



*American Academy of Forensic Sciences  
American Society of Crime Laboratory Directors  
American Society of Crime Laboratory Directors,  
Laboratory Accreditation Board  
International Association for Identification Society of  
Forensic Toxicologists/  
American Board of Forensic Toxicology  
National Association of Medical Examiners*

November 28, 2012

The President of the United States  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Dear Mr. President:

The forensic science practitioner is a very important partner in the criminal justice system. The Consortium of Forensic Science Organizations (CFSO) recognizes this importance as it represents over 12,000 forensic science practitioners. The membership of the CFSO includes the American Academy of Forensic Sciences, the American Society of Crime Laboratory Directors, the Society of Forensic Toxicologists, the National Association of Medical Examiners, the International Association for Identification, the American Board of Forensic Toxicology and the ASCLD-Laboratory Accreditation Board.

We are writing today to express concern regarding the process the National Science and Technology Council, Committee on Science has been conducting in regards to the Interagency Working Groups (IWGs) via the Subcommittee on Forensic Science. The Subcommittee on Forensic Science was born-out of the recommendations issued in the February 2009 report issued by the National Research Council (NRC) of the National Academies titled *Strengthening Forensic Science in the United States: A Path Forward*. This report concluded that many disciplines in forensic science are not fully validated and existing processes are ineffective.

The Subcommittee on Forensic Science was charged with the following tasks:

1. Develop a White Paper summarizing the Subcommittee on Forensic Science's recommendation to achieve the goals of the NRC report.
2. Create a prioritized national forensic science research agenda.
3. Draft a detailed strategy for developing and implementing common interoperability standards to facilitate the appropriate sharing of fingerprint data across technologies.

The IWGs are composed of federal, state and local forensic scientists, researchers and attorneys. At the end of 2012, the National Science and Technology Council will release a list of recommendations aimed at the forensic science community regarding five categories:

- Accreditation and Certification
- Education, Ethics and Terminology
- Standards, Practices and Protocols
- Outreach and Communications
- Research, Development, Testing and Evaluation

Although these recommendations will apply to federal forensic laboratories, the recommendations will trickle down to the state and local forensic laboratories. State and local forensic laboratories do participate and partner with federal crime laboratory functions and follow federal standards. Most notable is the DNA databank or CODIS (Combined DNA Index System). State and local crime laboratories participate in CODIS by uploading DNA profiles into the DNA databank in order to be searched on a national level by the Federal Bureau of Investigation (FBI). In addition, DNA standards for participation by state and local crime laboratories in CODIS are set and governed by the FBI. It is natural progression for any recommendations handed down by the IWGs to no doubt have an effect on state and local forensic laboratories due to their close partnerships with federal forensic laboratories and entities.

The CFSO would like to go on the record by writing to you regarding our concerns with the Subcommittee on Forensic Science IWG process. Due to the Federal Advisory Committee Act (FACA) rules imposed upon the IWG groups, no information has filtered down to the forensic science community at large to review and discuss, since the meetings were considered “closed meetings”. Nor will the forensic science community have a basis for their voice to be heard once the recommendations are disseminated. There will be no public comment period. In essence, the very forensic science community the study is addressing is limited to participating as only mere observers. Secondly, with budget constraints prevailing, the IWG groups were unable to meet on a regular basis with face-to-face meetings. No federal budget was made available for travel for the IWG group members, instead the meetings were subsidized by crime laboratory associations or state and local crime laboratories own budgets. Communication is the key to addressing these important forensic issues and face-to face meetings are an excellent means of facilitating discussions. Teleconferences or internet interface was a large part of communication thread between the IWG group members and is mediocre at best.

While the CFSO is appreciative of the effort to include some state and local representatives in the IWG process, the rest of the forensic science community has not had a voice in the process. Mr. President, we would request you waive the FACA rules for this Committee and allow the forensic science community at large to play a significant role in the decision making process. Only then will the forensic science community feel a true collaboration and partnership is in place. It is hoped by making our

concerns known, there will be a public comment period regarding the recommendations handed down at the end of the year so they are disseminated and discussed in an open forum.

Thank you for this opportunity to address your office with our concerns. If you have any questions or wish further discussion on the issue at hand, please contact Pete Marone, CFSO Chairman at 202-577-6053.

Sincerely,



Bruce A. Goldberger, Ph. D, D-ABFT  
President  
American Board of Forensic Toxicology



Robert E. Barsley, DDS, JD  
President,  
American Academy of Forensic Science



Jill Spriggs, MBA  
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Dan T. Anderson, MS,  
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Peter M. Marone, MS  
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Organizations



Pamela Bordner  
Chair,  
American Society of Crime  
Laboratory Directors/Laboratory  
Accreditation Board



Andrew Baker, MD  
President.  
National Association  
of Medical Examiners

cc:

Attorney General Holder, United States Department of Justice  
Chairman Patrick Leahy, Senate Judiciary Committee  
Ranking Member Charles Grassley, Senate Judiciary Committee  
Chairman Lamar Smith, House Judiciary Committee  
Ranking Member John Conyers, House Judiciary Committee  
Chairman F. James Sensenbrenner, House Judiciary Committee, Subcommittee on  
Crime, Terrorism, and Homeland Security  
Ranking Member Robert C Scott, House Judiciary Committee, Subcommittee on Crime,  
Terrorism, and Homeland Security  
Chairwomen Barbara Mikulski, Senate Appropriations Subcommittee on Commerce,  
Justice, Science and Related Agencies  
Ranking Member Kay Bailey Hutchison, Senate Appropriations Subcommittee on  
Commerce, Justice, Science and Related Agencies  
Chairman Frank Wolf, House Appropriation Subcommittee on Commerce, Justice,  
Science and Related Agencies  
Ranking Member Chaka Fattah, House Appropriation Subcommittee on Commerce,  
Justice, Science and Related Agencies  
Chairman John D Rockefeller, Senate Commerce, Science and Transportation  
Ranking Member Kay Bailey Hutchison, Senate Commerce, Science and Transportation  
Chairman Ralph Hall, House Science, Space and Technology Committee  
Ranking Member Eddie Bernice Johnson, House Science Space and Technology  
Committee  
John P. Holder, Director, Office of Science and Technology Policy, Executive Office of  
the President  
Mark Stolorow, Director of the Law Enforcement Standards Office (OLEs), National  
Institute of Standards and Technology (NIST)