accusation.
  - f. The accusation will not require the Committee to perform an independent investigation of an EEO complaint.
  - g. All names and contact information of any witness or victim connected with the allegation and that would need to be contacted to verify the allegation, are listed in the allegation.
2. No members of the Ethics Committee shall serve in that capacity in any matter pertaining to an accusation of Ethics Code violations when the Accused or the Accuser are employed by the same employer as the member, nor shall any member of the Ethics Committee who is the subject of a pending accusation sit in deliberation on any matter concerning ethics. In the event that a member of the Ethics Committee is disqualified from serving by the provisions of this paragraph, the President shall appoint another individual to serve in all aspects of activities pertaining to the relevant individual. If the President is the disqualified participant, the President-Elect shall serve in his capacity for all aspects of activities pertaining to the relevant individual.

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3. Once a file is opened on a case, the matter shall be treated as confidential and all correspondence between members of the Committee and the parties shall refer to the case by file number only.
4. If the Board decides that the Committee should proceed with an inquiry, the Accused shall be notified via registered mail by the President or his/her designee and provided with copies of the allegation(s) and the Rules and Procedures of the Ethics Committee. The Accused shall be required to respond within 30 days of receipt of the (certified mail receipt requested) information to the address on record with ASCLD. Failure to respond will be taken as an acknowledgment of the facts as stated in the complaint.
5. The inquiry shall be one of fact-finding, not advocacy. The inquiry shall be as thorough, objective and comprehensive as possible. During the inquiry, the Ethics Committee may consider any additional potential ethical violations, which come to its attention.
6. Should an accused member cease to be a member for any reason after a file is opened and before it is closed, the Committee ceases to have jurisdiction. All proceedings or inquiries then being conducted regarding the Accused shall be suspended. A record of the proceedings before suspension will be retained by the Executive Director of the Board of Directors.
7. The Ethics Committee shall define the mandate and duties of any ASCLD member appointed to make an inquiry. Other than reports to the Board of Directors and members of the Ethics Committee, any personnel appointed, as well as the Accuser, shall scrupulously avoid any disclosure of the inquiry. Furthermore, the committee will provide the Accused member the fullest opportunity for access to information, opportunity to respond to the charges, to present evidence and be represented by counsel.

### HEARINGS:

1. If it is determined that a formal hearing is necessary, it may be held electronically or in person. If timely disposition of a case permits, a hearing may be held at the time of any regular meeting of the Board of Directors of ASCLD.
2. The only persons who may be admitted to the hearing in addition to the members of the Ethics Committee are the ASCLD members appointed to examine the case, the Accused and his/her counsel, the Accuser and his/her counsel and other persons called by the Committee or either party to give testimony. Witnesses shall be present only during the time they are presenting their testimony unless the Chair gives leave for them to be present at other times. The hearing shall not be open to other members of ASCLD or to the public.
3. The parties shall be given at least thirty days' notice of the hearing by registered mail to their address on record with ASCLD. Absence from the hearing by either party shall not prevent the hearing from proceeding. The hearing panel shall consist of not less than three members of the Ethics Committee. The Chair or another member

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- of the Committee designated by the Chair shall preside over the hearing and make rulings on the admissibility of evidence.
4. The proceedings may be recorded if so ordered by the Chair.
  5. Decisions of the Committee shall be based on a preponderance of evidence.
  6. The Ethics Committee shall render its decision including any recommendations to be made to the Board of Directors either orally or in writing within 3 working days of the completion of the hearing. A written report to the Board of Directors shall be forwarded to the ASCLD Executive Director within 30 days of the completion of the hearing.
  7. The decision and recommendations of the Ethics Committee need not be unanimous but the report to the Board of Directors shall indicate the names of the majority. A minority dissenting report may be included with the names of the dissenting member(s).

### GENERAL:

1. ASCLD shall not be liable for any expenses incurred by the parties, their counsel, or their witnesses in connection with the hearing.
2. The case files of the Ethics Committee shall be securely maintained, for a minimum of 5 years, by the Executive Director who shall transfer them to his/her successor on leaving office. Other members of the Committee shall destroy their files when the case is completed.