

DAY 1

National Commission on Forensic Science (NCFS)

A Federal Advisory Committee
for the U.S. Department of Justice



U.S. Department of Commerce

10th Meeting: June 20-21, 2016

Outline for Day 1

- DOJ opening remarks (Victor Weedn for DAG Yates)
- NIST opening remarks (John Butler for Director May)
- FSDR methodology (OLP)
- SPO status report (Jonathan McGrath)
- Working Lunch: Certification & Licensing Panel
- Public Comment Period

- Subcommittee meetings (closed to public)

New NCFS Members

- **Rebecca Ferrell** (National Science Foundation) as the *ex-officio* NSF representative replacing Mark Weiss
- **Troy Lawrence** (Ft. Worth Police Department) as the digital evidence representative replacing Bill Crane

Response to Dec 2015 NCFS Recommendations on Forensic Science Curriculum Development



Office of the Attorney General

Washington, D.C. 20530

June 7, 2016

MEMORANDUM FOR HEADS OF DEPARTMENT COMPONENTS

FROM: THE ATTORNEY GENERAL

A handwritten signature in black ink, appearing to read "Matthew E. Dwyer", written over the printed name of the Attorney General.

SUBJECT: Recommendations of the National Commission on Forensic Science;
Announcement for NCFS Meeting Ten

In furtherance of the Department's commitment to advance the practice of forensic science and as part of our close coordination with the National Commission on Forensic Science (NCFS), I am responding today to a recommendation on the creation of a national curriculum for forensic science. The Department supports the concept that additional comprehensive and balanced forensic science curricula could improve legal practice related to forensic science.

Response to Dec 2015 NCFS Recommendations on Forensic Science Curriculum Development (cont.)

I am pleased to announce that I am directing the Department to take the following steps to support this goal. I ask that you work with the Deputy Attorney General to implement these policies and issue guidance as appropriate.

1. The Department will transmit the NCFS's Recommendation on Forensic Science Curriculum Development to appropriate researchers, statisticians, scientists, and legal organizations and ask the individuals and organizations to consider developing responsive training.
2. All Department litigating entities should review the forensic science training available to Department prosecutors to determine if new training should be developed or if training protocols should be instituted.
3. The Department should explore where there are opportunities to further distribute existing Department-generated forensic science training materials or where it may be able to support the creation of new responsive training materials.

Members Here & Establishing a Quorum

32 voting members and 8 ex-officio members

Ex-Officio Members May Vote on Commission Business Matters

8 Ex-Officio Members

1. Judge Jed Rakoff
2. Kathryn Turman
(emailed votes)
3. Fran Schrotter
4. Rebecca Ferrell
5. Patricia Manzolillo
6. Gerry LaPorte
7. Marilyn Huestis
8. David Honey
– Proxy: Greg Motta (at times)

Voting Members Not Here

- Greg Champagne
– Proxy: Timothy Scanlan
- Cecilia Crouse
– Proxy: Dustin “Tate” Yeatman
- Mark LeBeau
– Proxy: Toni Roberts
- Paul Giannelli
– Proxy: Bill Thompson
- Suzanne Bell
- Linda Jackson (here 6/21)

Majority Required (>0.50)
need 20 “Yes” out of 38 possible

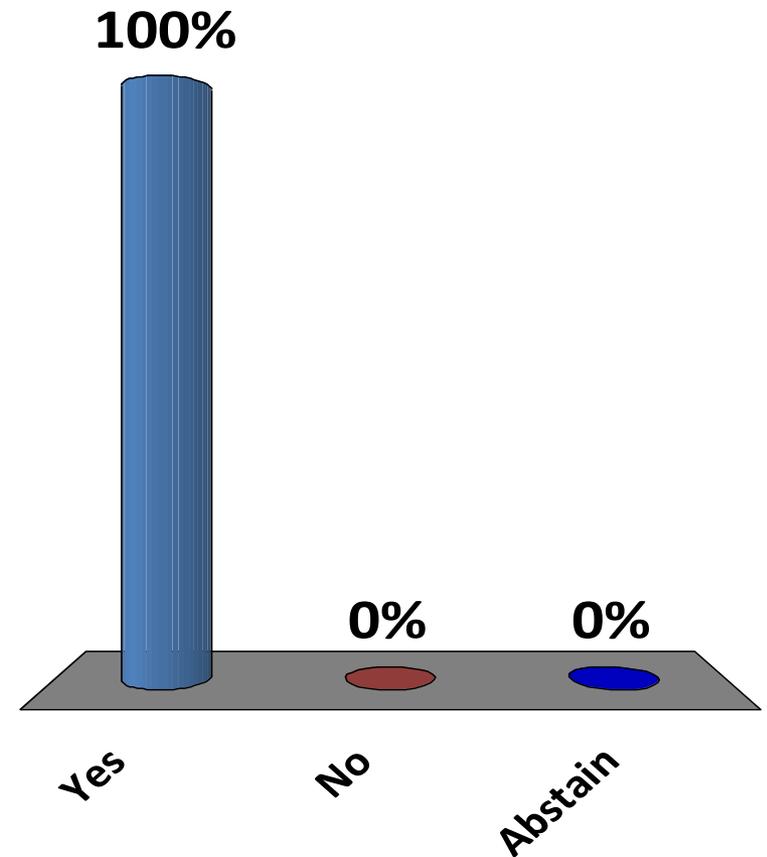
<http://www.justice.gov/ncfs/members>

Acceptance of Reconciliation for Accreditation of MDI Offices

(Recommendations → Views)

[additional comments]

1. Yes
2. No
3. Abstain

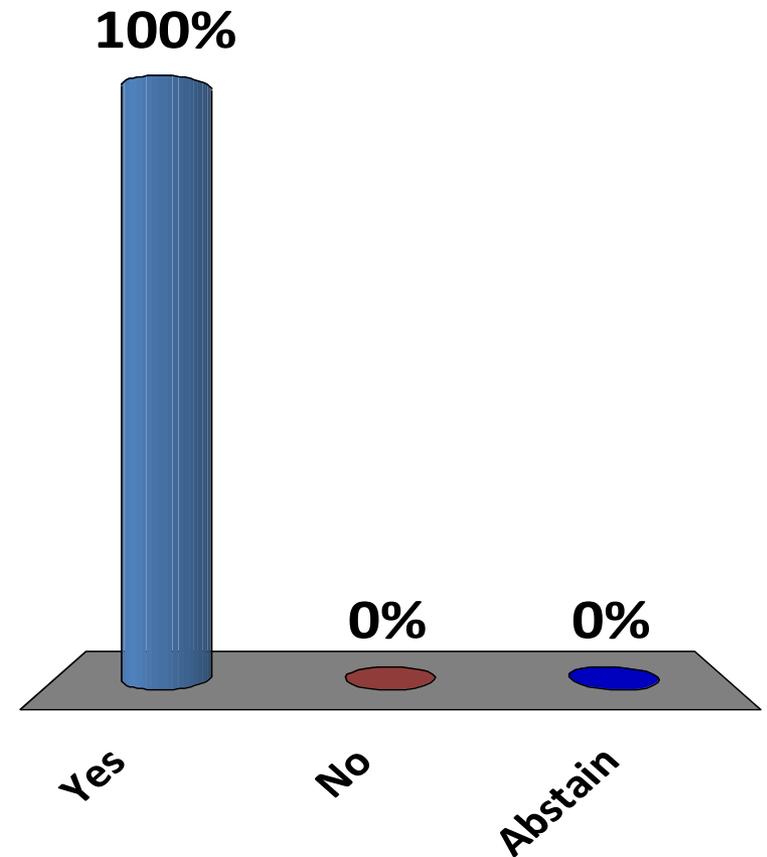


Acceptance of Reconciliation for Certification of MDI Investigators

(Recommendations → Views)

[additional comments]

1. Yes
2. No
3. Abstain



DAY 2

National Commission on Forensic Science (NCFS)

A Federal Advisory Committee
for the U.S. Department of Justice



U.S. Department of Commerce

10th Meeting: June 20-21, 2016

Outline for Day 2

(Subcommittee Reports)

- Reporting & Testimony (3 for vote, 2 to introduce)
- Human Factors (1 to introduce)
- Working Lunch: Digital & Multimedia Evidence Panel
- Accreditation & Proficiency Testing (4 to introduce)
- Scientific Inquiry & Research (2 for vote)
- Medicolegal Death Investigation (1 for vote, 2 to introduce)

- Wrap-Up
- Public Comment Period

Members Here & Establishing a Quorum

32 voting members and 8 ex-officio members

Ex-Officio Members May Vote on Commission Business Matters

8 Ex-Officio Members

1. Judge Jed Rakoff
2. Kathryn Turman
3. Fran Schrotter
4. Rebecca Ferrell
5. Patricia Manzolillo
6. Gerry LaPorte
7. Marilyn Huestis
8. David Honey
 - Proxy: Greg Motta (at times)

Voting Members Not Here

- Greg Champagne
 - Proxy: Timothy Scanlan
- Cecilia Crouse
 - Proxy: Dustin “Tate” Yeatman
- Mark LeBeau
 - Proxy: Toni Roberts
- Paul Giannelli
 - Proxy: Bill Thompson
- Suzanne Bell

2/3 Required (>0.67)

need 21 “Yes” out of 31 possible

<http://www.justice.gov/ncfs/members>

Those Voting Today

21 votes needed for 2/3

1. Nelson Santos
2. John Butler
3. Tom Albright
4. Fred Bieber
5. Arturo Casadevall
6. Greg Champagne (proxy)
7. Cecelia Crouse (proxy)
8. Greg Czarnopys
9. Deirdre Daly
10. Bonner Denton
11. Vince Di Maio
12. Jules Epstein
13. Stephen Fienberg
14. John Fudenberg
15. Jim Gates
16. Dean Gialamas
17. Paul Giannelli (proxy)
18. Judge Barbara Hervey
19. Susan Howley
20. Ted Hunt
21. Linda Jackson
22. Judge Pam King
23. Troy Lawrence
24. Marc LeBeau (proxy)
25. Julia Leighton
26. Justice Bridget McCormack
27. Peter Neufeld
28. Phil Pulaski
29. Matt Redle
30. Sunita Sah
31. Jeff Salyards

Up for Potential Vote at this Meeting

1. **Recommendations Regarding Pretrial Discovery** (recommendation) [Reporting and Testimony]
2. **Judicial Vouching of Experts** (views) [Reporting and Testimony]
3. **Notice and Demand Provisions** (views) [Reporting and Testimony]
4. **Technical Merit Evaluation of Forensic Science Methods and Practices** (views) [Scientific Inquiry and Research] Title changed
5. **Technical Merit Evaluation of Forensic Science Methods and Practices** (recommendation) [Scientific Inquiry and Research] Title changed
6. ~~**Accreditation of Digital and Multimedia Forensic Science Service Providers**~~ (recommendation) [~~Accreditation and Proficiency Testing~~]
7. **National Disaster Call Center** (recommendation) [Medicolegal Death Investigation]

More than 60 public comments received -- decided to wait until after a NCFS panel and discussion and further subcommittee deliberations

Documents Out for Public Comment that will be discussed at this meeting

1. **Report and Case Record Contents** (views) [Reporting and Testimony]
2. **Documentation, Case Record and Report Contents** (recommendation) [Reporting and Testimony]
3. **Optimizing Human Performance in Crime Laboratories through Testing and Feedback** (views) [Human Factors]
4. **Proficiency Testing** (recommendation) [Accreditation and Proficiency Testing]
5. **Accreditation Program Requirements** (views) [Accreditation and Proficiency Testing]
6. **Accreditation and Recognition of Forensic Science Certification Bodies** (views) [Accreditation and Proficiency Testing]
7. **Certification of Forensic Science Practitioners** (views) [Accreditation and Proficiency Testing]
8. **Formation of a National Office for Medicolegal Death Investigation** (recommendation) [Medicolegal Death Investigation]
9. **Communication with Next of Kin and Other Family Members** (views) [Medicolegal Death Investigation]

**Public comment open
through July 5, 2016**

Posted June 6

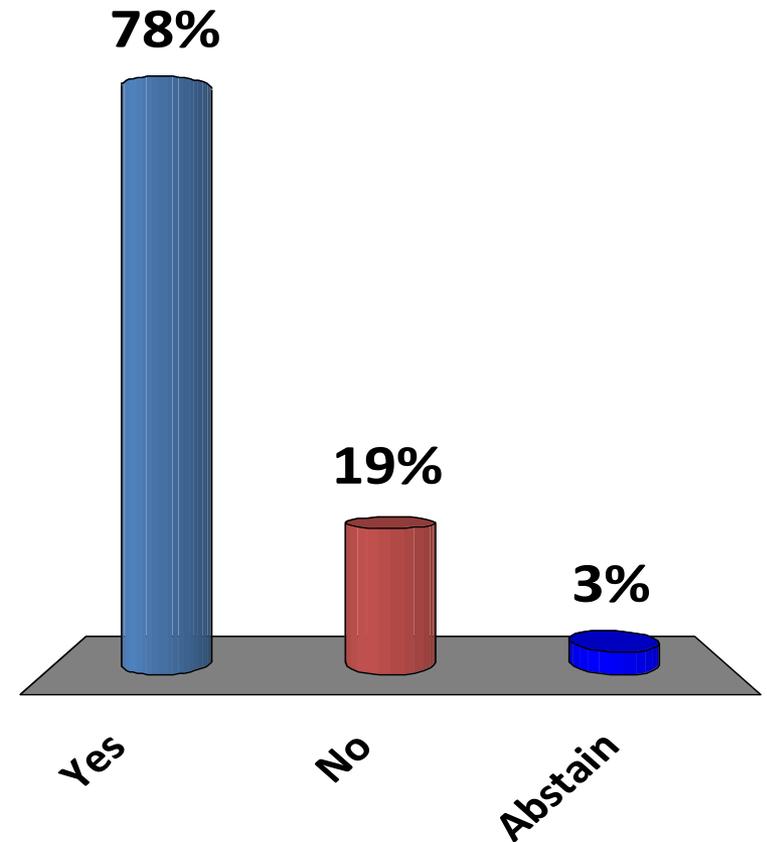
Reporting and Testimony Subcommittee

Recommendations Regarding Pretrial Discovery

Recommendation

[additional comments]

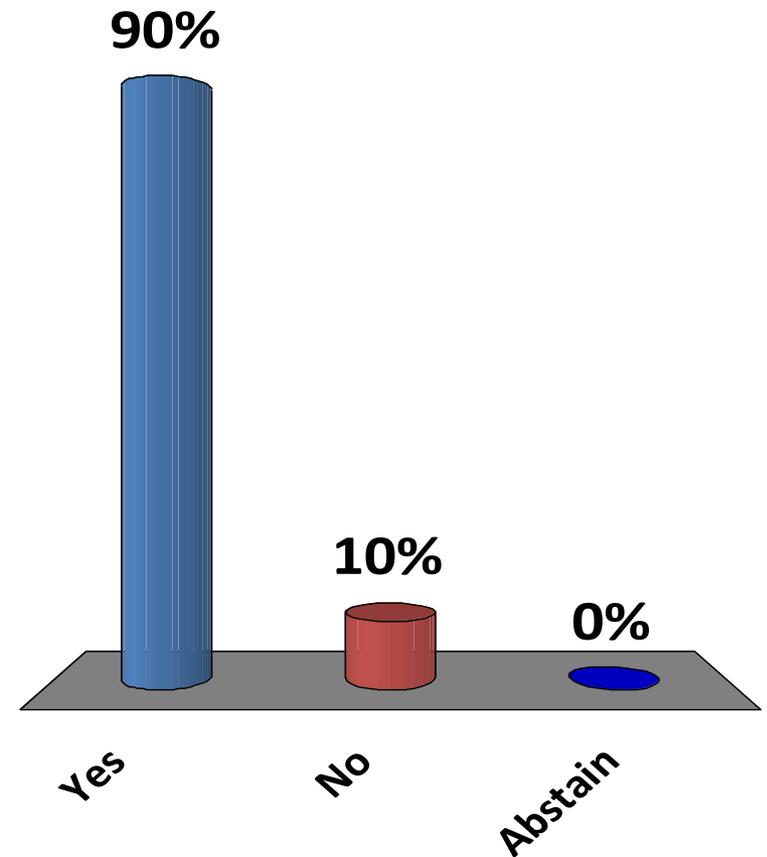
1. Yes
2. No
3. Abstain



Judicial Vouching of Experts Views Document

[Ted Hunt requested changes; footnote #5]

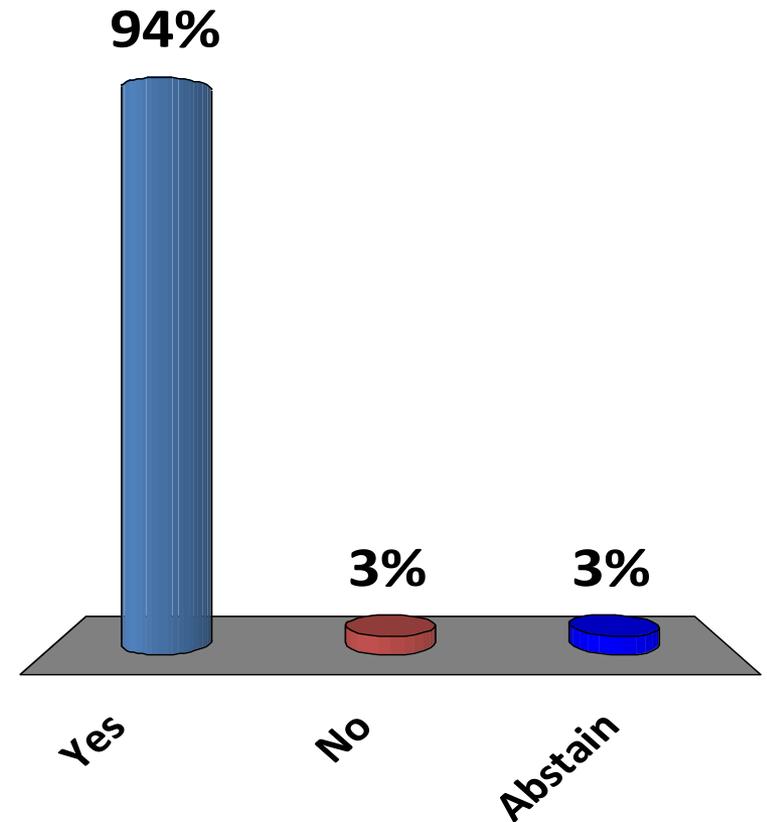
1. Yes
2. No
3. Abstain



Notice and Demand Provisions Views Document

[additional comments]

1. Yes
2. No
3. Abstain

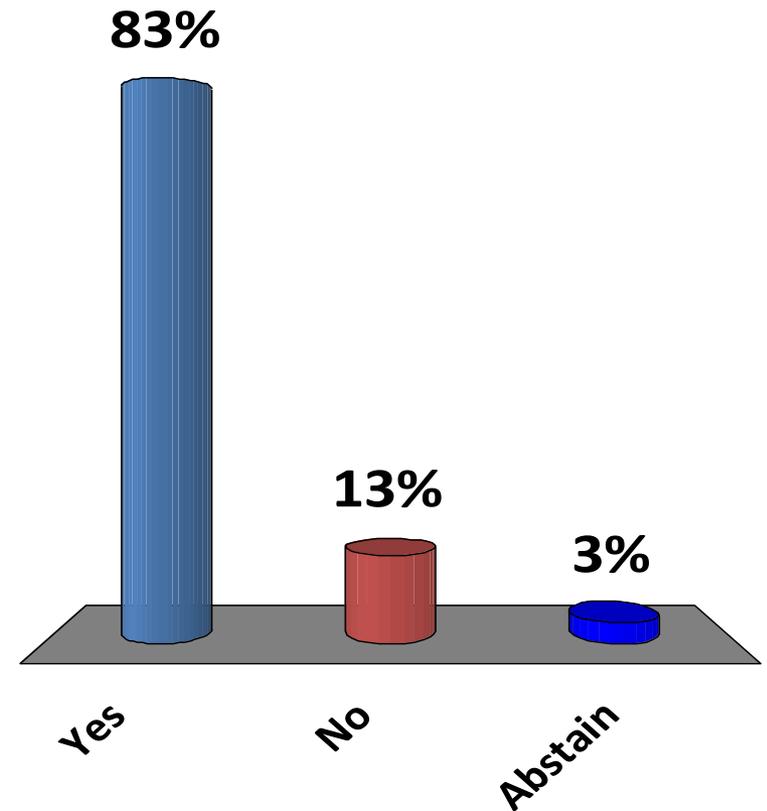


Scientific Inquiry & Research Subcommittee

Technical Merit Evaluation of Forensic Science Methods and Practices Views Document

[additional comments]

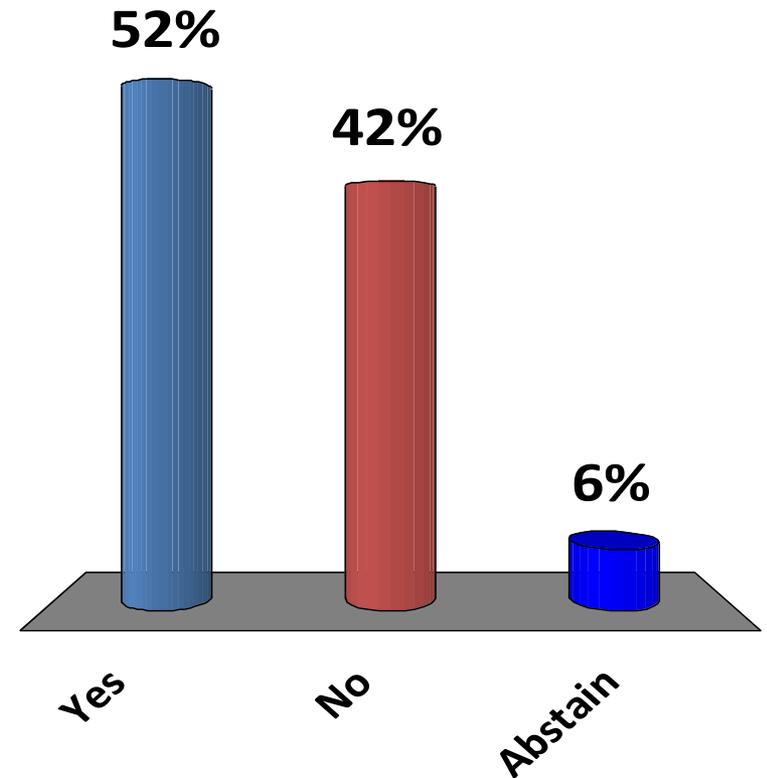
1. Yes
2. No
3. Abstain



Technical Merit Evaluation of Forensic Science Methods and Practices Recommendation

[additional comments]

1. Yes
2. No
3. Abstain

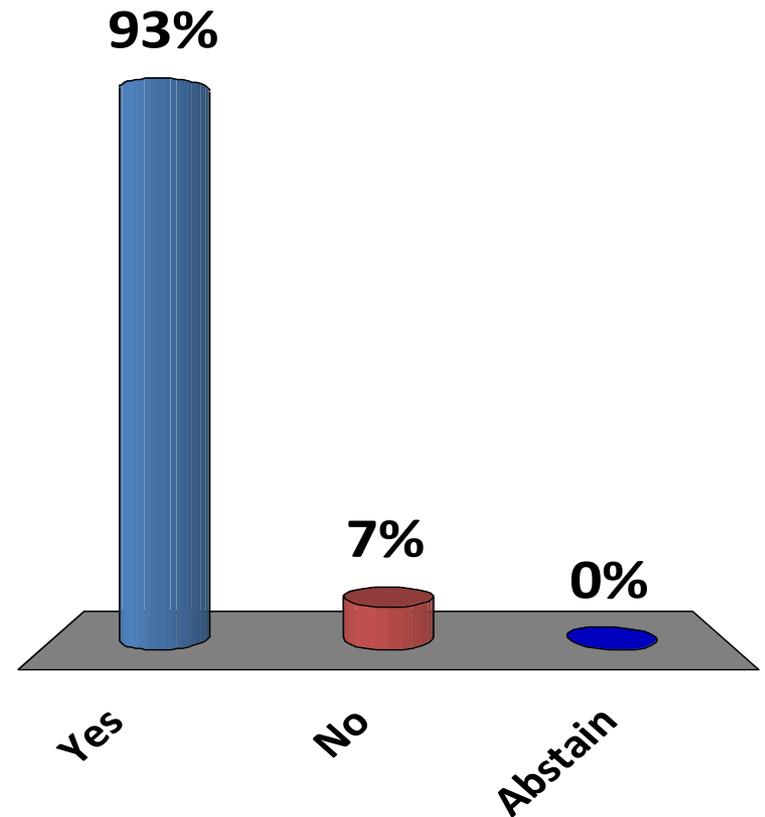


Medicolegal Death Investigation Subcommittee

National Disaster Call Center Recommendation

[additional comments]

1. Yes
2. No
3. Abstain



Potential Topics for the Next Meeting

- Victims' Rights Issues
- ...

11th Meeting to be held at NIST in Gaithersburg, MD on Sept 12-13, 2016.

Thank you!

- **Subcommittee co-chairs and subcommittee members for their hard work**
- Note takers for Commission and subcommittee meetings
- Jonathan McGrath, Lindsay DePalma, Danielle Weiss and other support staff for making meeting support and arrangements
- Office of Justice Programs for an excellent venue
- *Please leave the clickers on your desk and I will pick them up at the end of the meeting*