



NATIONAL COMMISSION ON FORENSIC SCIENCE



Universal Accreditation

Type of Work Product: Summary of Adjudication of Public Comments Received on Draft Document

Public Comment Summary:

The NCFS Subcommittee on Accreditation and Proficiency Testing posted a draft of its policy recommendation on universal accreditation in October 2014. The subcommittee's recommendation stated: "It is recommended that all Forensic Science Service Providers (FSSPs) become accredited."

During the approximately 30-day public comment period, more than 25 comments were received. Some were positive and supportive of the policy recommendation, and others expressed questions and concerns.

Adjudication Process Used by Subcommittee:

The subcommittee co-chairs disseminated the comments and supporting documentation to all subcommittee members and convened a teleconference on November 25, 2014. At the teleconference, the subcommittee reviewed each comment and discussed how to respond. Many comments were similar in nature or concern. This document references the policy recommendation draft and includes the comments and subcommittee responses. When several comments address a similar area, these comments are combined.

Itemized Issues and Adjudication Summary:

1. What oversight or standards will be required for the accrediting bodies?
Response: Language has been added to the background and implementation sections to clarify that accreditation bodies recognized by the International Laboratory Accreditation Cooperation (ILAC) Mutual Recognition Arrangement (MRA) using International Organization for Standardization (ISO) standards are recommended. The subcommittee anticipates seeking the Commission's approval to address and make separate recommendations regarding the current system of accreditation in the United States.
2. Many comments raised concerns about the costs associated with accreditation.
Response: Accreditation should be considered an integral part of the FSSP's quality system and thus be included in general operating budgets. The implementation strategy allows for FSSPs to receive Department of Justice (DOJ) grant funding while in the process of obtaining accreditation. "In the process of becoming accredited" was not further defined. DOJ has the responsibility to define "in the

process” in a manner that allows it to assess the FSSP’s status within a particular grant solicitation. The implementation strategy regarding grant funding to non-DOJ FSSPs applies only to the FSSP portion of any entity.

The subcommittee will consider preparing a separate document that will include general cost estimates associated with accreditation, showing how they are scalable for different sized providers.

3. A few comments raised concerns regarding the use of only accredited FSSPs by federal prosecutors

Response: The implementation strategy was clarified as follows: “The Attorney General shall require that federal prosecutions, in which the federal prosecutor is 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.”

4. How is the policy meant to be applied to specialty examinations, consultants, academics, and sole practitioners?

Response: In the policy recommendation document, footnote 1 (quoted below) was added to provide clarification, and Appendix A was added to provide examples. An entity would be considered a FSSP if it satisfies the definition in footnote 1 and if the examination performed is within the scope of an existing accreditation program.

Footnote 1: “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 should not be impacted by this recommendation. This document does not address Medical Examiners and Coroners. This document is not establishing an admissibility standard. It is addressing a means to improve FSSPs. All examinations are still subject to review under applicable law before being admitted.”

5. Several comments raised the concern that practitioner certification should be substituted for accreditation, especially for a one-person lab.

Response: Certification and accreditation are different and are not interchangeable. The subcommittee addressed this discussion by adding Appendix B to the policy recommendation document.

6. What date is appropriate to require universal accreditation?

Response: The subcommittee has members working in a wide variety of FSSPs and has reconsidered regulatory, fiscal, and administrative issues. The subcommittee still finds 5 years to be sufficient to prepare and apply for accreditation.