

Accreditation and Proficiency Testing

Linda Jackson and Patricia Manzolillo, Co-chairs

APT Subcommittee

Membership

- 20 members, 15 non-Commissioners
- Representation:
 - Accreditation bodies
 - State and Local laboratories
 - Private attorneys
 - Federal laboratories
 - Clinical laboratories

APT Subcommittee

Since the last Commission Meeting...

- Two teleconference meetings
 - March 5: Discussed Universal Accreditation Document
 - Clarified language regarding the differentiation between accreditation and admissibility
 - Clarified language providing examples of who would NOT be required to become accredited
 - April 3: Discussed Proficiency Testing Document
 - Discussed breaking apart the subject into smaller segments
 - Discussed providing speakers to educate Commissioners about benefits and challenges to various proficiency test processes at August 2015 meeting

APT Priorities

- Current
 - Policy Recommendation – Universal Accreditation
 - Views Document – Critical Steps to Accreditation
 - Views Document – Proficiency Testing
- Future
 - Review of Accreditation Programs
 - Enforcement and Oversight Options

Policy recommendation – universal accreditation

Marvin Schechter – Sub-Group Chair

Policy Recommendation

Recommendation:

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

FSSP Definition*:

- “A person or entity that 1) recognizes, collects, analyzes, or interprets physical evidence AND (2) issues test or examination results, provides laboratory reports, or offers interpretations, conclusions, or opinions through testimony with respect to the analysis of such evidence.”
- Providers that render opinions based only on the review of data from examinations conducted by other entities, or on an evaluation of procedures, tests or methods used by other entities are not included in this definition. Examples of persons or entities that would be included or excluded from this definition can be found in Appendix A.
- This document does not address forensic medicine service providers.

*Definition is for the purposes of this document only.

Document Clarification – Appendix A

- Examples of functions that would be excluded are below, whether in public or private practice. The list is not inclusive of all functions that would be excluded.
 1. Opinions/evaluations of the appropriateness or use of a particular statistical, probabilistic or mathematical statement or error rate calculations
 2. Opinions/evaluations of the validity or reliability of a forensic science discipline, method or technique
 3. Opinions/evaluations of the validity or reliability of research supporting a forensic science discipline, method or technique
 4. Opinions/evaluations of results, methods, or techniques used in a forensic examination
 5. Examinations for which there is no forensic science accreditation program

Implementation Strategies

- The Attorney General shall direct all DOJ FSSPs to maintain their accreditation and those FSSPs that are not yet accredited shall prepare and apply for accreditation within five years.
- The Attorney General shall direct DOJ FSSPs to use accrediting bodies that submit to and are in compliance with ISO/IEC 17011 and are a signatory to the ILAC MRA. 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 15189, Medical laboratories - Particular Requirements for Quality and Competence) including all appropriate supplemental standards.

Implementation Strategies (as amended)

- The Attorney General shall require that DOJ grant funding provided to non-DOJ FSSPs shall be granted only to those FSSPs who are accredited or are in the process of becoming accredited. In the future any DOJ funding award shall include a special condition requiring that the agency's FSSP be accredited.
- The Attorney General shall require that federal prosecutors, in cases in which they are in a position to request forensic testing, contract with accredited forensic science service providers. This provision does not apply to analyses conducted prior to the involvement of a federal prosecutor.

Implementation Strategies

- Finally, the Attorney General should encourage by all means possible the universal accreditation of all non-DOJ FSSPs with any available enforcement mechanisms.

Clarification of Admissibility

- Universal accreditation will improve FSSP ongoing compliance with industry best practices, promote standardization, and improve the quality of services provided by FSSPs nationally.^[5]

^[5] The recommendation that forensic science service providers be accredited is a policy one, meant to ensure an increase in overall quality and quality assurance. It is not meant to be used as a criterion for a threshold admissibility determination for a particular expert or conclusion. Those types of decisions are made pursuant to judicial standards applying the criteria enunciated in Daubert, Frye, FRE 702, and/or various state laws.

Proficiency Testing

Karin Athanas — Sub-Group Chair

Proficiency Testing - Background

- Proficiency Testing is an evaluation of participant performance against pre-established criteria by means of inter-laboratory comparisons for the determination of participant performance.
- Benefits:
 - Demonstration of the ability to perform successfully
 - Practitioner, methodology, instrumentation, reporting, quality system
 - Demonstration of successful performance of the population
 - Increased confidence in performance

Proficiency Testing - Limitations

- The sample created as part of the proficiency test may not yield the expected result
- The test can become predictable when the same test format is used in each case
- The test may not be consistent with the methodology currently in practice
- The test does not accurately simulate case work conditions
- The test does not identify the cause of an unsuccessful result (e.g. practitioner, methodology, instrumentation)

Current Status

- 2009 Bureau of Justice Statistics census results
 - Of 398 publicly funded laboratories, 98% reported using some form of proficiency testing
 - 97% reported using open or declared tests
 - 36% reported the use of random case reanalysis
 - 10% of those engaged in testing reported using blind tests
- Participation required:
 - Federal DNA Identification Act (42 U.S.C. §14132)
 - State statute/regulation (e.g. California, Maryland)
 - Accreditation Bodies
 - Some Certification boards

Critical steps to accreditation

Pete Marone – Sub-Group Chair

Views Document

- To be used by FSSPs while working towards accreditation
- Will discuss changes to workplace culture and acceptance of quality processes
- Will discuss resources needed
- Will include major elements required for accreditation
- Will include appendix with cost estimates for different sized FSSPs

Elements

- Written procedures for Evidence (security/control/handling)
- Required Written reports
- Technical Review of reports and supporting records
- Testimony monitoring
- Note-taking
- Training Program
- Proficiency Testing

Questions?