

# PRESENTATION OF THE FORENSIC SCIENCE DISCIPLINE FRAMEWORK TO THE NATIONAL COMMISSION ON FORENSIC SCIENCE



Office of Legal Policy  
March 21, 2016

# Office of Legal Policy

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# Outline

- Introduction of the Forensic Science Discipline Review (FSDR)
- Discussion of Framework
  - Principles
  - Methodology Development Team
  - Methodology Development Process
  - Timeline
  - Framework Elements for Discussion



# FSDR Framework Principles

- Advance the practice of forensic science by ensuring Department forensic examiners are testifying consistent with applicable scientific standards and as appropriate in legal proceedings.
- Institutionalize quality assurance in the practice of forensic science above and beyond that required by accreditation.



# Methodology Development Team

- OLP
- NIJ Office of Research and Evaluation
- NIJ Office of Investigative and Forensic Sciences
- NIJ Office of Science and Technology
- Bureau of Justice Statistics



# Framework Elements for Discussion

- Selection of Disciplines
- Selection of Cases
- Testimonial Standard
- Conducting FSDR
- Addressing Testimonial Inaccuracies
- Reporting Results
- Secondary Review



# Selection of Disciplines

- Initially consider disciplines that require forensic professionals to compare two items and make judgments about their similarities and differences.
  - Examples include: handwriting, shoeprints and tire treads, fibers, glass, firearms/ballistics, serology, mineralogy, latent fingerprints, and paints and polymers.
- FSDR is not intended to challenge the underlying validity of these disciplines.



# Selection of Cases

- Cases in which FBI provided testimonial evidence— regardless of whether the outcome was an acquittal or conviction.
  - No pending or ongoing cases.
- Cases will be selected to cover a given time period.
  - Time period not certain but it needs to be long enough to ensure an appropriate statistical sample, while managing the difficulty of obtaining transcripts that are very old.
  - It may not be possible to use the same time period for each discipline.



# Testimonial Standard

- Ensure that community expertise is utilized in adopting the correct testimonial standards for the FSDR.
- Testimonial standards for current forensic examinations are outlined in the FBI Approved Standards for Scientific Testimony and Reports (ASSTR).
  - ASSTRs may form an appropriate basis to develop the standard for use in the FSDR.
  - ASSTRs must be independently reviewed and critiqued.
- Standard as adopted for use in FSDR will be shared.



# Conducting FSDR

- FSDR anticipated to require legal, forensic, administrative, and social science resources.
- A multi-phase review with checks to ensure reliability of results is envisioned.
- FSDR will require development of new IT infrastructure.



# Addressing Testimonial Inaccuracies

- The methodology will address what threshold of testimonial inaccuracies will trigger a secondary review.
  - It is impossible at this time to determine what criteria will be established by statisticians as suitable to trigger a secondary review.
- Methodology will address isolated inaccuracies as well as instances where the rate is found to be sufficiently high that it may be inappropriate to continue the FSDR.



# Secondary Review

- Prior to beginning the FSDR, the methodology will clearly identify the criteria to trigger a more fulsome or secondary review and identify possible examples where a secondary review may follow.
- The methodology for a secondary review for that discipline will depend on the issues or inaccuracies identified.



# Reporting Results

- Process should be appropriately transparent but should also protect the privacy of legal practitioners, forensic examiners, defendants, and victims, to the extent possible.
- The Department will develop a means to release results that can be used and analyzed in empirically rigorous ways.
  - Possible examples: data set, summaries, or other material.
- Time line for release of results will follow implementation.



# Time Line

- Framework introduction (03/21/2016)
- Methodology development (03/2016-TBD)
- ASSTR review (04/2016 - TBD)
- Initial methodology review with NCFS (06/20/2016)
- Methodology revision (06/2016 - TBD)
  - Evaluation of resources
- FSDR implementation process
  - Physical and staff resources
  - IT infrastructure
  - Records management
- FSDR deployment



# Elements for NCFS Input

- How to prioritize disciplines
- Scope of time period
- Sampling particular types of cases
- Consideration of inaccuracies
- Levels of review
- Legal and/or forensic reviewers
- External review processes
- Ensuring community feedback on methodology
- Duty/process to inform parties

