

Dear Fellow Commissioners and Staff:

While I am sympathetic to the thrust of the proposed recommendation regarding the BJS survey I think we need to work much harder at the wording and content before this is put before the Commission for a vote.

There are a number of intertwined issues which I believe need to be sorted out. To begin, we need to articulate the purpose of the recommendation and the survey itself. This means understanding the population to be surveyed, a sensible sampling scheme, and the actual content provided by the responding units. These elements should not be left to BJS even in consultation with the International Association of Chiefs of Police, the Major Cities Chiefs Association, the National Sheriff's Association, and the American Academy of Forensic Science, among other relevant stakeholder organizations.

Let me begin with the population to be studied. A key element of any survey is what is known as the frame, a listing of the population units. I suspect that a large part of the rationale behind BJS' census of publicly funded crime laboratories is the dual role of frame construction and then gathering associated characteristics. Just as the Census Bureau develops a master address file to conduct the Decennial Census of Population and Housing, so too BJS has a preliminary listing for its current census that it updates as part of the process. Extending the census to apply to the population of all "forensic science service providers," including those that function outside of a traditional crime laboratory, requires substantially more resources and clear procedures and serious efforts to identify them. If the numbers are as large as others imply the resources for doing this will be far more substantial than I suspect anyone on the Commission has perceived.

Second, unlike the Census Bureau and the Decennial Census of Population and Housing, there is no constitutional mandate requiring all "forensic science service providers," to participate and thus attempting to gather quality assurance information from them is a monumental task. Indeed, if units perceive that they will somehow be punished for not providing information that will expose their livelihood, then BJS and DoJ will have no assurance of the accuracy of the data they attempt to gather. Rather it might well make sense for BJS to attempt a survey rather than a census of providers, especially as it extends beyond those in its traditional census of publicly funded crime laboratories. Even with a survey, you still have to define the frame. The design of the survey would need to reflect the detailed goals and data elements to be gathered, and how the sample units would be drawn from the frame.

Third, I want to address the content of the proposed census or survey. The data elements in the existing census really do not get at the aspect of quality assurance that I believe to lie at the heart of the mission of the Commission. For quality assurance, more may be required than ascertainment of credentials, qualifications, and adequacy of facilities. It may also be necessary to base quality of results on test samples. This is surely not something that can be done for every unit in the population of "forensic service providers," nor is it something that lies either within the expertise of BJS. Further allowing the named association to play a major role in defining and measuring competence and quality assurance

would be for me like putting the fox in charge of the chicken coup. Indeed assessing quality assurance is not something within the current capacity of BJS.

So, while I am supportive in principle of the proposal, I think we need a clearer document before the Commission prior to any vote and a more coherent idea of where we believe DoJ should be headed with the data it would collect via this mechanism.

There are minor items in the wording that I would normally try to address, such as making sure “data are plural” and the use of active voice for all omission statements.

Cordially,  
Stephen Fienberg