



Press Release: The Creation of a National Commission on Forensic Science

Susan Ballou

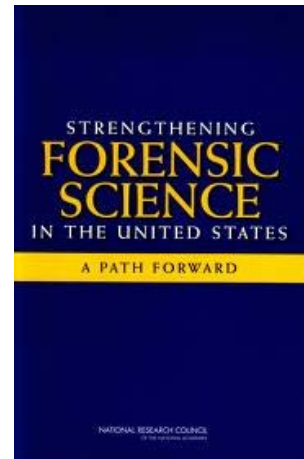
Program Manager of Forensic Sciences
Law Enforcement Standards Office

IAI International Educational Conference
August 6, 2013



Harry T. Edwards
U.S. Court of Appeals (DC)
Co-Chair, Forensic Science Committee

National Academies Report on Forensic Science



- Released February 18, 2009
- Entitled “Strengthening Forensic Science in the United States: A Path Forward”
- 13 recommendations provided to Congress
- White House created National Science and Technology Council Subcommittee on Forensic Science – 2009-2012

Recommendation #1:

“...Congress should establish and appropriate funds for an independent federal entity, the National Institute of Forensic Science (NIFS)....”

National Commission on Forensic Science (NCFS)

- Chartered for 2 years by DOJ under authority of Federal Advisory Committee Act (FACA)¹
- Co-chaired by NIST and DOJ
- 30 commissioners appointed jointly by NIST & DOJ
- Balance of scientists, practitioners and criminal justice advocates *“including Federal, State, and Local forensic science service providers; research scientists and academicians; Federal, State, Local prosecutors, defense attorneys and judges; law enforcement; and other relevant stakeholders. DOJ encourages submissions from diverse applicants with respect to backgrounds, professions, ethnicities, gender, and geography.”*

¹ http://www.fido.gov/facadatabase/docs_charters/83353_Charter_%282013-05-03-10-42-45%29.pdf

Transparency and The Federal Advisory Committee Act (FACA)

- Committee charters must be placed on **public** file.
- Meetings must be announced in the Federal Register not less than 15 calendar days in advance.
- Meetings must be open to the **public**. Closed meetings are allowed only when justified by statute and are the exception rather than the rule.
- Detailed meeting minutes must be kept.
- Meeting minutes and all materials provided to or created by a committee are available to the **public**.
- The **public** may submit comments on a committee's work.

Federal Committees: Forensic Science



NSTC “Subcommittee”

← **VS.** →

**NCFS “Commission”
(subject to FACA)**

Membership

Balanced: federal, state, and
locals

Openness

Open to public: mandatory

Agenda

Open to public: Fed Register

Public Comment Period

Every meeting: mandatory

Minutes

Open to public: Fed Register

Proposals

Open to public: Fed Register

Recommendations

Open to public: Fed Register

National Commission on Forensic Science (NCFS)

- Federal Register notice published Feb 22, 2013 with applications for NCFS accepted until March 25
- More than 330 applications received
- Fall 2013: will likely hold its first meeting
- Plans for 4 meetings per year; has to be renewed after 2 years

National Commission on Forensic Science (NCFS)

- The Commission will recommend strategies for enhancing quality assurance in forensic science units.
- The duties of the Commission will include:
 - (a) Recommending priorities for standards development;
 - (b) reviewing and recommending endorsement of guidance identified or developed by subject-matter experts;
 - (c) developing proposed guidance concerning the intersection of forensic science and the courtroom;
 - (d) developing policy recommendations, including a uniform code of professional responsibility and minimum requirements for training, accreditation and/or certification; and
 - (e) identifying and assessing the current and future needs of the forensic sciences to strengthen their disciplines and meet growing demand.

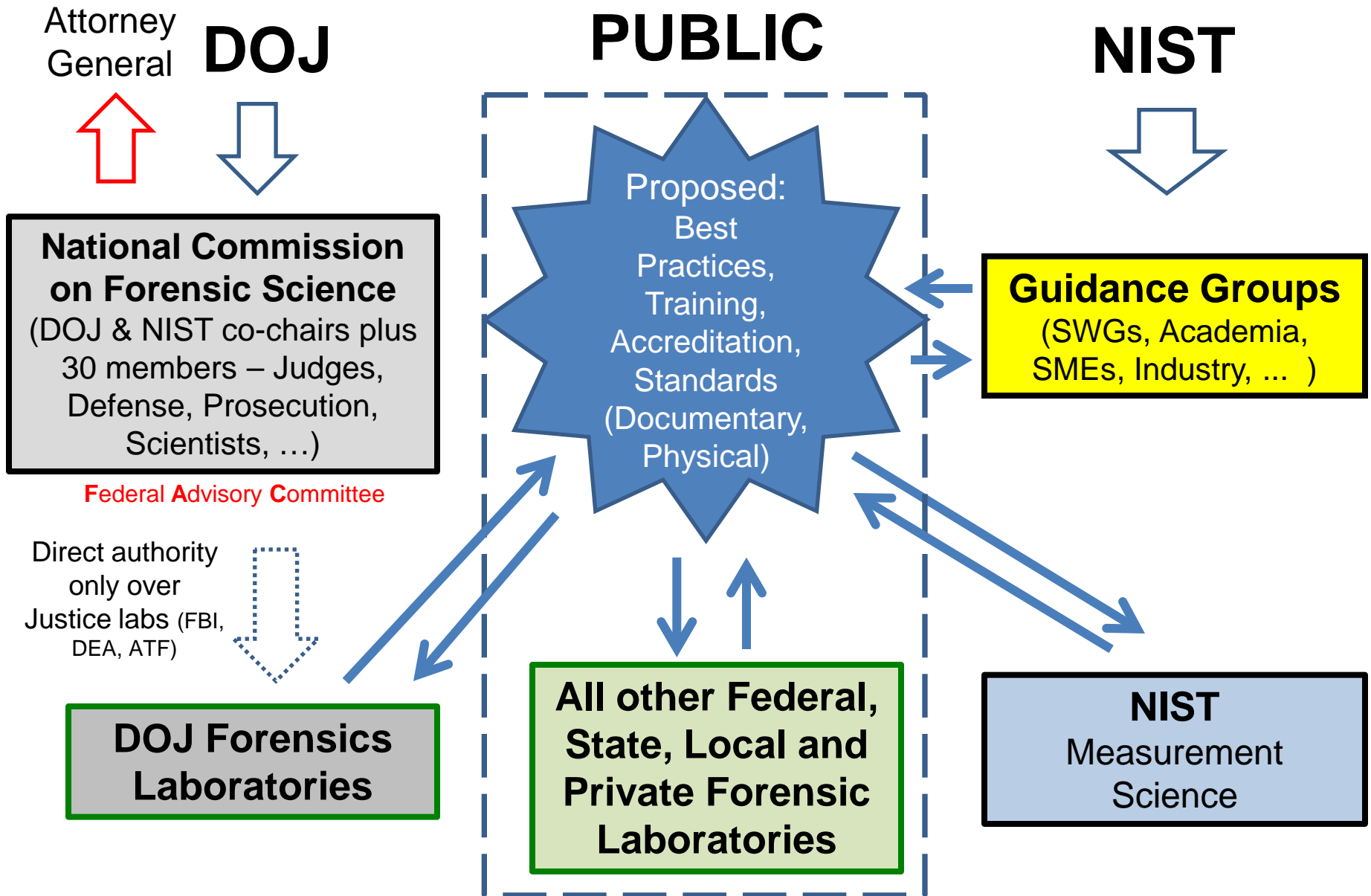


Duties of NCFS defined in its Charter

4. Description of Duties: The duties to support the objectives described in paragraph 3 include:

- a. To recommend priorities for standards development to the Attorney General;
- b. To review and recommend that the Attorney General endorse guidance identified or developed by subject-matter experts;
- c. To develop proposed guidance concerning the intersection of forensic science and the courtroom;
- d. To develop policy recommendations, including a uniform code of professional responsibility and minimum requirements for training, accreditation and/or certification;
- e. **To consider the recommendations of the National Science and Technology Council's Subcommittee on Forensic Science;**
- f. To identify and assess the current and future needs of the forensic sciences to strengthen their disciplines and meet growing demands.

Proposed Initial Framework



Role of NIST

- Administer and coordinate “Guidance Groups”
- Conduct research supporting the development and dissemination of methods, standards and technical guidance for forensic science measurements
- Test and validate select existing forensic science practices and standards

Guidance Groups

- Currently 21 Scientific Working Groups (SWGs)
- Uncoordinated *ad hoc* specific discipline groups
 - DNA
 - Facial Recognition
 - Document Examination
 - Seized Drugs Analysis
 - Toxicology
 - Fire & Explosive Scenes
 - Gunshot Residue
 - Imaging Technology
 - Voice Identification
 - Bloodstain Pattern Analysis
 - Wildlife Forensic Analysis
 - Anthropology
 - Digital Evidence
 - Dogs & Orthogonal Detection
 - Disaster Victim Identification
 - Friction Ridge Analysis
 - Geological Materials
 - Firearms & Toolmarks
 - Trace Materials Analysis
 - Medico-Legal Death Investigation
 - Shoeprint and Tire Tread Evidence

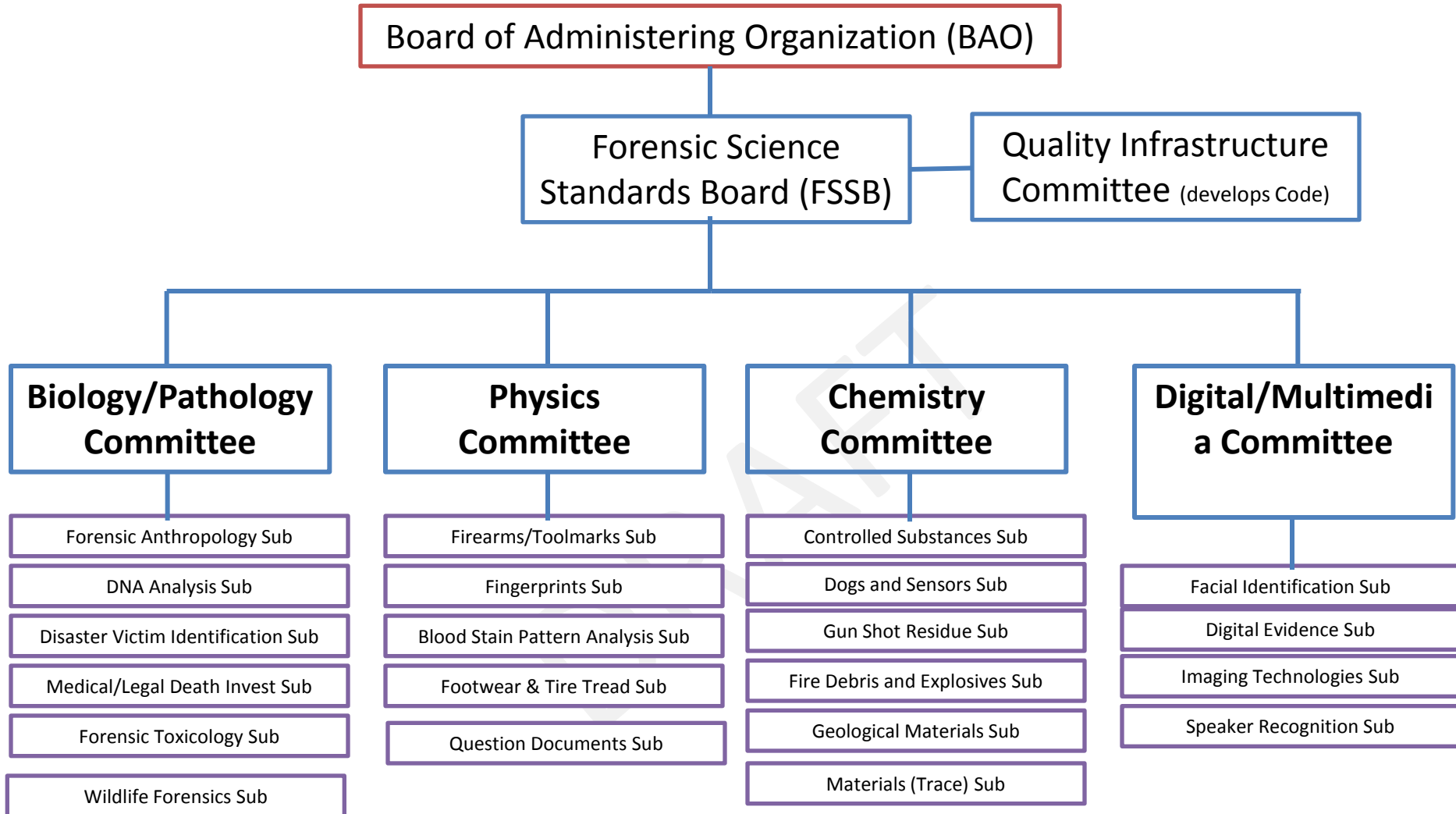
Guidance Groups

- Current 21 SWGs' members primarily limited to forensic science practitioners
- To be replaced by Guidance Groups that will:
 - Be consolidated by common science categories
 - Add members from academic and research scientists and statisticians in addition to practitioners
 - Harmonize standards development process compliant with openness and balance requirements
 - Develop prioritized list of research needs

To Inform NIST on Possible Guidance Group Frameworks

- Held a SWG Chair meeting at NIST on June 18
- Plan to publish a Notice of Inquiry in the Federal Register to solicit feedback on questions (August/September)
- Plan to hold a public meeting probably in November at NIST

Forensic Science Standards Board Model 1



NOTES

BAO - NIST develops a relationship with a Not-for-Profit Entity to execute the operations of the FSSB Structure

FSSB - Made up of Chairs of Committees and other stakeholder representatives (XX Chairs)

Committees - All members of subordinate subcommittees are members of this committee - run by a Elected Chair.

Subcommittees - each led by a Chair and Co-Chair. This is where standards, best practices, and guidance documents are either developed or brought in from outside groups/SDOs to be considered for adoption. The subcommittee level is where all open, transparent, balance of interest, due process and appeals process principles are employed. Documents flow from Subcommittee up to Committee who recommends FSSB adopt document.