

## FORENSIC STANDARDS AND LEGISLATION IN THE US: IAI UPDATE

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### A lot to keep straight....

- Background: CFSSO, NAS Report, SWG's
- Legislation (Leahy and Rockefeller)
- National Commission on Forensic Science
- NIST and Organization of Scientific Area Committees



### Pre 2005

- The Consortium of Forensic Science Organizations (CFSSO) asks for a study to address needs in the FS community
  - IAI
  - ASCLD
  - ASCLD-Lab
  - FQS
  - AAFS
  - ABFT/SOFT
  - NAME



### Congress asks for NAS Study: 2005

- Original direction from Congress to the National Academy of Sciences Forensic Committee.....

*While a great deal of analysis exists of the requirements of the discipline of DNA, there exists little to no analysis of the remaining needs of the community outside the area of DNA.*

*Therefore (establish a committee to study). This committee shall include members of the forensics community representing operational crime laboratories, medical examiners, coroners; legal experts; and other scientists as determined appropriate.*



### Congress asks for NAS Study: 2005

- Original direction from Congress to the National Academy of Sciences Forensic Committee ...
  - #1: Address needs of the forensic community
  - #2: Make recommendations for use of technology
  - #3: Identify advances that could help solve crime
  - #4: Make recommendations for programs to educate
  - #5: Disseminate best practices and guidelines
  - #6: Examine the role of forensics in homeland security
  - #7: Address Interoperability
  - #8: Other issues as appropriate



### NAS Report Recommendations: 2009

- 1: Establish NIFS
- 2: Standardize terminology / reporting
- 3: Research: accuracy, reliability and validity
- 4: Labs not under law enforcement
- 5: Research on human bias
- 6: NIST - SWG's, labs, universities – best practices
- 7: Accreditation and certification mandatory



## NAS Report Recommendations: 2009

- 8: Quality control established in all labs
- 9: National code of ethics
- 10: University programs developed
- 11: Medicolegal death investigation improvement
- 12: Interoperability
- 13: Homeland security



## Scientific Working Groups

- FBI
  - NIJ
  - NIST
- Where are they now?
  - What role do they play in the future?
  - What happens to all the resources?



## Last few years

- Draft legislation
  - Senator Leahy (D) Vermont
  - Senator Rockefeller (R) West Virginia
- IAI Participation:
  - Feedback on drafts
  - CFSO and lobbying efforts
  - Leahy staffer attended IAI meeting last summer



## CFSO (current)

- IAI
- ASCLD
- ASCLD-Lab
- AAFS
- ABFT/SOFT
- NAME
- IAFS (Forensic Nurses – new member)



## IAI Position Statements

*The IAI encourages and supports efforts that work toward standardization and that further excellence in the forensic science profession, as these goals reflect the core values of our association.*

*As a significant stakeholder in forensic legislation, the IAI will continue to provide input to proposals related to governing the forensic profession. Our priorities for law or systems that govern or support forensic science practices are that they should:*



## IAI Position Statements

*1. Provide for sufficient (majority) inclusion of active forensic practitioners in a manner that includes the breadth of forensic disciplines and that includes federal, state, local and private representation.*



## IAI Position Statements

2. Address the use and availability of existing resources, including the body of existing forensic science research and resources created by the Scientific Working Groups as well as existing quality assurance programs such as accredited certification programs and laboratory accreditation programs.



## IAI Position Statements

3. Involve, in addition to the aforementioned practitioner representation, the broad community of stakeholders related to forensic science issues such as attorneys (prosecution and defense), judges, law enforcement, academic institutions, research entities and relevant forensic professional associations. It is recognized that there are associations that represent particular discipline(s), and no one association speaks for all.



## FALL 2013

- Establishment of National Commission on Forensic Science (NCFS)
- Creation of Organization of Scientific Area Committees (OSAC's)



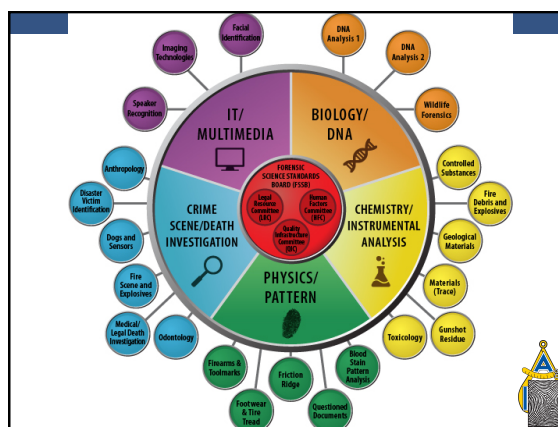
## NCFS

- NIST asked for input about establishing committee
- Application process Fall 2013
- Committee Chosen January 10, 2014
  - Wide variety of members
    - majority non Forensic
- IAI has submitted consistent positions:
  - Practitioner representation sufficient, SWG's resources included, inclusion of all stakeholders.



## NIST OSAC

- NIST has created the structure for the Scientific Area Committees (OSAC's)
- 400+ positions
- Committees being filled from top down
- IAI role:
  - Have submitted position statements, comment, made recommendations
- SWG inclusion



## Leahy/Cornyn Bill

- Final Bill (S.2177) introduced April 2014 Co-Sponsored by Senator John Cornyn of Texas
  - Additional Co-Sponsors in discussion
- Posted on the IAI website
- Comprehensive 'governance' of FS highlights:
  - Office of Forensic Science in DOJ / Atty. General Office
  - Accreditation, Certification
  - Establish a National Research Initiative
  - Standards and Best Practices
  - Training, Education, Medicolegal, Interoperability, Ethics code
  - Needs assessment of state and local labs



## Leahy/Cornyn Bill

- IAI priorities addressed:
  - Forensic experience required on committees and boards
  - Includes determination of what is a forensic discipline
  - Includes state and local support / representation
  - Includes SWG resources 'conversion'
  - Includes 'stakeholders' and professional organizations



## Rockefeller Bill

- Draft out for comment (S.2022) in March
  - First draft had very confusing structure
  - Focused on basic research
  - IAI provided input based on positions



## Rockefeller Bill

- Recent draft (April 2014)
  - Still focused primarily on basic research
  - Structure more clear
  - Does *mention* certification, accreditation, practitioner input
  - Not Included:
    - Requirement for forensic science practitioners or experience for committee membership
    - Provisions for SWG resources transfer



## IAI Actions

- IAI has sent a letter of support for Leahy Bill
  - Leahy Bill has been co-sponsored by Senator Cornyn (Texas)
  - Letter can be read on the IAI website
- IAI is providing input through the CFSS to Rockefeller
  - Stressing importance of practitioner involvement



## In summary...

- NCFS
  - National Commission on Forensic Science
- OSAC
  - NIST Organization of Scientific Area Committees
- Senate Bills
  - Leahy/Cornyn (S.2177)
  - Rockefeller (S.2022)



## What you can do

- Visit the website
  - Email system for IAI members gearing up
- Read the legislation
- Provide input to IAI
- Provide input to your Senators, support for bills
- Educate other forensic professionals; spread the word
- VOICE YOUR OPINION, concerns, questions

THANK YOU TO IAI MEMBERS WHO HAVE DONE THESE THINGS!!



## Coverdell funding: close call

- Thanks to the efforts of the CFSO Coverdell funding was reauthorized.
- Thank you to members that contacted their legislators to support this funding!

