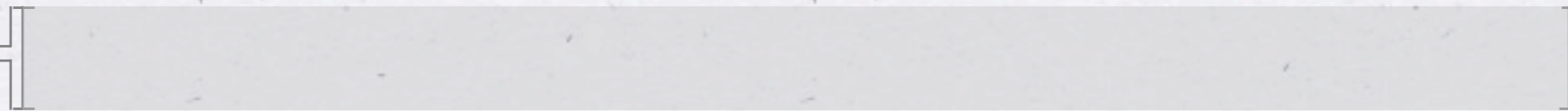

ASCLD/LAB PRESENTATIONS ADVOCATING ACCREDITATION
AS A REPLACEMENT FOR CERTIFICATION



* **ASCLD/LAB wants their Lab Accreditation to replace Certification of Forensic Scientists by Forensic Science Organizations.**

- * Why is this bad?
- * It ignores the expertise and detailed certification processes that Forensic Science Organizations have put into place. They are not simply a “single written test” as ASCLD/LAB claims.
 - * ASCLD/LAB thinks that reviewing 5 case packages every 5 years is sufficient oversight. This usually represents less than 1% of an analyst’s work.
 - * ASCLD/LAB doesn’t even have subject matter experts review the case packages during an audit or sign off on an analyst’s credentials.

Presentation Made by Ken Melson
ASCLD Symposium, Sept. 2009

(2 months after WH Subcommittee was chartered)

Recommendation 9:

The NIFS . . . should establish a national code of ethics for all forensic science disciplines and encourage individual societies to incorporate this national code as part of their professional code of ethics.

Presentation Made by Ken Melson
ASCLD Symposium, Sept. 2009

(2 months after WH Subcommittee was chartered)

Recommendation 9:

Additionally, NIFS should explore mechanisms of enforcement for those forensic scientists who commit serious ethical violations. Such a code could be enforced through a certification process for forensic scientists.

Presentation Made by Ken Melson
ASCLD Symposium, Sept. 2009
(2 months after WH Subcommittee was chartered)

**Strengthening Forensic
Science Through Uniform
Ethics Guidelines**



Method for reaching practitioners:

NAS recommends :

- encouraging individual forensic societies
- to adopt as part of their codes.

Presentation Made by Ken Melson
ASCLD Symposium, Sept. 2009
(2 months after WH Subcommittee was chartered)

**Strengthening Forensic
Science Through Uniform
Ethics Guidelines**



- How do you encourage NGOs to adopt the code?
- Does forensic society mean a certifying organization? See second part of #9
- Text says “all forensic organizations.”

**Presentation Made by Ken Melson
ASCLD Symposium, Sept. 2009
(2 months after WH Subcommittee was chartered)**

**Strengthening Forensic
Science Through Uniform
Ethics Guidelines**



NAS Report also recommends that code apply to laboratories

- how does forensic society's code apply to laboratories? NGO controls gov't laboratory?
- how does laboratory adhere to it?

Omits the fact that ASCLD/LAB is an NGO... for now.



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ASCLD Symposium, Sept. 2009
(2 months after WH Subcommittee was chartered)

**Strengthening Forensic
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Ethics Guidelines**



NAS Report recommends enforcement mechanism, perhaps through a certification process.

Problems?

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(2 months after WH Subcommittee was chartered)

Another omitted fact... mandatory certification is also recommended

Strengthening Forensic Science Through Uniform Ethics Guidelines



- What about those who are not certified?
- What affect does punishment have on employment?
 - Bargaining unit employees
 - Consistency of punishment in lab if several cert. organ. enforce code

More omitted facts... Establishment, implementation, and enforcement of these standards is another guideline to be established.

Presentation Made by Ken Melson
ASCLD Symposium, Sept. 2009
(2 months after WH Subcommittee was chartered)

**Strengthening Forensic
Science Through Uniform
Ethics Guidelines**



**ASCLD/LAB GUIDING PRINCIPLES
OF PROFESSIONAL RESPONSIBILITY
FOR CRIME LABORATORIES AND
FORENSIC SCIENTISTS (12/06/08)**

**Presentation Made by Ken Melson
ASCLD Symposium, Sept. 2009
(2 months after WH Subcommittee was chartered)**

Doing away with certifying orgs.
See other ASCLD/LAB presentations by Grubb, Nuener.

Strengthening Forensic Science Through Uniform Ethics Guidelines



- **Applies to everyone in accredited lab**
- **Does not depend on forensic society**
- **Does not depend on eligibility for/or certification**
- **Code can be updated and modified easily – not dependent on societies**

Is that what anyone wants?
See ASCLD/LAB response to NC SBI.

**Presentation Made by Ken Melson
ASCLD Symposium, Sept. 2009
(2 months after WH Subcommittee was chartered)**

Doing away with
certifying orgs.
See other
ASCLD/LAB
presentations by
Grubb, Nuener.

**Strengthening Forensic
Science Through Uniform
Ethics Guidelines**



- **Works in tandem with the ASCLD's Guidelines for Forensic Laboratory Management Practices**
 - **Promotes total laboratory culture of professionalism**
- **Does not require employees to follow bylaws, etc., of NGO forensic societies**

**Presentation Made by Ken Melson
ASCLD Symposium, Sept. 2009
(2 months after WH Subcommittee was chartered)**

**Strengthening Forensic
Science Through Uniform
Ethics Guidelines**



Yikes.

- **Enforcement mechanism**
 - **Enforced by lab and ASCLD/LAB**
 - **Violation of Guidelines will usually implicate an accreditation standard and corrective action**

**Presentation Made by Ken Melson
ASCLD Symposium, Sept. 2009
(2 months after WH Subcommittee was chartered)**

**Strengthening Forensic
Science Through Uniform
Ethics Guidelines**



Yikes.

- **Enforcement mechanism**
 - **Lab can connect Guidelines to employee position work plan**
 - **If bargaining unit prohibits it, accreditation program can deal with it.**

**Presentation Made by Ken Melson
ASCLD Symposium, Sept. 2009
(2 months after WH Subcommittee was chartered)**

**Strengthening Forensic
Science Through Uniform
Ethics Guidelines**



- **Process for community approval of Guidelines**
 - **Don't have to wait for a NIFS**
 - **Draft sent to 30 forensic organizations for comment**
 - **Draft sent to legal commentators for comment**

**Presentation Made by Ken Melson
ASCLD Symposium, Sept. 2009
(2 months after WH Subcommittee was chartered)**

**Strengthening Forensic
Science Through Uniform
Ethics Guidelines**



- **Process for community approval of Guidelines**
 - **Draft placed on ASCLD/LAB web site for comment-twice**
 - **Draft discussed at various meetings, such as ASCLD, AFQAM, AAFS**

**Presentation Made by Ken Melson
ASCLD Symposium, Sept. 2009
(2 months after WH Subcommittee was chartered)**

**Strengthening Forensic
Science Through Uniform
Ethics Guidelines**



- **Process for community approval of Guidelines**
 - **Guidelines adopted by BOD on December 6, 2008**
 - **Guidelines will be sent to Delegate Assembly to incorporate into accreditation program**

**Presentation Made by Ken Melson
ASCLD Symposium, Sept. 2009
(2 months after WH Subcommittee was chartered)**

**Strengthening Forensic
Science Through Uniform
Ethics Guidelines**



- **Process for community approval of Guidelines**
 - **Several laboratories and a forensic society have adopted the ASCLD/LAB Guidelines**

**Presentation Made by Ken Melson
ASCLD Symposium, Sept. 2009
(2 months after WH Subcommittee was chartered)**

**Strengthening Forensic
Science Through Uniform
Ethics Guidelines**



- **Process for community approval of Guidelines**
 - **Over 364 public and private crime laboratories are accredited by ASCLD/LAB (324 public crime labs)**
 - **BJS counted 389 public labs in US in 2005.**

**Presentation Made by Ken Melson
ASCLD Symposium, Sept. 2009
(2 months after WH Subcommittee was chartered)**

**Strengthening Forensic
Science Through Uniform
Ethics Guidelines**



As the requirement for mandatory accreditation of all forensic science service providers becomes a reality, the ASCLD/LAB Guidelines will become the de facto national code of ethics.

Problem Solved. And they didn't even have to let you know about it.


Presentation Made by Ken Melson at UCLA, February 2010


U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives



THE SAME-OLD, SAME-OLD,
OR BOLD, NEW LEADERSHIP?
US FEDS GOTTA DO SOMETHING THIS TIME!

Kenneth E. Melson

PULSE 
Program on Understanding Law, Science & Evidence © UCLA Law presents

 **Forensic Science:**
A Blueprint for the Future

FEBRUARY 18, 2010
UCLA SCHOOL OF LAW

Presentation Made by Ken Melson at UCLA, February 2010

This is after
Roundtables held
by Sen. Leahy's
staff, after WH
Subcommittee
has been
chartered.

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

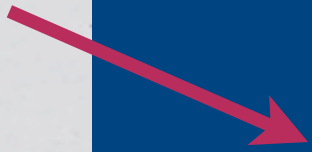


WHERE'S THE NEW, BOLD LEADERSHIP?

- ❖ Action by Congress?
- ❖ Action by the Administration?

Presentation Made by Ken Melson at UCLA, February 2010

Bye-bye
Forensic Org.
Certification



U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives



BACK TO THE FUTURE:

The Forensic Science Community's Own Initiatives

- ASCLD/LAB
 - ISO:IEC 17025 Accreditation Standards
 - Report Writing
 - Measurement of Uncertainty
 - Training Requirements
 - Code of Professional Responsibility
 - Expanding accreditation program to forensic units
 - Exploring functional equivalent of certification

Presentation Made by Mike Grubb (Former Chair of ASCLD/LAB), April 1, 2010

- * Certification - There are a number of certifying bodies – ABC (American Board of Criminalistics), the IAI (the International Association for Identification), the ABFT (American Board of Forensic Toxicology), and ABFDE (American Board of Forensic Document Examiners). Some people currently working in crime laboratories are certified by these groups, and some are not.
- * There may be a different approach to certification. As part of the accreditation process, we [ASCLD/LAB] look at the education, training, competency testing, proficiency testing and a sampling of at least 5 cases completed by each analyst – so we're seeing the casework documentation (notes) and the reports generated by these examiners.
- * To me, this is a much more rigorous examination of a crime lab employee than just taking a test and passing.

Presentation Made by Mike Grubb (Former Chair of ASCLD/LAB), April 1, 2010

- * There is a clause in ISO 17025 which states that management must give formal written authorization for each analyst to perform certain types of analyses, to use certain instrumentation, and to issue reports.
- * Why couldn't this be the equivalent of certification?

Presentation Made by John Neuner (ASCLD/LAB ISO Program Manager), ASCLD Symposium, September 2010

Wednesday September	10:30 – 12:00	Selecting a LIMS System – Engler 2009 Census of Publically Funded Forensic Crime Laboratories – Walsh
	12:00 – 1:30	Networking and Boxed Lunch & Meet ASCLD Board and ASCLD & Poster Se
	1:30 – 3:00	Work Authorization under ISO as an Alternative to Certification – Neuner History of QAS Education Requirements – Dahl Is My Lab a Calibration Lab – Farrell
	3:00 – 3:30	Networking and Refr



**From “Point of View” Letter, Explaining why they supported
the shut down of the California Crime Lab Task Force,
CACLD President Steven Hayes & CAC President Adam Dutra,
July 28, 2010**

- * [ISO] standards, in ASCLD/LAB’s opinion, satisfy nearly all the requirements of individual certification: “It is easily argued that an evaluation of education, training, competency testing, proficiency testing and casework is much more rigorous than relying on the results of a single written test.” Documentation clearly showing successful completion of these items for each working analyst must be produced during an external assessment that is part of the accreditation process... Inclusion of ASCLD/LAB’s own code of ethics (ASCLD/LAB Guiding Principles of Professional Responsibility for Crime Laboratories and Forensic Scientists) in each laboratory’s quality management document is also very likely in the near future.