



NATIONAL COMMISSION ON FORENSIC SCIENCE



Universal Accreditation

Type of Work Product: Policy Recommendation

It is recommended that all Forensic Science Service Providers (FSSP)¹ should become accredited.

Statement of the Issue

The National Academy of Sciences (NAS) Report set forth 13 recommendations for forensic science services providers (FSSPs) to move towards best practices, standardization and improving the quality of services by adopting universal accreditation. Many FSSPs delivering services in support of criminal, civil, and regulatory cases in the United States are not accredited to any national or international standard. To achieve universal accreditation the Commission recommends that the Attorney General take action to promote and enforce universal accreditation.

Background

The National Academy of Sciences (NAS) report detailed recommendations for forensic science service providers to move towards best practices, standardization and improving quality of services. A capstone recommendation called for universal accreditation of forensic science laboratories. Several states² have passed legislation mandating accreditation and oversight of the FSSPs. The legislation and oversight requirements vary from state to state.

Accreditation³ is the recognition of technical competence through an independent third party assessment of an FSSP's quality, management and technical systems.⁴ The accreditation process provides a systematic evaluation of all the policies, procedures and management systems as measured against international standards specifically designed for forensic science service providers. The FSSP can use the accreditation process to assess its level of performance and also strengthen its operations. Accreditation also provides the public, customers of the FSSP and the criminal justice system with a means of identifying service

¹ A Forensic science service provider is

“A person or entity who 1) applies scientific practices to recognize, collect, analyze, or interpret physical evidence AND (2) issues test results, provides laboratory reports, or offers interpretations, conclusions, or opinions through testimony with respect to such evidence.”

² As of January 12, 2011, nine states have passed legislation as detailed in Appendix A

³ This refers to laboratory accreditation and is directed at all FSSPs.

⁴ Why become an Accredited Laboratory, ILAC publications, 2010

providers that are in compliance with established standards. It is the primary means by which FSSPs assure quality to the criminal justice system and the public.

Accreditation uses specific criteria and procedures to ensure that a FSSP is capable of producing and interpreting results which are accurate and validated through industry best practices. The accreditation criteria use accepted standards to assess the quality of the FSSP's management system. This includes staff competence, training and continuing education; validity and appropriateness of test methods; traceability of measurements and calibrations to national standards; suitability, calibration and maintenance of test equipment; testing environment; documentation, sampling and handling of test items; and quality assurance of data including reporting results and proficiency tests. Assessors evaluate all aspects of operations that affect data, products and services; and compliance to applicable standards and their own documented policies and procedures. The accreditation body reviews the assessment report and monitors any remediation to ensure the appropriate corrective action(s) is implemented. Accreditation also includes periodic surveillance by the accreditation body to ensure continued compliance with requirements. Failure to maintain these standards can result in the accrediting body suspending or revoking the accreditation of the FSSP.⁵

Forensic science service providers are part of a diverse community. It includes, but is not limited to, public laboratories and forensic units; medical examiner and coroner offices; and other providers such as private laboratories, individual practitioners and academicians. Also, the wide variety of forensic science testing creates additional challenges for the providers and the accrediting bodies. Significant progress has been made in the accreditation of state and local forensic science service providers to ISO/IEC 17025, General Requirements for the Competence of Testing and Calibration Laboratories, ISO/IEC 17020, General Criteria for the Operation of Various Types of Bodies Performing Inspection and, ISO/IEC 15189, Medical laboratories - Particular Requirements for Quality and Competence and supplemental forensic science standards, but this voluntary accreditation has not resulted in universal accreditation. It is estimated that there are approximately 7,000 to 10,000 FSSPs employing 35,000 to 50,000 individuals, predominately in law enforcement agencies, providing limited forensic science services. The majority of these providers are not accredited to forensic science standards.

Accreditation programs also exist for medical examiner/coroner offices and forensic toxicology laboratories. Although these accreditation programs (National Association of Medical Examiners [NAME], International Association of Coroners and Medical Examiners [IACME], American Board of Forensic Toxicology (ABFT) do not use ISO/IEC standards at this time, they are accepted within the community and standards have been generated by professional organizations.

A significant challenge facing the forensic community is identifying the forensic science service providers. Another challenge is the state statutes fail to require accreditation for all FSSPs and even exclude some entities from oversight regulation. The NAS report noted that insufficient data exists on the size and expertise of forensic practitioners who are not employed in publically funded forensic science service providers.⁶ To improve the standardization of forensic science all entities performing forensic science, even on a part-time basis, must be included in universal accreditation.

⁵ The Advantages of Being an Accredited Laboratory, ILAC Publications, 2010.

⁶ National Research Council of the National Academies. Strengthening Forensic Science in the United States: A Path Forward, Washington, DC., 2009. pg 64

Proposed Implementation Strategy

The Attorney General shall direct all DOJ FSSP's to maintain their accreditation and those operations such as digital FSSP's that are not yet accredited shall prepare and apply for accreditation within five years.

Accreditation shall be to internationally recognized standards (at a minimum ISO/IEC 17025, General Requirements for the Competence of Testing and Calibration Laboratories, ISO/IEC 17020, General Criteria for the Operation of Various Types of Bodies Performing Inspection and, ISO/IEC 15189, Medical laboratories - Particular Requirements for Quality and Competence) including all appropriate supplemental standards.

The Attorney General shall require that DOJ grant funding provided to all FSSPs shall only be granted to those who are accredited or are in the process of achieving accreditation. Further in the future any DOJ funding shall include a special condition requiring that the FSSP entity be accredited.

The Attorney General shall require that all federal prosecutions rely on forensic analyses conducted by accredited forensic science service providers after January 2020.

The Attorney General should encourage by any means possible the universal accreditation of all FSSP's with an appropriate enforcement mechanism.

Challenges to Implementation

Significant progress has been made in the accreditation of FSSPs, but universal accreditation is not yet generally accepted. The following represents the challenges to achieving universal accreditation.

- Availability of assessors, subject matter experts, and parent agency resources/funding, may affect the ability of the provider to achieve or maintain accreditation within recommended timeframes.
- Compliance with government policies and regulations (e.g., purchasing, contracting, hiring, budget cycles) may also affect an agency's ability to meet a mandated timeline. In some enacted state statutes, certain FSSPs are not required to meet accreditation standards and may be excluded from oversight regulations.
- The establishment of the necessary quality management systems may require significant resources and may impact timeliness of services provided during implementation.
- Agencies may eliminate or reduce services rather than seeking accreditation, shifting additional caseload, testimony and travel to other FSSPs. This could impact backlogs, turnaround times and operating costs, thereby adding to existing delays in the justice system.
- Forensic units, small municipalities, law enforcement agencies, entities with part-time practitioners, and private entities that provide forensic science services may misunderstand or misinterpret the applicability of uniform accreditation to their organization. It may be necessary to conduct directed outreach through NGOs that support these entities to assist with educate the affected forensic science service providers, judicial system and enforcement bodies.

- Finally, there are specialty examinations that are outside the scope of existing forensic science accreditation programs. Specialty examinations are valuable and could be unintentionally excluded by mandates for universal accreditation if the programs do not exist to support them.