

# National Commission on Forensic Science

## Meeting Summary

*April 30 – May 1, 2015*

**House of Sweden  
2900 K Street, Washington DC**



**NIST**  
**National Institute of  
Standards and Technology**  
U.S. Department of Commerce

## National Commission on Forensic Science

### Meeting<sup>1</sup> Summary

*April 30 – May 1, 2015*

**House of Sweden**

**2900 K Street, Washington, DC**

### Overview

The sixth meeting of the National Commission on Forensic Science (NCFS) began with opening remarks from the NCFS Co-Chairs, Acting Deputy Attorney General Sally Yates and Acting NIST Director Willie May. A new Designated Federal Official (DFO), Andrew Bruck, was announced and interested parties were invited to respond before May 28 to a Federal Register notice of NCFS charter renewal and solicitation of applications for additional Commission members. Presentations were heard from a panel of four speakers on evidence preservation and from a large city medical examiner's office on the role of forensic science in mass fatality management. Six members of the NIST Forensic Science Standards Board (FSSB) provided an update on activities of the NIST Organization of Scientific Area Committees (OSAC). The balance of the meeting involved reviewing progress from each of the seven subcommittees since the last meeting. Three documents were presented in their final form and all three were adopted by the NCFS, almost all unanimously: a views document on inconsistent terminology, a policy recommendation on universal accreditation, and a views document on defining forensic science and related terms. In addition, seven initial draft products prepared by NCFS subcommittees were introduced and discussed by the Commission: (1) a views document on pretrial discovery of forensic materials, (2) a views document on testimony using the term "reasonable scientific certainty", (3) a directive recommendation on Automated Fingerprint Identification Systems (AFIS) interoperability, (4) a directive recommendation on a national code of ethics and professional responsibility for the forensic sciences, (5) a directive recommendation on root cause analysis (RCA) in forensic science, (6) policy recommendations on increasing the number, retention and quality of board certified forensic pathologists, and (7) policy recommendations on an electronic networking of medical examiner and coroner offices in the United States. At the end of the meeting, a Bylaws Subcommittee was established to review the current bylaws and process documents in order to recommend changes that can be adopted by the NCFS at future meetings. This Bylaws Subcommittee consists of the DFO (Andrew Bruck), the Vice-Chairs (Nelson Santos and John Butler), a representative of the White House Office of Science and Technology Policy (Tania Simoncelli), and four Commissioners representing forensic science researchers (Marilyn Huestis), forensic science practitioners (Dean Gialamas), a prosecution perspective (Matt Redle), and a defense perspective (Pam King).

---

<sup>1</sup> The agenda for the meeting is available at [http://www.justice.gov/sites/default/files/ncfs/pages/attachments/2015/04/16/ncfs\\_mtg\\_6\\_agenda.pdf](http://www.justice.gov/sites/default/files/ncfs/pages/attachments/2015/04/16/ncfs_mtg_6_agenda.pdf)

## Thursday, April 30

### Call to Order and Welcoming Remarks

**Sally Q. Yates, Acting<sup>2</sup> Deputy Attorney General**

**Willie E. May, Ph.D., Acting<sup>3</sup> Director, NIST**

The meeting was called to order at 12:00 p.m.

**Deputy Attorney General Sally Yates**, Department of Justice (DOJ), welcomed the group. She articulated her goals of strengthening forensic science through the Commission itself with open lines of communications. Additional goals outlined were to ensure Commissioners provide input into the agenda, activities, and the way forward of the Commission; support transparency of Commission activities; formalize an “executive committee”; and continue to support the independence of the OSAC.

The DAG also announced that the current Designated Federal Official (DFO), Brette Steele, will be assuming a new role within her office and Andrew Bruck would become the new DFO. Deirdre Daly, a U.S. Attorney from CT, was introduced as a replacement on the Commission for John Kacavas, who is no longer a U.S. Attorney.

**NIST Director Willie May** (NIST) welcomed the in-house group and webcast audience. Dr. May reviewed NIST’s role as outlined in the Memorandum of Understanding (MOU) between NIST and DOJ. He reiterated that NIST will maintain the primary responsibility of the OSAC, direction of the research agenda, development of measurement standards, and prioritization of those standards. Additionally, Dr. May requested input from the commission on the role of an “executive committee” and amending the bylaws to codify it.

### Federal Advisory Committee Act Overview<sup>4</sup>

**Arthur Gary**, General Counsel, Justice Management Division, U.S. DOJ

**Kristen Hahn**, Assistant General Counsel, Justice Management Division, U.S. DOJ

---

<sup>2</sup> Sally Yates was confirmed by the U.S. Senate as the Deputy Attorney General on May 13, 2015

<sup>3</sup> Willie May was confirmed by the U.S. Senate as the Director of NIST and Undersecretary of Commerce for Standards and Technology on May 4, 2015

<sup>4</sup> See <http://www.gsa.gov/portal/category/21242>

An overview of the Federal Advisory Committee Act (FACA) was provided to Commissioners to assist in their understanding of operational and statutory requirements. Through the FACA, the NCFS can determine the method(s) of how the NCFS will operate. FACA serves as the governing statute for the Commission and should be the underlying reference for bylaws.

Motions were made to work with the Executive Committee and additional members of the NCFS to draft roles and responsibilities of the NCFS and Executive Committee within the FACA guidelines. Further discussions were tabled until the 2<sup>nd</sup> day of the NCFS meeting.

### **Working Lunch Panel Discussion: Evidence Preservation and Retention**

**Greg Matheson**, Director, Los Angeles Police Department Criminalistics Laboratory (Retired)

**Steve Campbell**, President of the Board of Directors International Association of Property and Evidence

**Cynthia Jones**, Professor, American University

**Shannan Williams**, Forensic Science Research Project Manager, NIST

For slides shown by Greg Matheson, see <http://www.justice.gov/ncfs/file/451306/download>.

For slides shown by Steve Campbell, see <http://www.justice.gov/ncfs/file/451281/download>.

For slides shown by Shannan Williams, see <http://www.justice.gov/ncfs/file/451346/download>.

The discussion centered around the need for uniform policies, procedures, standards, protocols, and training at all levels related to collection, storage, and usage and establishing standard operating procedures for the custody and life cycle of evidence.

### **Reporting and Testimony Subcommittee Report**

***Judge Jed Rakoff and Matt Redle, Co-Chairs***

Final Document for Vote:

**The Commission voted on approving the views document on Inconsistent Terminology, as voted out of subcommittee with the exception of moving the first sentence.**

The final vote count with the clickers was:

1. 93% YES (26 responses)
2. 7% NO (2 responses)
3. 0% ABSTAIN

There were twenty-eight (28) “Yes” votes -- 26 registered with clickers from those Commissioners in the room or their proxies and Paul Giannelli via an on-line connection. Jim Gates and Ed McCleskey were not in the room for the vote but responded via email that they were in favor of the Inconsistent Terminology views document. Frank DePaolo served as a proxy for John Fudenberg, Victor Weedn was a proxy for Fred Bieber, Greg Champagne was a proxy for Ryant Washington’s spot, and Ed McCleskey was a proxy for Tom Cech. The two “no” votes were from Ted Hunt and Frank DePaolo. **This views document, which needed a two-thirds majority, passed.**

For the views document adopted by the Commission, see:

<http://www.justice.gov/ncfs/file/477841/download>

Introduction of Draft Work Products Open for Public Comment:

- Views Document on Pretrial Discovery of Forensic Materials, see [http://www.justice.gov/sites/default/files/ncfs/pages/attachments/2015/04/16/initial\\_draft\\_views\\_document\\_on\\_pretrial\\_discovery\\_of\\_forensic\\_materials.pdf](http://www.justice.gov/sites/default/files/ncfs/pages/attachments/2015/04/16/initial_draft_views_document_on_pretrial_discovery_of_forensic_materials.pdf)

The discussion centered around the evolution of the document into that of a ‘View’ of the Commission rather than a recommendation, but it is expected that the Subcommittee would develop more discrete and separate recommendations related to discovery in the future.

Introduction of Draft Work Products Open for Public Comment:

- Views Document on Testimony Using the Term, “Reasonable Scientific Certainty”, see [http://www.justice.gov/sites/default/files/ncfs/pages/attachments/2015/04/16/initial\\_draft\\_views\\_document\\_on\\_testimony\\_using\\_the\\_term\\_scientific\\_certainty.pdf](http://www.justice.gov/sites/default/files/ncfs/pages/attachments/2015/04/16/initial_draft_views_document_on_testimony_using_the_term_scientific_certainty.pdf)

Discussion entailed justification for this work product – while law already states it is not required, it is still a customary practice to use the term, and often expected of experts. It was reported that a separate document on uncertainty would be under development by the Subcommittee in the future.

Status Reports:

- Report Content – a work product will be reported or presented at the August commission meeting.
- Probabilistic Statements – a work product may be reported or presented at the August commission meeting.
- Evidence Preservation and Retention – a work product may be reported or presented at the August commission meeting.

## Accreditation and Proficiency Testing Subcommittee Report

*Linda Jackson and Patricia Manzollilo, Co-Chairs*

### Final Document for Vote:

**The Commission voted on approving the policy document on Universal Accreditation, as voted out of subcommittee, following adjudication of public comments received.**

The final vote count with the clickers was:

4. 96% YES (27 responses)
5. 4% NO (1 response)
6. 0% ABSTAIN

There were twenty-nine (29) “Yes” votes -- 27 registered with clickers from those Commissioners in the room or their proxies and Paul Giannelli via an on-line connection. Jim Gates and Ed McCleskey were not in the room for the vote but responded via email that they were in favor of the Universal Accreditation policy document. Frank DePaolo served as a proxy for John Fudenberg, Victor Weedn was a proxy for Fred Bieber, Greg Champagne was a proxy for Ryant Washington’s spot, and Ed McCleskey was a proxy for Tom Cech. The single “no” vote was from Jeff Salyards. **This policy document, which needed a two-thirds majority, passed.**

**During the discussion it was pointed out that the definitions should be reconciled with the work product defining terms for Commission work products that is being developed by the Interim Solutions Subcommittee.**

For the policy document as adopted by the Commission, see:  
<http://www.justice.gov/ncfs/file/477851/download>

### Status Reports:

- Views Document on Proficiency Testing – The subcommittee is making arrangements for a Panel Presentation at the August Commission meeting. Presenters might include:
  - A Lab perspective
  - Proficiency Testers

- Industry
- Critical Steps to Become Accredited – work will begin on this Views Document work product.
  
- Accreditation Standards, Review, and Oversight – work will begin on this work product.

It was recommended that Root Cause Analysis be included as a component. It was also reported that ANSI will make the ISO standards available to the Commission for review.

### Public Comment

Facilitated by **Brette Steele**, Designated Federal Official

Two comments were presented as part of the public comment.

1. The Chair of the National Association of Medical Examiners (NAME) endorsed the work of the NCFS and notified that NAME is pursuing ISO accreditation.
2. A Baltimore police department crime lab staff member requested the NCFS to consider a recommendation of additional funding for crime labs to continue to do their work.

A reminder was made that NCFS members and the public can continue to comment on work products and federal register notices at <http://www.regulations.gov><sup>5</sup>.

### Conclusion of Day 1

**VC Santos** discussed the goals of tomorrow's meetings and the presentations by the Commission subcommittees.

The meeting adjourned at 5:00p.m.

## Friday, May 1

### Call to Order and Welcoming Remarks

**Designated Federal Official Brette Steele**

**Vice-Chairs: Mr. Nelson Santos and Dr. John Butler**

---

<sup>5</sup> <http://www.regulations.gov/#!searchResults;rpp=25;po=0;s=doj-la-2015-0004;fp=true;ns=true>

The meeting was opened at 9:00 a.m. by the DFO Brette Steele. An announcement was made that the House of Sweden would like feedback in the form of a brief survey regarding quality of the facilities and meeting support. The agenda was reviewed and the meeting moved to the Interim Solutions Subcommittee Report.

## **Interim Solutions Subcommittee Report**

***Dean Gialamas and Peter Neufeld, Co-Chairs***

The Subcommittee has a final document for vote, three draft work products open for public comment and one document that is under preparation to present to the Commission at the next meeting. All documents presented today have passed within the Subcommittee with unanimity.

### **Final Document for Vote: Recommendation on Defining Forensic Science and Related Terms**

The terms forensic science, forensic science service provider, forensic science agency, forensic science practitioner, forensic medicine, forensic medicine service provider, forensic medicine agency and forensic medicine practitioner are defined in this document as a way to foster meaningful discussion and avoid misunderstanding. These terms often have multiple interpretations and the definitions put forth are for use by the Commission and for the entire forensic science profession and others that interact with it.

The Subcommittee polled the medical community regarding the definitions and received a favorable response. In addition, language directly from the National Research Council's 2009 report has been incorporated into the document. Specifically, the term "forensic science" is used with regard to a broad array of activities, with the recognition that some of these activities might not have a well-developed research base, are not informed by scientific knowledge, or are not developed within the culture of science<sup>6</sup>.

The Commission voted on adopting the definitions document, as voted out of subcommittee, with two minor modifications. First, the phrase "for criminal and civil law or regulatory issues" was added to the Forensic Science Practitioner definition following "interpretation of evidence..." Second, "Forensic" was added before "Medicine" in the list of terms provided.

---

<sup>6</sup> This definition is adapted from the Committee on Identifying the Needs of the Forensic Sciences Community, National Research Council, "Strengthening Forensic Science in the United States: A Path Forward," 2009, pages 38-39.



The final vote count was:

7. 100% YES
8. 0% NO
9. 0% ABSTAIN

There were thirty (30) “Yes” votes -- 29 registered with clickers from those Commissioners in the room or their proxies and Paul Giannelli via an on-line connection. Frank DePaolo served as a proxy for John Fudenberg, Victor Weedn was a proxy for Fred Bieber, Greg Champagne was a proxy for Ryant Washington’s spot, and Ed McCleskey was a proxy for Tom Cech. **This views document, which needed a two-thirds majority, passed unanimously.**

For the views document as adopted by the Commission, see:

<http://www.justice.gov/ncfs/file/477836/download>

### **Introduction of Three Draft Work Products Open for Public Comment:**

#### **1. Automated Fingerprint Identification System (AFIS) Interoperability.**

For Initial Draft Document, see

[http://www.justice.gov/sites/default/files/ncfs/pages/attachments/2015/04/16/initial\\_draft\\_recommendation\\_on\\_afis\\_interoperability.pdf](http://www.justice.gov/sites/default/files/ncfs/pages/attachments/2015/04/16/initial_draft_recommendation_on_afis_interoperability.pdf)

This is a directive recommendation for the US Attorney General to support, recommend, and fund interoperability of Automated Fingerprint Identification Systems (AFIS) as a national effort to improve public safety. A recommended implementation strategy would include standards for interoperability, interagency connectivity, and quality assurance, the latter to ensure testing criteria are in place to verify AFIS system compliance to standards and make that a criterion for interagency connectivity.

The group agreed the lack of interoperability has not been hampered for technical reasons; it has been policy and practice that have prevented true interoperability and that this is an important issue.

#### **2. National Code of Ethics and Professional Responsibility for the Forensic Sciences.**

For Initial Draft Document, see

[http://www.justice.gov/sites/default/files/ncfs/pages/attachments/2015/04/16/initial\\_draft\\_recommendation\\_on\\_national\\_code\\_of\\_ethics\\_and\\_professional\\_responsibility\\_for\\_the\\_forensic\\_sciences.pdf](http://www.justice.gov/sites/default/files/ncfs/pages/attachments/2015/04/16/initial_draft_recommendation_on_national_code_of_ethics_and_professional_responsibility_for_the_forensic_sciences.pdf)

This is a directive recommendation for the US Attorney General to direct the forensic science and forensic medicine service providers within the Department of Justice to adopt the National Code of Ethics and Professional Responsibility for Forensic Science and Forensic Medicine Service Providers, that the Code be annually reviewed and signed by all forensic science and forensic medicine service providers, and that steps be defined to enforce violations. There are sixteen (16) elements.

These are put forth in response to the 2009 National Research Council report recommendation for a national code of ethics for all forensic science disciplines, the encouragement to professional forensic science societies to incorporate such a national code into their own code of professional responsibility and code of ethics, and the recommendation to explore mechanisms to enforce serious ethical violations. In addition, the Education, Ethics, and Terminology Inter-Agency Working Group (EETIWG) of the National Science and Technology Council's Subcommittee on Forensic Science developed in 2010 a National Code of Ethics and Professional Responsibility for the Forensic Sciences (NCEPRFS), and recommended that all practitioners "who provide reports and expert opinion testimony with respect to forensic evidence in United States courts of law, adopt the NCEPRS." Unfortunately, this recommendation was not acted upon and no NCEPRFS exists today. Public comments received, one very complimentary. All comments have been considered.

The group agreed this is an important issue. There was discussion regarding the role of professional societies and associations, and the role of supervisors and management regarding individual elements for personnel. The document is still up for comment and suggestions should be sent Marilyn Huestis.

### **3. Root Cause Analysis.**

For Initial Draft Document, see

[http://www.justice.gov/sites/default/files/ncfs/pages/attachments/2015/04/16/initial\\_draft\\_recommendation\\_on\\_root\\_cause\\_analysis.pdf](http://www.justice.gov/sites/default/files/ncfs/pages/attachments/2015/04/16/initial_draft_recommendation_on_root_cause_analysis.pdf)

This is a directive recommendation for the US Attorney General to adopt appropriate root cause analysis protocols for all forensic science service providers (FSSPs) or forensic science medical providers (FSMPs) that are part of the federal government or are receiving federal funds, and to establish policy for restoration procedures, that comply with the recommended root cause analysis process.

Forensic laboratories accredited under programs that adhere to the ISO/IEC 17025<sup>7</sup>, General requirements for the competence of testing and calibration laboratories, are required to “establish a policy and a procedure and shall designate appropriate authorities for implementing corrective action when nonconforming work or departures from the policies and procedures in the management system or technical operations have been identified.” A problem may be identified through a number of different techniques, including internal and external audits, reviews of the management system, customer feedback, or staff observations.

“Corrective actions” are potential solutions that eliminate or minimize the risk of repeating the nonconforming work or departure from policies and procedures. Corrective action is a requirement when any error or nonconformity is identified. To establish the best corrective actions, and as required by ISO 17025, an investigation is initiated to determine the root cause(s) of the situation or condition. Root Cause Analysis (RCA) is a critical step of determining corrective actions and may be the most important part of establishing proper corrective actions.

There is an appendix with supporting information, and various types of root analysis are presented. This document is intended to be a baseline standard for root cause analysis. The Human Factors Subcommittee has additionally reviewed this document and comments from that Subcommittee are included in the draft being presented today. Three (3) public comments have been received as well, and those have been taken into consideration.

It was noted there is a difference between “correction” and corrective action. It was also suggested to add clarity to the use of “culture” and “safe harbor” in the document. The group agreed that in combination, the recommendations on a code of professional responsibility and root cause analysis are a major step forward in improving, at least in creating a foundational baseline, for what forensic science delivery should be in the United States.

It was agreed the root cause analysis work product should move forward.

### **Status Report: Transparency of Quality Records**

This document is not ready for review and comment but will be by the next meeting. Briefly, this is about what laboratories should have available to ensure the quality management of their

---

<sup>7</sup> ISO/IEC 17025:2005(E) (hereafter, ISO 17025), General requirements for the competence of testing and calibration laboratories, Section 4.11.2 Cause Analysis. “The procedure for corrective action shall start with an investigation to determine the root cause(s) of the problem.”

records and how to ensure these are available without compromising personal information that should not be available. Materials related to personal incidents, i.e., quality reviews that are specific to an event or an individual, are not at the core of the discussion for this particular document at this time. Rather, this document is about the day-to-day policy procedures that could be easily made available for those that need to know or the public. In addition, the material will touch upon electronic delivery, for example standard operating procedures being made available on the web. Some states are currently doing this, as well as posting their audits and accreditation documents.

## **Training on Science and Law Subcommittee Report**

***Judge Barbara Hervey and Jim Gates, Co-Chairs***

The Subcommittee is working at the intersection of the law and science and will propose a model for training. All involved in forensic evidence issues – judges, lawyers, practitioners, and the general public – need education on the strengths and limits of forensic disciplines and, more generally, on the law governing expert witness testimony and evidence. It has also been reported that judges routinely request education in forensic science evidence. What has also been made clear is that, while some education programs work when attended by both judges and lawyers, judges prefer and may benefit more when the education program is limited to the judiciary as attendees. As an initial step, the Education and Training Subcommittee is preparing a proposal for submission to the Commission that will recommend funding of a judicial education effort for both federal and state court judges. Funding would be for three (3) years, with one or two programs per year (the option being one national or two regional).

It was noted that economically it would be useful to consider a national training manual. This manual could be administered locally so it would be consistent jurisdiction to jurisdiction. It was also noted that there is a DNA training program being developed in Maryland for judges, and that Dr. John Butler will be happy to share this information as it is developed.

It was noted it would be useful to contact the Federal Judicial Center (FJC). The Subcommittee has been in contact with them and the FJC likes the model the Subcommittee is considering. The Subcommittee will continue this contact.

On-line options were also discussed, as well as coursework loads and exams. Success rates and completion rates were also discussed relative to the different types of engagement that are needed for these to be high. A good resource on this topic is the NSF and its research centers which focus on the cognitive aspects of how people learn, particularly in the on-line environment. The Subcommittee agreed and will consider this resource going forward.

## **Human Factors Subcommittee Report**

***Justice Bridget Mary McCormack and Troy Duster, Co-Chairs***

The Subcommittee is examining what should be considered the proper evidence basis for a forensic science opinion. An important question is often to what extent should a forensic scientist take into account or be influenced by contextual information about a case. Institutional and organizations best practices will be developed. The essence of the proposal is that forensic scientists should draw conclusions from the evidence that they are asked to evaluate. For example, forensic scientists who perform pattern matching tasks (e.g., comparison of fingerprints, toolmarks, shoeprints) should base conclusions on the characteristics of the items examined and should not be influenced by information about whether a particular suspect confessed, or had a convincing alibi, or was incriminated by other forensic evidence. See the Abstract here: [http://www.justice.gov/sites/default/files/ncfs/pages/attachments/2015/04/16/abstract\\_human\\_factors\\_best\\_practices.pdf](http://www.justice.gov/sites/default/files/ncfs/pages/attachments/2015/04/16/abstract_human_factors_best_practices.pdf)

Additional topics the Subcommittee is considering include: 1) understanding the extent to which laboratories are doing some kind of training in human factors issues by developing a survey instrument to obtain data on this; 2) understanding what the human factors issues are for laboratories by obtaining feedback from practitioners; and 3) understanding the extent to which molecular photo fitting is a human factor issue by researching this topic.

## **WORKING LUNCH: Organization of Scientific Area Committees: Update and Priority Action Reports**

***Jeremy Triplett, FSSB Chair***

***George Herrin, Ph.D., Biology SAC Chair***

***Scott Oulton, Chemistry/Instrumental Analysis SAC Chair***

***Gregory Davis, M.D., Crime Scene/Death Investigation SAC Chair***

***Richard Vorder Bruegge, Ph.D., Digital/Multimedia SAC Chair***

***Austin Hicklin, Physics/Pattern SAC Chair***

### **OSAC Update and Priority Action Reports**

For slides shown, see <http://www.justice.gov/ncfs/file/451331/download>.

## **Scientific Inquiry and Research Subcommittee Report**

***Suzanne Bell and Jeff Salyards, Co-Chairs***

The Subcommittee is focusing on ideas for cultural change. For example, it is useful to have National Institute of Justice graduate fellowships on the order of three years rather than two to make it easier to keep graduate students on a research project. In addition, it is useful to consider ideas to help students make the transition from graduate school to the field. It is also useful to consider how the science is applied, particularly with respect to quality assurance and proficiency testing to evaluate the effectiveness of scientific procedures and practices.

The Subcommittee is considering the use of a meta data study examine these types of concepts in the context of scientific practice and understanding the value of science and the evaluation of science. With respect to publications and research, there has been a very large increase in the number of research publications. It is important to understand what the impact of this research is on the field and on daily practices.

The Commission looked upon these ideas favorably.

### **The Role of Forensic Science in Mass Fatality Management**

***Frank DePaolo, Executive Director, Office of the Chief Medical Examiner, City of New York***

The 2009 NAS report noted the importance of forensic science in homeland security and disaster response.

For slides shown, see <http://www.justice.gov/ncfs/file/451286/download>.

The group considered this topic favorably and recommended this be considered further with respect to other Federal agencies as well.

### **Medicolegal Death Investigation Subcommittee Report**

***Vincent DiMaio and John Fudenberg (Frank DePaolo serving as proxy), Co-Chairs***

**Introduction of Draft Work Products Open for Public Comment: Increasing the Supply of Forensic Pathologists.** Forensic pathology is a pathology subspecialty that is largely practiced on behalf of the public. Forensic pathologists support the public health, public safety and criminal justice systems as well as provide critical information to the families of decedents and their treating physicians. Because there is a shortage of forensic pathologists in the United States, many communities lack the valuable information that these physicians provide. In some cases, forensic autopsies are being performed by individuals not qualified to perform them or autopsies are not being performed when they should be. The shortage involves not only an inability to recruit forensic pathologists but an inability to retain these individuals in practice. See the recommendations here:

[http://www.justice.gov/sites/default/files/ncfs/pages/attachments/2015/04/16/initial\\_draft\\_policy\\_recommendation\\_on\\_increasing\\_the\\_supply\\_of\\_forensic\\_pathologists.pdf](http://www.justice.gov/sites/default/files/ncfs/pages/attachments/2015/04/16/initial_draft_policy_recommendation_on_increasing_the_supply_of_forensic_pathologists.pdf)

**Introduction of draft work product on Electronic Networking of Medical Examiner and Coroner Offices in the U.S.**

***Randy Hanzlick, Chief Medical Examiner, Fulton County, Georgia***

***Margaret Warner, Injury Epidemiologist, Centers for Disease Control and Prevention***

For the Initial Draft Document, see:

[http://www.justice.gov/sites/default/files/ncfs/pages/attachments/2015/04/16/initial\\_draft\\_recommendation\\_on\\_mecin.pdf](http://www.justice.gov/sites/default/files/ncfs/pages/attachments/2015/04/16/initial_draft_recommendation_on_mecin.pdf)

Portions of several presentations were reviewed and discussed:

- Electronic Communication for Medical Examiners and Coroners, see presentation at <http://www.justice.gov/ncfs/file/451291/download>.
- Review of Policy Recommendation from the Subcommittee on Medicolegal Death Investigation regarding “Electronic Networking of Medical Examiner and Coroner Offices in the United States”, see presentation at <http://www.justice.gov/ncfs/file/451296/download>.
- Margaret Warner: “Enhancing Communication with Medical Examiners and Coroners to Support Public Health and Safety”, see presentation at <http://www.justice.gov/ncfs/file/451301/download>.

## Wrap-up Summary

**Vice-Chair Butler** reviewed the Federal Register announcement posted on April 28, 2015 providing notice of the Commission charter renewal for an additional two years and soliciting applications for additional Commission membership. The renewed charter removes the prohibition on developing or recommending guidance regarding digital evidence. It also states that the Attorney General will refer recommendations regarding measurement standards and priorities for standards development to the Director of the National Institute of Standards and Technology, as the Attorney General deems appropriate.

The Federal Register notice describes that additional members will be selected to fill vacancies to maintain a balance of perspectives and diversity of experiences and that a new member will be selected to specifically support the inclusion of digital evidence. Applications should include (1) a resume or curriculum vitae, (2) a statement of interest describing the applicant’s relevant experience, and (3) a statement of support from the applicant’s employer. The application period will remain open through May 28, 2015.

**Andrew Bruck**, the new DFO for the Commission, was introduced. A new Bylaws and Process Documents Task Group/Subcommittee was proposed. This group will consist of eight members composed of DFO Andrew Bruck, Vice-Chairs Nelson Santos and John Butler, a representative from the White House Office of Science and Technology Policy (Tania Simoncelli), and four Commission representatives. The four Commission representatives selected were Marilyn Huestis (forensic science researcher), Dean Gialamas (forensic science practitioner), Matt Redle (prosecutor), and Pam King (defense attorney). This group will review the bylaws and process documents and will report back at the next Commission meeting regarding potential revisions that can be voted on and adopted by the full Commission.

The possibility was discussed of moving to three meetings per year instead of the current four meetings per year. Several Commissioners spoke up in favor of four meetings per year in order to keep making progress. Not hearing any support for reducing the frequency of meetings to three meetings per year, it was agreed to keep the current structure of meetings at four meetings per year – each of which is one-and-a-half days in length. The next four sets of meeting dates have been planned as August 10 -11, 2015; December 7 – 8, 2015; March 21 – 22, 2016; and June 20 – 21, 2016.

DOJ Commission support staff was reviewed along with their specific roles. Details are available with the overall meeting presentation (see slide 37) available at <http://www.justice.gov/ncfs/file/451316/download>. The speakers and attendees were thanked by the Vice-Chairs. A discussion occurred to address the topic of certification. The Commission agreed that the Accreditation and Proficiency Test subcommittee will consider the issue of certification.

The meeting was adjourned at 5:00 PM.



## Attendee List

	Last Name	First Name	Attendee Type	Title	Organization
1	Ambrosino	Michael	VIP		U.S. Attorney's Office, Washington, D.C.
2	Barretta	Michelle	Public	Project Assistant	American Association for the Advancement of Science
3	Barry	Jasmine	Public		U.S. Department of Justice
4	Becnel	Adam	VIP	Crime Lab Manager	Louisiana State Police
5	Bell	Suzanne	Commissioner	Associate Professor	West Virginia University
6	Bordner	Pamela	VIP	Chief Operating Officer	American Association of Crime Laboratory Directors/LAB
7	Brown	Catherine	VIP	Vice President, Operations	Collaborative Testing Services
8	Brown	Jesse	Public		U.S. Army, Office of Quality, Initiatives and Training Defense
9	Bruck	Andrew	VIP	Counsel to the Deputy Attorney General	U.S. Department of Justice
10	Bunn	Nelson	Public		
11	Butler	John	Commissioner	Vice-Chair of National Commission on Forensic Science	National Institute of Standards and Technology
12	Callaghan	Thomas	Public	Chief Biometric Scientist	FBI Laboratory
13	Campbell	Stephen	Speaker	President	International Association for Property and Evidence, Inc.
14	Cariola	Mike	VIP		Bode Technology
15	Cash	Leigh	Public		Los Alamo National Lab
16	Cavanaugh	Richard	VIP		National Institute of Standards and Technology
17	Champagne	Gregory	Speaker	Sheriff	St. Charles Parish (LA) Sheriff's Office
18	Chu	Sarah	Public	Senior Forensic Policy Advocate	Innocence Project
19	Cole	Simon	VIP		University of California, Irvine
20	Cook	Kelsey	Public		
21	Crouse	Cecelia	Commissioner	Crime Laboratory Director	Palm Beach County (FL) Sheriff's Office
22	Czarnopys	Gregory	Commissioner	Deputy Assistant Director, Forensic Services	Bureau of Alcohol, Tobacco, Firearms and Explosives
23	Daly	Deirdre	VIP	United States Attorney, District of Connecticut	U.S. Department of Justice
24	Davis	Gregory	Speaker	Chair, Crime Scene/Death Investigation Scientific Area Committee	Organization of Scientific Area Committees
25	Denton	M. Bonner	Commissioner	Professor	University of Arizona
26	DePaolo	Frank	Commissioner	President Elect	International Association of Coroners and Medical Examiners

	Last Name	First Name	Attendee Type	Title	Organization
27	Di Maio	Vincent	Commissioner		Consultant in Forensic Pathology
28	Dror	Itiel	VIP	Cognitive Researcher	Cognitive Consultants International-HQ
29	Duster	Troy	Commissioner		University of California, Berkeley
30	Epstein	Jules	Commissioner	Professor	Widener University School of Law
31	Farley	Kay	Public	Executive Director, Government Relations Office	National Center for State Courts
32	Ferrell	Rebecca	Public	Program Director, Biological Anthropology	National Science Foundation
33	Fienberg	Stephen	Commissioner		Carnegie Mellon University
34	Flood	Anthony	Public	Senior Functional Analyst	The Joint Staff
35	Garcia	Lynn	Public		General Counsel, Austin, TX
36	Garnette	Matthew	Public		
37	Gary	Arthur E.	Speaker	General Counsel	U.S. Department of Justice
38	Gaskins	Shimica	Public	Senior Counsel	U.S. Department of Justice
39	Gates	James	Commissioner	Professor	University of Maryland
40	Gavin	Cynthia	Public	Scientific Advisor	CTR Joint Staff J4
41	Gialamas	Dean	Commissioner	Chief	Los Angeles County Sheriff
42	Goldsmith	Andrew	Speaker	Associate Deputy Attorney General	U.S. Department of Justice
43	Gould	Jon	Public	Program Director	National Science Foundation
44	Hahn	Kristen	Speaker	Assistant General Counsel	U.S. Department of Justice
45	Hanzlick	Randy	VIP		Fulton County, GA; Emory University
46	Herman	Martin	Public	Senior Advisor	National Institute of Standards and Technology
47	Herrin	George	VIP	Speaker	Georgia Bureau of Investigation
48	Hervey	Barbara	Commissioner		Texas Court of Criminal Appeals
49	Hicklin	Austin	VIP		Noblis
50	Hollway	John	VIP	Executive Director, Quattrone Center for the Fair Administration of Justice	University of Pennsylvania Law School
51	Honey	David A.	Commissioner	Director of Science & Technology	Office of the Director of National Intelligence
52	Howley	Susan	Commissioner	Public Policy Director	National Center for Victims of Crime
53	Hsu	Irene	VIP		The White House
54	Huestis	Marilyn	Commissioner	Chief, Chemistry & Drug Metabolism	National Institute on Drug Abuse

	Last Name	First Name	Attendee Type	Title	Organization
55	Huffman	Katharine	Public		The Raben Group
56	Hunt	Ted	VIP	Chief Trial Attorney	Jackson County (Kansas City, MO) Prosecutor's Office
57	Jackson	Linda	Commissioner	Director	Virginia Department of Forensic Science
58	Jerusalem	Sheila	Public		U.S. Department of Justice
59	Jones	Cynthia	Speaker	Professor	American University
60	Jones	Robin	Commission Staff		U.S. Department of Justice
61	Jones II	John Paul	Public		National Institute of Standards and Technology
62	Kafadar	Karen	VIP	Professor	University of Virginia
63	Kassirer	Jerome	VIP	Distinguished Professor	Tufts University School of Medicine
64	Kaye	David	VIP		Penn State Law
65	King	Pam	Commissioner		Minnesota State Public Defender
66	Kobilinsky	Lawrence	VIP	Professor and Chairman	John Jay College of Criminal Justice
67	LaPorte	Gerry	Commissioner	Director	National Institute of Justice
68	LeBeau	Marc	Commissioner	Senior Forensic Scientist	Federal Bureau of Investigation Laboratory
69	Leben	Deborah	Public	Lab Director	U.S. Secret Service
70	Leighton	Julia	Commissioner	General Counsel	Public Defender Service
71	Majid	Mohammed	Public	Criminalist II	Baltimore Police Department
72	Manzollilo	Patricia	Commissioner	Laboratory Director	U.S. Postal Inspection Service
73	Matheson	Greg	Public	President	Forensic Science Consultant
74	May	Willie	Commissioner	Acting Director	National Institute of Standards and Technology
75	Mayes	Mark	Public	Lieutenant	Kentucky State Police
76	McCleary	Nicole	Public	Associate Director	RTI International
77	McCleskey	Edwin	Proxy	Senior Scientific Officer	Howard Hughes Medical Institute
78	McCormack	Bridget	Commissioner		Michigan Supreme Court
79	McGrath	Jonathan	Public	Senior Policy Analyst	National Institute of Justice
80	Mello	Justin	Public	Intern	American Bar Association
81	Morgan	John	Public		RTI International
82	Motta	Greg	Proxy		

	Last Name	First Name	Attendee Type	Title	Organization
83	Nesler	John	Public		Joint Staff J4
84	Neufeld	Peter	Commissioner	Co-Director	Innocence Project
85	Oulton	Scott	Speaker		U.S. Department of Justice
86	Penchina	Daniel	Public		The Raben Group
87	Philpott	Kate	Public	Forensic Consultant	
88	Pulaski	Phil	Commissioner	Chief of Detectives	New York City Police Department, retired
89	Rakoff	Jed	Commissioner	U.S. District Judge	U.S. Courts
90	Redle	Matt	VIP	Sheridan County (WY) Prosecuting Attorney	Sheridan County (WY) Attorney's Office
91	Risinger	Michael	VIP	Professor of Law	Human Factors Subcommittee
92	Roberts	Toni	VIP		Federal Bureau of Investigation
93	Runkle	Deborah	Public	Senior Program Associate	American Association for the Advancement of Science
94	Salyards	Jeff	Commissioner	Executive Director	Defense Forensic Science Center
95	Santos	Nelson	Commissioner		Office of Forensic Sciences, Drug Enforcement Administration
96	Schechter	Marvin	VIP	Attorney	Marvin E. Schechter, Esq.
97	Scheck	Barry	VIP	Co-Director	The Innocence Project
98	Schrotter	Frances	Commissioner	Senior Vice President and Chief Operating Officer	American National Standards Institute
99	Schwarting	Dawn Elizabeth	Public	Consultant	Booz Allen Hamilton
100	Silverstein	Helena	Public	Program Officer	National Science Foundation
101	Simoncelli	Tania	VIP		White Office House of Science and Technology Policy
102	Snitch	Thomas	Public		University of Maryland
103	Sozer	Amanda	Public	President	SNA International
104	Spivak	Howard	Public	Deputy Director	National Institute of Justice
105	Spriggs	Jill	VIP	Laboratory Director	Sacramento County (CA) DA's Office
106	Steele	Brette	Commission Staff		U.S. Department of Justice
107	Stolorow	Mark	Public	Director of OSAC Affairs	National Institute of Standards and Technology
108	Sudkamp	Laura	VIP	Laboratory Director	Kentucky State Police Forensic Laboratories
109	Tayler	Melissa	Public		National Institute of Standards and Technology
110	Thomas	Sherran	Public		U.S. Department of Justice

	Last Name	First Name	Attendee Type	Title	Organization
111	Thompson	William	VIP		University of California, Irvine
112	Tomberlin	Jeff	VIP	Associate Professor	Texas A&M University
113	Triplett	Jeremy	VIP		Kentucky State Police
114	Turman	Kathryn	Commissioner	Assistant Director	Federal Bureau of Investigation
115	Vorder Bruegge	Richard	Public	Senior Photographic Technologist	Federal Bureau of Investigation
116	Waltke	Heather	Public	Associate Director, OIFS	U.S. Department of Justice
117	Warner	Margaret	Speaker	Injury Epidemiologist	Centers for Disease Control and Prevention
118	Weedn	Victor	VIP	Professor and Chair	George Washington University
119	Weiss	Danielle	Commission Staff	Lead Associate (Contractor)	Booz Allen Hamilton
120	Weiss	Mark	Commissioner		
121	Williams	Shannan	Public	Forensic Science Research Project Manager	National Institute of Standards and Technology
122	Wilson	Justin	Public		The Raben Group
123	Word	Charlotte	VIP		
124	Wulff	Paula	Public		Federal Bureau of Investigation