

August 15, 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:

Thank you for this opportunity to respond to the findings of the National Academy of Sciences report entitled "Strengthening Forensic Science in the United States: A Path Forward". The California Association of Criminalists (CAC), established in 1953, was the first regional Forensic Science Organization in the United States. The CAC was founded to foster an exchange of ideas and information, to establish friendship and cooperation, and to encourage a high level of competence and ethics. The CAC membership is composed of government and privately employed criminalists who are involved in the scientific analysis of physical evidence, including the disciplines of crime scene investigations, biological evidence, DNA, controlled substances, alcohol analysis, toxicology, firearms, and trace evidence. The ideology expressed by the sixteen founding members continues today as the CAC, now with over 700 members, has been looked to for guidance at the national level in areas of certification, ethics, and development of standards.

The National Academy of Sciences report made several recommendations for improvements to the delivery of Forensic Science services in the United States. The recommendations included topics in which the CAC has extensive history and involvement. The certification of Forensic Scientists, the requirement for a strong code of ethics, established standards of practice, and the maintenance of close ties with the academic community have been cornerstones of the CAC philosophy since its creation.

### ***The CAC and Certification***

The CAC began exploring certification for Criminalists in 1975 with the establishment of the Certification Committee. In 1976 this initial certification proposal from the CAC was taken to the broader national criminalistics community through the efforts of the Criminalistics Certification Study

Committee, formed by the American Academy of Forensic Sciences. The national program for certification did not develop. Therefore, the CAC renewed the pursuit of certification in 1986. Specific and extensive knowledge, skills, and abilities for the Certification Examination were developed and the first pilot examination was administered in 1989. The national certification effort resumed and the work product of the CAC formed the basis for the American Board of Criminalistics (ABC). The ABC, a national certification program, was incorporated in 1989 with the CAC as one of the five charter members. The first ABC General Knowledge Examination was offered in 1993. The ABC certification program continues today with five discipline-specific certification exams. The ABC Board of Directors is composed of representatives from the member organizations. Three CAC members currently serve on the ABC Board of Directors and Examination Committee and additional CAC members are involved in maintaining and administering the examinations. This continued involvement demonstrates the dedication of CAC members to ensuring that practicing criminalists meet and maintain the knowledge, skills, and abilities necessary to perform their duties.

The ABC certification maintenance procedure includes a requirement for documented continued training and professional participation and, for the classification of Fellow, annual proficiency tests. This system encourages the certificate holder to actively pursue training opportunities and to contribute to the profession by publication and presentation of research. There are several forensic science certification programs now in existence (i.e. American Board of Forensic Document Examiners and the American Board of Forensic Toxicology). These certifying bodies cover the disciplines routinely found in a crime laboratory. Additionally, each of these certifying bodies requires the certificants to abide by a Code of Ethics. The many forensic science disciplines have different educational and practical requirements and the certification programs must reflect those differences. Endorsement of each individual certification program can be strengthened through accreditation of the certification program itself. This accreditation can be obtained from the Forensic Specialties Accreditation Board (FSAB). Several certification programs including those mentioned above, have achieved accreditation through the FSAB's rigorous evaluation process. The criminalistics certification process demonstrates a commitment of the practicing professionals to meet high ethical and analytical standards. Therefore, it is imperative that the certification programs be administered by the practitioners within each major discipline.

### ***The CAC and Ethics***

The CAC Code of Ethics was first adopted by the membership on May 17, 1957 with the most recent revision on May 17, 1985. The strength of the CAC Code of Ethics is demonstrated by its longevity;

forty two years with only minor revisions. A detailed enforcement procedure of this Code was established and has been tested several times. This Code has been used as a model for other forensic science organizations, including the ABC and the American Society of Crime Laboratory Directors. It is our professional responsibility to continue this deep seated tradition. The CAC is proactive in the formulation of the national code of ethics as identified in Recommendation 9 of the NAS report. The CAC National Ethics Code Committee was formed to prepare a National Criminalistics Code of Ethics. The draft document has been presented to the CAC membership and will be presented nationally for review. We respectfully request that you welcome the input of practicing forensic scientists when developing a national code.

#### ***The CAC and the Development of Standards***

The CAC has recognized that standards are necessary for the quality analysis of physical evidence. A pertinent example is the formation of the DNA Advisory Committee (1989) which authored Guidelines for a Quality Assurance Program for Forensic DNA Analysis Using the Polymerase Chain Reaction (1990). These have evolved into the DNA Advisory Board Quality Assurance Standards (2000) and most recently the FBI Quality Assurance Standards for Forensic DNA Testing Laboratories (2009). These standards are utilized today during the auditing processes for laboratories participating in the CODIS DNA Database and accreditation by ASCLD LAB and FQS. The Scientific Working Groups (SWG) for several disciplines, including controlled substances, firearms and toolmarks, and bloodstain pattern analysis, have issued guidelines for standardized testing and terminology. The SWGs are composed of practitioners, including CAC members, within each discipline and are the best source for the development of standards to be utilized at a national level.

#### ***The CAC and Forensic Science Education and Research***

The CAC has maintained ties with several academic institutions within the State of California. One of the founding members of the CAC, Dr. Paul L. Kirk, created the major in Technical Criminology at the University of California, Berkeley. Following Dr. Kirk's example, several academic programs have been developed by CAC members, including the Masters of Forensic Science programs at California State University, Los Angeles and University of California, Davis. The CAC offers student membership and provides funding in the form of scholarships and research project funding. Recipients of the scholarships and research funding are encouraged to present their data at the professional conferences and to publish in the organization's newsletter, *The CACNews*. We offer membership to the Forensic Science program educators, and they benefit by receiving feedback regarding education

requirements for the profession, coursework content, and research topics. Additional funding for scholarships and research, paired with the expertise offered by our membership, would result in furthering the enhancement of the academic research and the development of future forensic scientists.

Other disciplines, such as the medical field, legal community, and the accounting profession have demonstrated that the practitioners within the field are best equipped to develop and enforce certification/licensure, standards and ethics. We request that you look to this history and allow the forensic science practitioners to continue the projects of certification, standards, and ethics procedures. We request that you recognize those individuals who, on their own initiative, have successfully completed the certification process. Finally, we request that you identify funding sources for accessible ongoing training for practicing forensic science professionals and for the Universities who are supporting the forensic science profession through research and the education of new forensic scientists.

The NAS Report identifies certification, ethics, standard practices, education, and research as areas requiring improvement. The CAC has been a leader in these areas and encourages you to consider this expertise as a resource to aid the pursuit of improving the criminal justice system.

Respectfully Yours,

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