

# National Commission on Forensic Science (NCFS)

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



U.S. Department of Commerce

**7<sup>th</sup> Meeting: August 10-11, 2015**

# Opening Remarks from DAG Sally Yates

- Welcome
- New Commissioners
- Update on Commission Activities

# Introduce New Commissioners

1. **Thomas D. Albright, Ph.D.**, Professor and Conrad T. Prebys Chair, The Salk Institute for Biological Studies, La Jolla, California
2. **Arturo Casadevall, M.D., Ph.D.**, Bloomberg Distinguished Professor and Alfred and Jill Summer Professor and Chair of Molecular Microbiology and Immunology, Bloomberg School of Public Health, Johns Hopkins University, Baltimore, Maryland
3. **Gregory C. Champagne**, Sheriff, St. Charles Parish, Louisiana
4. **William N. Crane**, Associate Professor and Director, Graduate Digital Forensic Program, Champlain College, Burlington, Vermont
5. **Deirdre M. Daly**, United States Attorney for the District of Connecticut
6. **Sunita Sah, M.D., Ph.D.**, Assistant Professor of Management and Organizations, Johnson Graduate School of Management, Cornell University, Ithaca, New York

**Press Release (August 6, 2015):** <http://www.justice.gov/opa/pr/departments-justice-and-national-institute-standards-and-technology-name-six-experts-new>

# Remarks from NIST Director, Willie May

- New DOJ/NIST MOU: NIST roles and responsibilities
- What's up with OSAC?
- International Symposium on Error Management
- NIST Research Activities
- New Forensic Science Center of Excellence

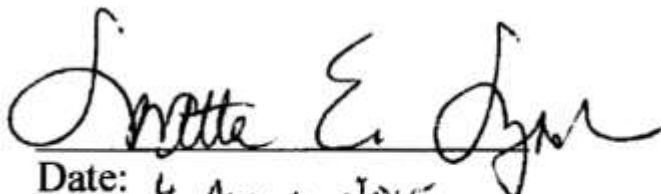
# **A Renewal MOU Was Recently Signed between DOJ and NIST**

**and will be publicly available on the NCFS website**

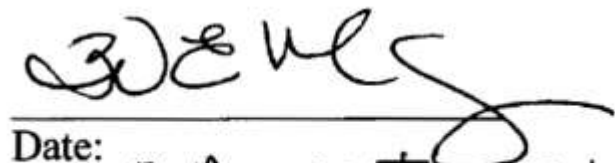
## **MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF JUSTICE AND THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY IN SUPPORT OF THE NATIONAL COMMISSION ON FORENSIC SCIENCE AND THE ORGANIZATION OF SCIENTIFIC AREA COMMITTEES**

### **X. Signatures:**

For the Department of Justice:

  
Date: 4 August 2015

For the National Institute of  
Standards and Technology:

  
Date: 05 August 2015

## V. Cooperative and Collaborative Activities

**A. Federal Advisory Committee:** DOJ and NIST support the objectives of the Commission and the management framework set forth in the Commission's Charter. The Attorney General and the Director of NIST will each appoint a co-chair of the Commission, who shall be senior officials of the respective agencies. The Commission will consist of approximately 30 members appointed by the **Attorney General in consultation with the Director of NIST** and the co-chairs. Among other things, the Commission may advise the Attorney General regarding the voluntary consensus standards and best practices developed by the Scientific Area Committees for the user community.

**B. Scientific Area Committees:** **The Director of NIST, in consultation with the Attorney General**, will approve the creation of Scientific Area Committees (formerly Guidance Groups), and modify or approve the agendas proposed by those groups for the development of scientific guidance for the user community. The Director of NIST will consult with the Attorney General on general composition of the Scientific Area Committees. The Scientific Area Committees will not provide advice to the Attorney General, the NIST Director, or the Commission, but, instead, their findings will be provided to the public user community. The objective is to assist in the development of voluntary consensus standards and best practices for the user community, as described in Section VI.B.2 below.

## VI. Agency Responsibilities

### B. National Institute of Standards and Technology:

1. Will appoint a Senior NIST Official to serve as the **Co-Chair of the Commission**;
2. **Will administer and coordinate all necessary support for the Scientific Area Committees**, subject to the following provisions;
  - a. Scientific Area Committees have no authority to make decisions on behalf of either Party or the Commission and may not provide advice directly to the federal government, any federal agency or officer, or any other entity.
  - b. Scientific Area Committees may collaborate with relevant voluntary standards development organizations or professional organizations for the development of consensus guidance before releasing their proposed guidance to the public.
  - c. **Scientific Area Committees do not report to the Commission** and are not federal advisory committees in accordance with the Federal Advisory Committee Act, as amended, 5 U.S.C. App.2.
3. Will **conduct research supporting the development and dissemination of methods, standards, and technical guidance for forensic science measurements**;
4. **Will test and validate select existing forensic science practices and standards as appropriate.**

# Meeting Metrics

FORENSIC SCIENCE  
ERROR MANAGEMENT  
INTERNATIONAL  
FORENSICS SYMPOSIUM  
JULY 20-24, 2015 • WASHINGTON, DC



[http://www.nist.gov/director/international\\_forensics\\_home.cfm](http://www.nist.gov/director/international_forensics_home.cfm)

- **432 participated from >35 states and 11 countries**
  - 2 keynote speakers (Brandon Mayfield & Steven Wax)
  - 8 world-renowned plenary speakers
  - 42 sessions across 8 technical tracks
    - **105 individual platform presentations**
    - **9 panels**
  - **19 poster presentations**
- Symposium concluded with a **moot court presentation**

PDF files of presentations made (where permission was granted to share)

**<http://www.nist.gov/director/orals.cfm>**

***Conference proceedings planned for online release in November 2015***



# Plenary Speakers

8 Invited Speakers	Topic
<b>Gillian Tully</b> (UK)	Learning from Errors
<b>Scott Shappell</b> (US)	Impact of Shiftwork and Fatigue
<b>Itiel Dror</b> (UK)	Cognitive Sources of Error and Ways to Minimize Them
<b>Alastair Ross</b> (Australia)	The Source of Errors: Systems, Policy, and Practice
<b>Bryan Found</b> (Australia)	The Changing Culture of Error Explanation in Forensic Science
<b>Ralph Kleuskens</b> (The Netherlands)	Quality Improvement through Incident and Error Management
<b>Bill Thompson</b> (US)	Lessons from Known Errors and Close Calls in Forensic DNA Testing
<b>Lynn Garcia</b> (US)	Importance of Trust and Collaboration in Tackling Forensic Problems: Texas Lessons

# Organization of Scientific Area Committees (OSAC)

## Forensic Science Standards Board (FSSB)

Legal Resource  
Committee (LRC)

Quality Infrastructure  
Committee (QIC)

Human Factors  
Committee (HFC)

Biology/DNA  
SAC

Chemistry/  
Instrumental Analysis  
SAC

Crime Scene/  
Death Investigation  
SAC

Digital/Multimedia  
SAC

Physics/Pattern  
Interpretation  
SAC

Biological Data  
Interpretation and  
Reporting Sub

Biological Methods Sub

Wildlife Forensics Sub

Fire Debris and Explosives Sub

Geological Materials Sub

Gunshot Residue Sub

Materials (Trace) Sub

Seized Drugs Sub

Toxicology Sub

Anthropology Sub

Disaster Victim  
Identification Sub

Dogs and Sensors Sub

Fire and Explosion  
Investigation Sub

Medicolegal Death  
Investigation Sub

Odontology Sub

Digital Evidence Sub

Facial Identification Sub

Speaker Recognition Sub

Video/Imaging Technology  
and Analysis Sub

Bloodstain Pattern  
Analysis Sub

Firearms and  
Toolmarks Sub

Footwear and Tire Sub

Forensic Document  
Examination Sub

Friction Ridge Sub

SAC = Scientific Area Committee

Sub = Subcommittee

<http://www.nist.gov/forensics/osac/index.cfm>

Currently 131 affiliates (from >1300 applicants) are assisting with task groups

# OSAC Quality Infrastructure Committee (QIC) has developed worksheets for documenting efforts

## OSAC Technical Merit Worksheet



This worksheet is intended to assist in reviewing a potential standard or guideline to determine its appropriateness for inclusion on the OSAC Registries. Depending upon the nature of the standard or guideline, not all areas will be applicable. Additional factors may be needed for the evaluation of standards relating to observational- and judgment-based practices or human factors such as training, qualifications, research and quality control.

DATE: \_\_\_\_\_  
CHAIR  
Name: \_\_\_\_\_  
Affiliation: \_\_\_\_\_  
Email: \_\_\_\_\_  
Phone: \_\_\_\_\_

Document Title, Number, and Year: \_\_\_\_\_

1. Are the purpose and scope of the document clearly defined?
2. Terminology  
Are relevant terms, acronyms, and abbreviations defined?
3. Bibliographic References  
Does the document contain references to other documents?
4. Quality Control  
Does the document describe a process for quality control?
5. Is the document a test method or a reporting guideline, method, or procedure?

## OSAC Harmonization Worksheet



This worksheet must be submitted with your Registry Request Form. The form is intended to assist in the evaluation of potential conflicts with documents currently listed on the OSAC Registries.

DATE: \_\_\_\_\_

CHAIR

Name: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

Document Title, Number, and Year: \_\_\_\_\_

1. Does the document contain any information that is currently listed on the OSAC Registry as opposing techniques or methods?  
☐ Yes  
☐ No (If "No", the form is complete)
2. Name of conflicting or overlapping document: \_\_\_\_\_

## OSAC Impact Worksheet



This worksheet must be completed and included with the Registry Request Form if the referenced document is likely to produce a financial, human resource, or other impact on the forensic community.

DATE: \_\_\_\_\_

CHAIR

Name: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

Document Title, Number, and Year: \_\_\_\_\_

1. What is the intended impact of the document, for example, is this standard for forensic scientists?

## OSAC Standard Development Process Worksheet



Complete the following worksheet if the standard or guideline submitted for addition to the OSAC Registry was not developed by a recognized standards development organization (SDO) but might meet the process requirements. Provide all documentation to support the responses as attachments.

DATE: \_\_\_\_\_

SUBMITTING SUBCOMMITTEE

CHAIR

Name: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

TECHNICAL CONTACT (If different than Chair)

Name: \_\_\_\_\_

Affiliation: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

Document Title, Number, and Year: \_\_\_\_\_

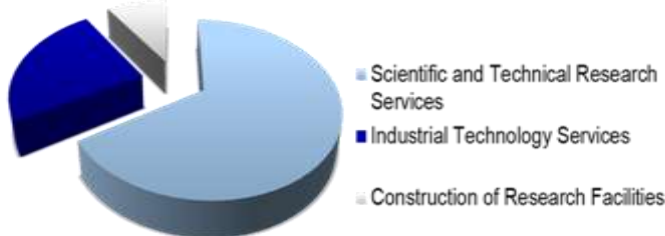
1. Was a written procedure used to govern the creation of this standard or guideline?

# NIST-at-a-Glance

## Major Assets

- ~ 3,000 Employees;  
1800 Scientists and Engineers
- ~ 3,500 Associates
- ~ 400 NIST Staff on ~1,000 national and international standards committees

## NIST FY 2015 Congressional Appropriations \$864 M



### Plus

- ~ \$100 M from other Government Agencies
- ~ \$50 M for other reimbursable services

## NIST has two main campuses



**Gaithersburg, MD**  
**62 buildings; 578 acres**



**Boulder, CO**  
**26 buildings; 208 acres**

## and soon to be nine joint institutes

- JILA – *amo physics*
- JQI – *quantum science*
- IBBR – *adv. therapeutics*
- HML – *marine bioscience*
- JIMB – *genomics and synthetic biology*
- NCCoE – *cybersecurity*

**But since our inception, in addition to maintaining the more traditional National Physical Measurement Standards, we have also focused a significant portion of our research and measurement services activities on addressing contemporary societal needs.**

**Supporting the Industrial Revolution**



**NIST has become:**

- a key player on the Administration's Innovation Team
- the nation's go-to agency for measurements, standards, and technology

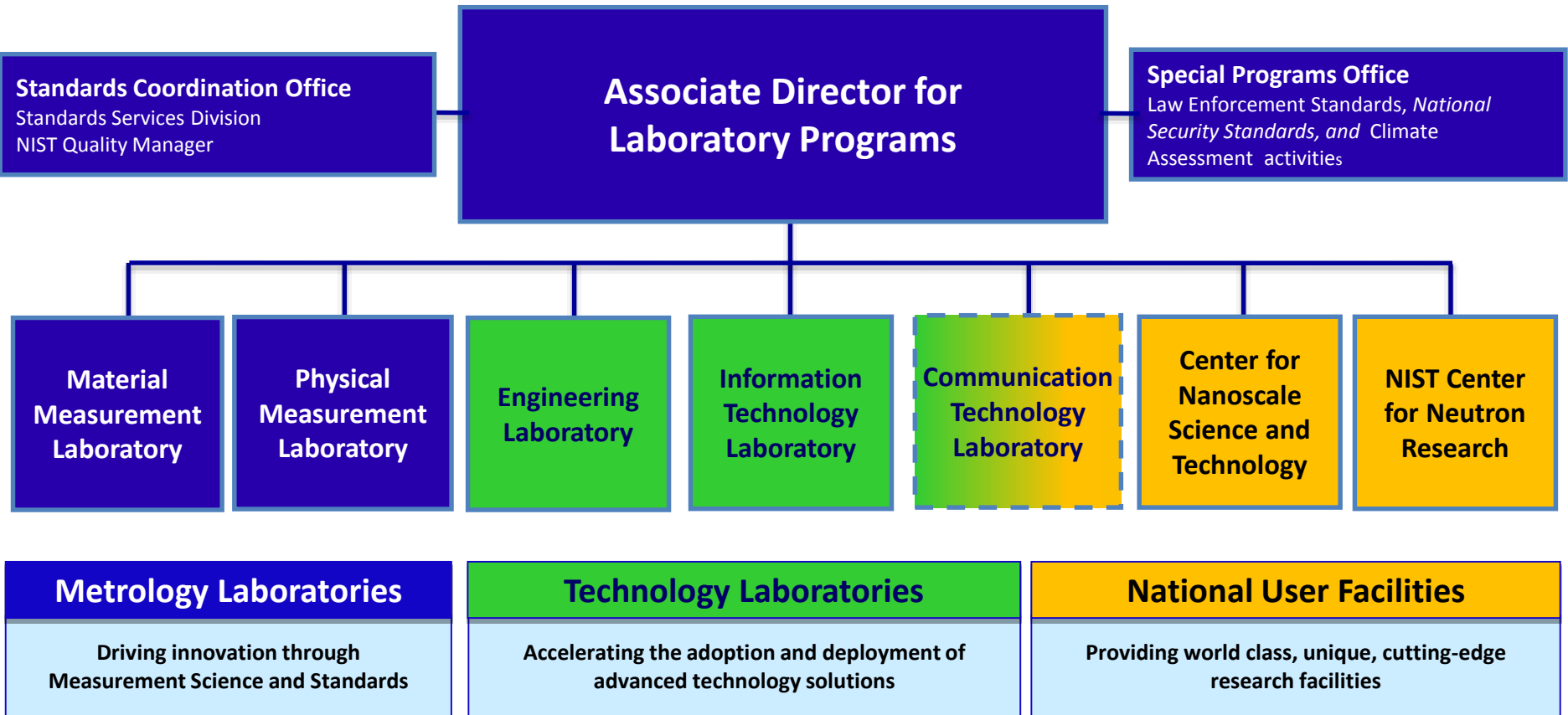
**1901**

**2015**

- **Advanced Communications**
- **Advanced Manufacturing**
- **Advanced Materials**
- **Cyber-Physical Systems**
- **Cybersecurity**
- **Disaster Resilience**
- **Forensic Science**
- **Healthcare**
- **Voting Standards**

# NIST Laboratory Program

*providing measurement solutions for industry and the nation*



## NIST Lab Resources for FY15

- ~ \$676 million from Direct Appropriations
- ~ \$120 million from Other Federal and State Agencies
- ~ \$50 million for other reimbursable services



Forensic Genetics	Increased reliability of analysis of DNA samples.
Ballistics and Associated Tool Marks	An objective, numerical and statistically valid criteria for identification of firearm and tool mark evidence
Digital and Identification Forensics	Reference data for personal computer software through the National Software Reference Library (NSRL) and the Computer Forensic Tool Testing (CFTT) program. Support for the FBI fingerprint database,
Statistics	A long term program to build new methods suited to forensic problems in the specific use cases such as illicit drug analysis, pattern recognition, and trace evidence analysis
Toxins	Designer drugs, synthetic marijuana, and ricin are a few of the compounds requiring measurement research to establish validated analytical procedures.
Trace Evidence	Development of objective measures for interpretation of evidence to promote standardization of trace evidence work across laboratories.

# NIST Forensic Science Center of Excellence

<http://www.nist.gov/coe/forensics/>

- NIST has committed to invest \$20M over 5 years

## Goals:

- **(1) improve the statistical foundation for pattern evidence** (fingerprints, firearms, tool marks, etc.) **and digital evidence** (computer, video, and audio analyses) and
- **(2) develop education and training on probabilistic methods** for practitioners and other relevant stakeholders
- Awardees: A consortium effort led by **Iowa State University** involving Carnegie Mellon, University of California-Irvine, and the University of Virginia





# Vice Chairs Opening Remarks

## Nelson

- Review of agenda for this meeting
- Subcommittee report expectations
- Bylaws Subcommittee

## John

- Establishing a quorum for voting (business voting on August 10 to include ex-officio members)
- Work products at this meeting (6 planned for a vote)

# Ethics Briefing

# New Bylaws Subcommittee

- **Purpose:** to define/refine process documents and bylaws governing Commission activities
- **Membership:**
  - DFO: Andrew Bruck
  - Vice-Chairs: Nelson Santos & John Butler
  - OSTP representative: **Tania Simoncelli** (now Meredith Drosback)
  - Commission representatives (4):
    - Marilyn Huestis (researcher)
    - Dean Gialamas (practitioner)
    - Pam King (defense attorney)
    - Matt Redle (prosecuting attorney)

# Commissioner Selection Process

Presented by Pam King

# Review of Initial Process Used

- Department of Justice sponsors the advisory committee.
- Consulted
  - NIST
  - OSTP

# Recruitment

- Federal Register
- Professional Meetings, i.e. AAFS
- Outreach to Professional Organizations/Associations

# CONSIDERATIONS

- Maintaining balance
- Transparency in process
- Timing for filling vacancies
- Process for recruitment
- Recruitment
- Use of talent on Subcommittees
- Accountability of Commissioners

# Annual Replacement Process

**B. Selection and Replacement.** On an annual basis, Commission Officials shall confer with each Commissioner to confirm his or her continuing availability and interest in serving on the Commission. If one or more vacancies arise, Commission Officials shall confer with the SPO regarding the needs of the Commission and the Commission's efforts to retain a general balance of backgrounds, experiences, viewpoints, and expertise in scientific, legal, law enforcement, academic, and advocacy professions.



# Ethics Requirement Added

Commissioners are appointed by the Attorney General, or his or her designee, in consultation with the Director of NIST and the Vice-Chairs. Appointments are not transferrable and may be subject to renewal if the charter is renewed. Membership includes the responsibility to attend Commission meetings personally. The Department of Justice reserves the ability to replace any Commissioner who misses more than one meeting in a calendar year. Commissioners are required to comply with all ethics requirements.

# NCFS Subcommittee on Procedures & Operations (SPO)

- Voting on Work Products
  - The Subcommittee requests the full Commission to vote on whether abstentions should be counted towards 2/3 majority required for passage
  - If an individual abstains from voting, should this vote be counted in the denominator of total voting members or not?
  - If counted, it makes it more difficult to pass a measure, if not counted, it makes it easier to pass

Presented by Marilyn Huestis

# NCFS Subcommittee on Procedures & Operations (SPO)

- Voting on Work Products Considerations
  - When a person abstains, it could be due to a conflict of interest or a wish not to vote – should that make it more difficult to pass a work product?
  - What if multiple people abstain & their vote is not counted in the denominator- too easy to pass a work product? Should we establish a minimum?
  - Need a vote if abstentions should count in the denominator or not- not possible to eliminate bias – either make it slightly easier or slightly harder to pass a work product

# NCFS Subcommittee on Procedures & Operations (SPO)

- Voting on Work Products
  - A: include abstentions in the denominator of total voting members (makes it slightly harder to pass a work product)
  - B: do not include abstentions in the numerator (those voting to approve a work product or other business decision) or the denominator (total voting members)- makes it slightly easier to pass a work product
  - If B is selected, do we determine a minimum number of voting members to pass a measure?

# Members Here & Establishing a Quorum

## **32 voting members and 8 ex-officio members**

### **Ex-Officio Members Voted on Commission Business Matters**

#### 8 Ex-Officio Members

1. Judge Jed Rakoff
2. Kathryn Turman
3. Fran Schrotter
4. Mark Weiss
5. Patricia Manzolillo
6. Gerry LaPorte (proxy here)
7. Marilyn Huestis
8. David Honey (proxy here)

#### Voting Members Not Here

- Jeff Salyards
- Sunita Sah (via web link)
- Stephen Fienberg

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

# Handling Abstentions

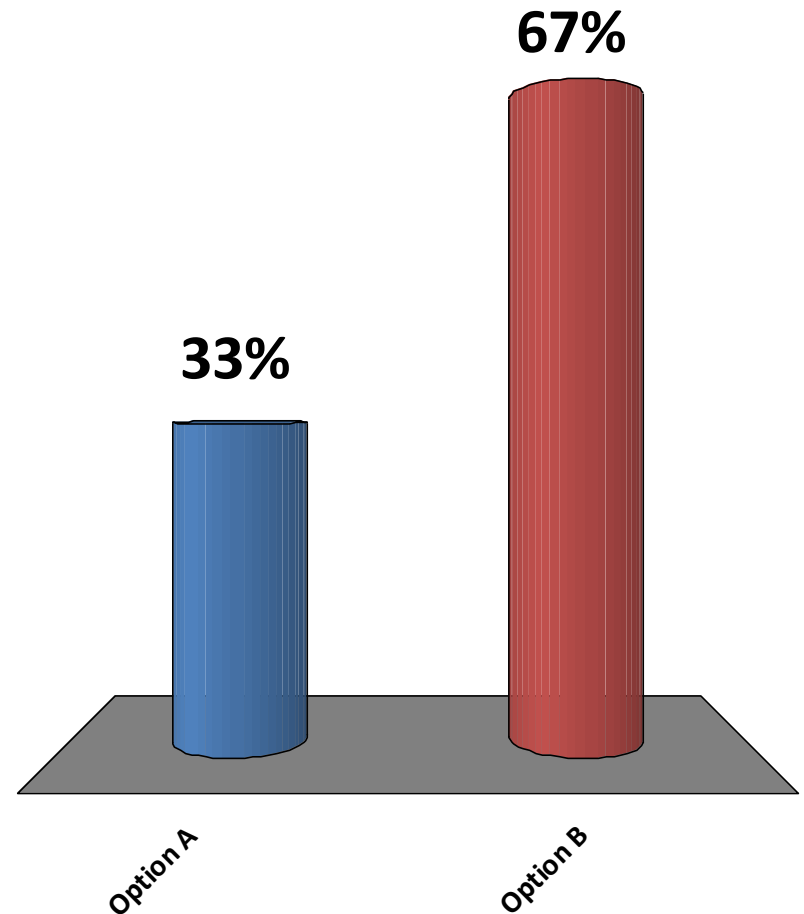
**Option A** – keep language as is where abstentions remain in the denominator count

**Option B** - an abstention changes both the numerator and denominator in the vote count

A. Option A

B. Option B

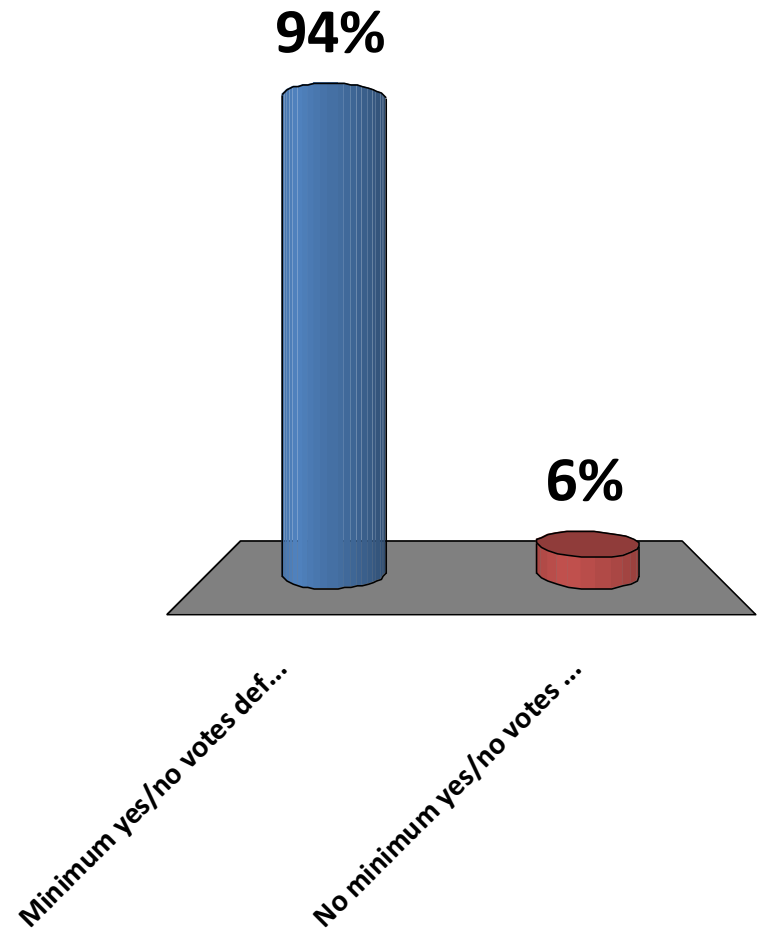
**36 votes recorded:  
12 Option A, 24 Option B  
(Sunita Sah email = B)**



## Option B:

- A. Minimum yes/no votes defined by SPO
- B. No minimum yes/no votes required

**36 votes recorded:  
34 for A, 2 for B  
(Sunita Sah email = A)**



# Approve Revised Bylaws

1. Yes

2. No

3. Abstain

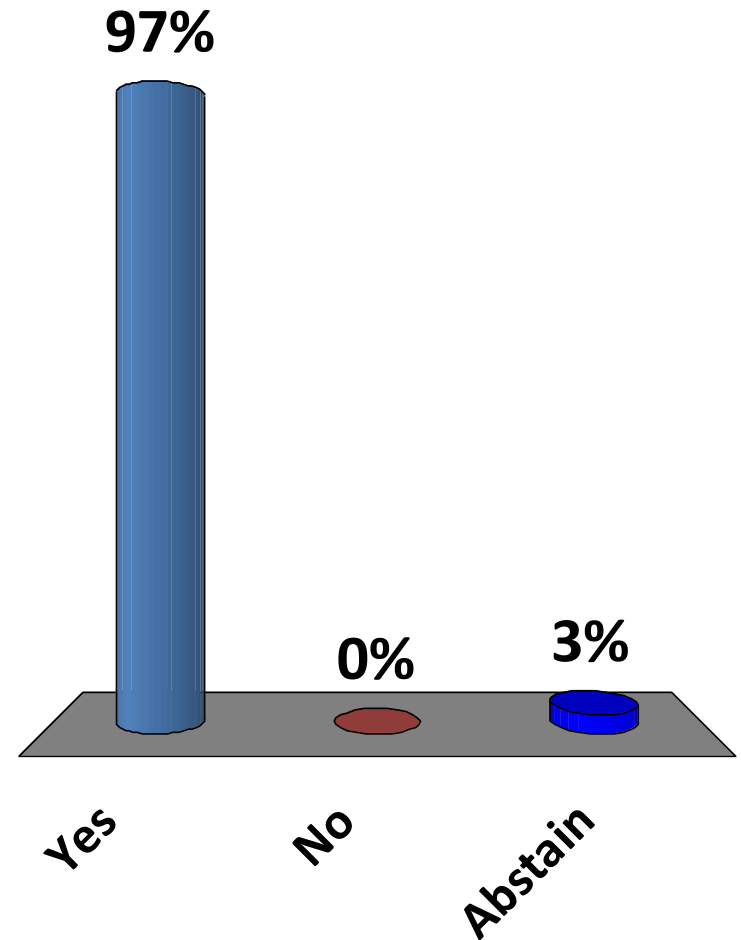
**35 votes recorded:**

34 for Yes, 0 No, 1 Abstain

(Sunita Sah email = Yes)

No clicker response from Phil Pulaski

Abstain from Gregg Motta (David Honey proxy)





# National Commission on Forensic Science (NCFS)

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



U.S. Department of Commerce

**7<sup>th</sup> Meeting: August 10-11, 2015**

# Documents Approved by the Commission

- |                 |  |
|-----------------|--|
| <b>Aug 2014</b> | 1. Survey of law enforcement forensic units (directive)                      |
| <b>Jan 2015</b> | 2. Accreditation of Medical Examiner and Coroner Offices (policy)            |
| <b>Jan 2015</b> | 3. Certification of Medicolegal Death Investigators (directive)              |
| <b>Jan 2015</b> | 4. Scientific Literature in Support of Forensic Science and Practice (views) |
| <b>Apr 2015</b> | 5. Inconsistent Terminology (views)  |
| <b>Apr 2015</b> | 6. Universal Accreditation (policy)  |
| <b>May 2015</b> | 7. Forensic Science and Related Terms (views)                                |

***Status Update:***

***Awaiting notice of Attorney General acceptance of the approved documents***

# Documents Up for a Potential Vote at this Meeting (August 11, 2015)

1. Automated Fingerprint Identification System (AFIS) Interoperability (directive)
2. Root Cause Analysis (RCA) in Forensic Science (directive)
3. Pretrial Discovery of Forensic Materials (views)
4. Testimony using the Term “Reasonable Scientific Certainty” (views)
5. Increasing the Number, Retention and Quality of Board Certified Forensic Pathologists (policy)
6. Electronic Networking of Medical Examiner and Coroner Offices in the United States (policy)

**Public comment received  
from April 15 to May 15**

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

- 1. Report Content** (Reporting and Testimony Subcommittee)
- 2. Forensic Science Curriculum Development** (Training on Science and Law Subcommittee)
- 3. Ensuring that Forensic Analysis is Based Upon Task-Relevant Information** (Human Factors Subcommittee)

# Subcommittee Report Expectations

1. Meetings (virtual or in-person) held since April 30-May 1 Commission meeting
2. Introduce final work products prior to a vote
3. Discuss adjudication of public comments received
4. Introduce draft work products for discussion
5. Brief review of overall activities and priorities

# Members Here & Establishing a Quorum

## **32 voting members and 8 ex-officio members**

### 8 Ex-Officio Members

1. Judge Jed Rakoff
2. Kathryn Turman
3. Fran Schrotter
4. Mark Weiss
5. Patricia Manzolillo
6. Gerry LaPorte (proxy here)
7. Marilyn Huestis
8. David Honey (proxy here)

### Voting Members Not Here

- Jeff Salyards
- Sunita Sah
- Stephen Fienberg

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

# Those Voting Today

**20 votes needed for 2/3**

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

# Commission Work Products

- The Commission is a Department of Justice Federal Advisory Committee and therefore **only has direct authority to make recommendations to the Attorney General** (who can direct efforts in three DOJ laboratories: FBI, DEA, and ATF)
- Work Product Types: (1) Views, (2) Directives, or (3) Policies

Voting is conducted electronically with a **two-thirds majority required** to pass





# AFIS Interoperability

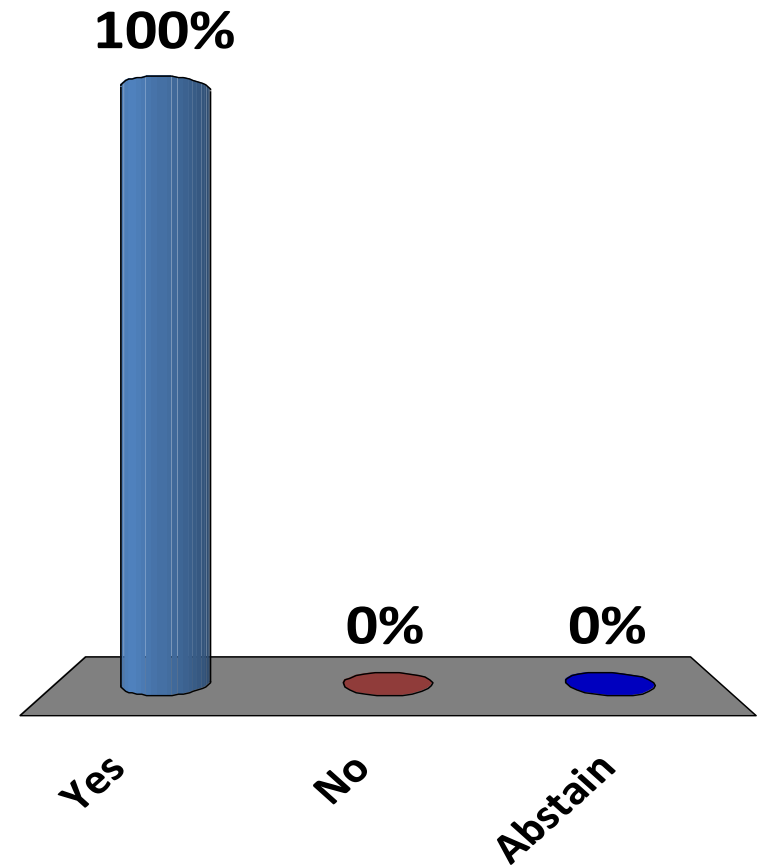
Interim Solutions Subcommittee

# AFIS Interoperability

## Directive Document

add reference to ANSI-NIST/ITL Standard

1. Yes
2. No
3. Abstain



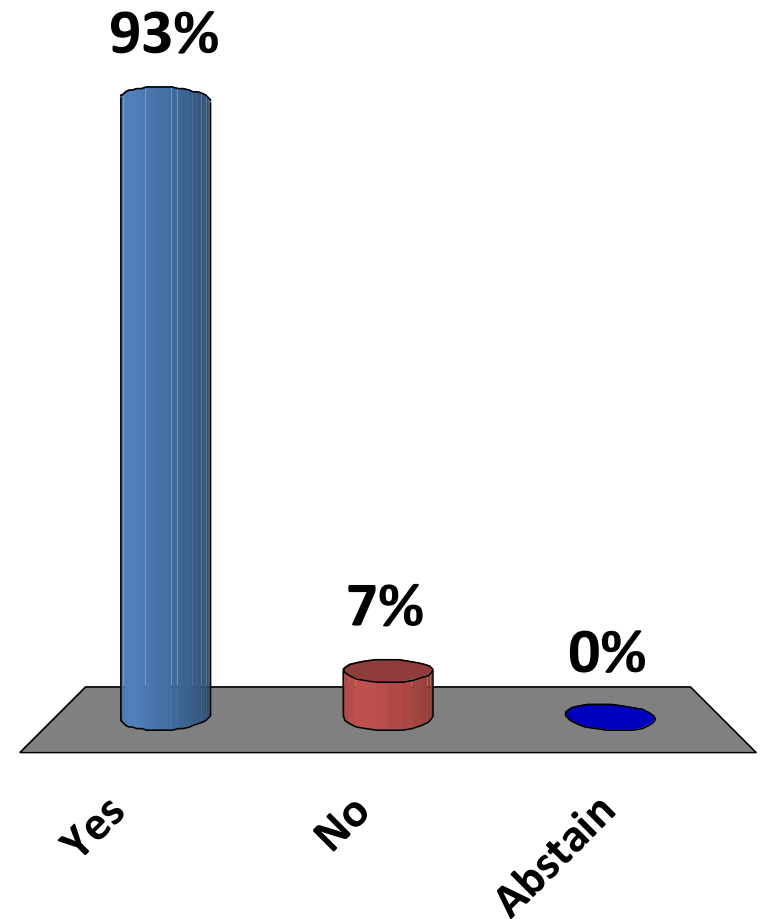
**29 votes recorded:**  
29 for Yes, 0 No, 0 Abstain

# Root Cause Analysis

Interim Solutions Subcommittee

# Root Cause Analysis Directive Document

1. Yes
2. No
3. Abstain



**29 votes recorded:**

**27 for Yes, 2 No, 0 Abstain**

**Voting "No": Phil Pulaski and John Fudenberg**

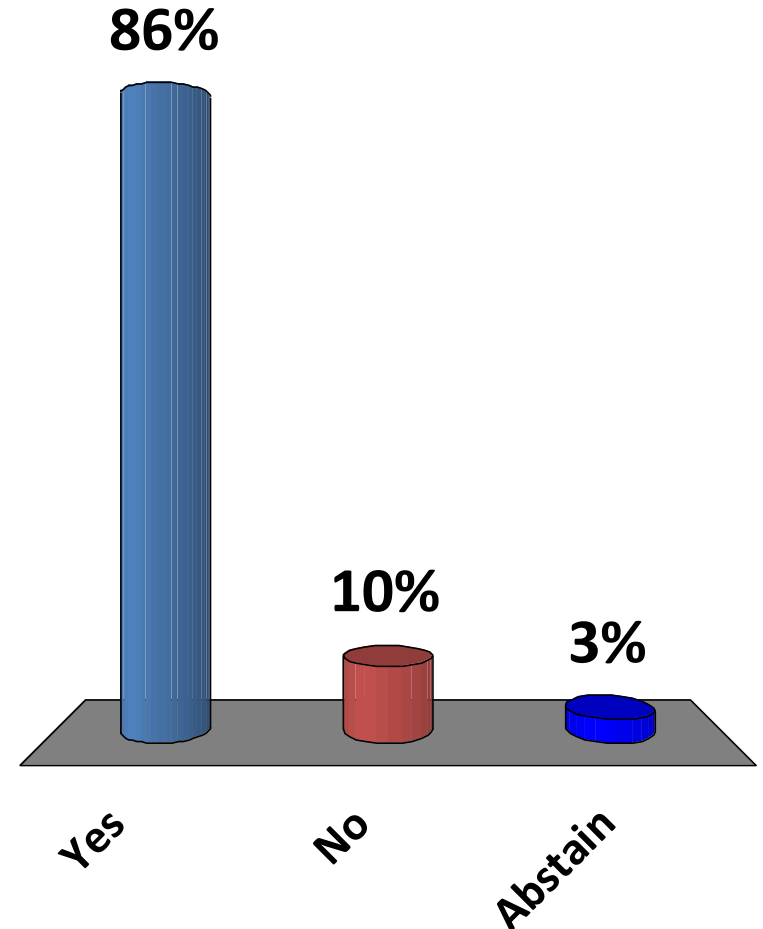
# Pretrial Discovery of Forensic Materials

Reporting and Testimony  
Subcommittee

# Pretrial Discovery Views Document

(with editorial changes and statement of principles)

1. Yes
2. No
3. Abstain



**29 votes recorded:**

25 for Yes, 3 No, 1 Abstain

Voting “No”: Greg Champagne, Marc LeBeau, Greg Czarnopys

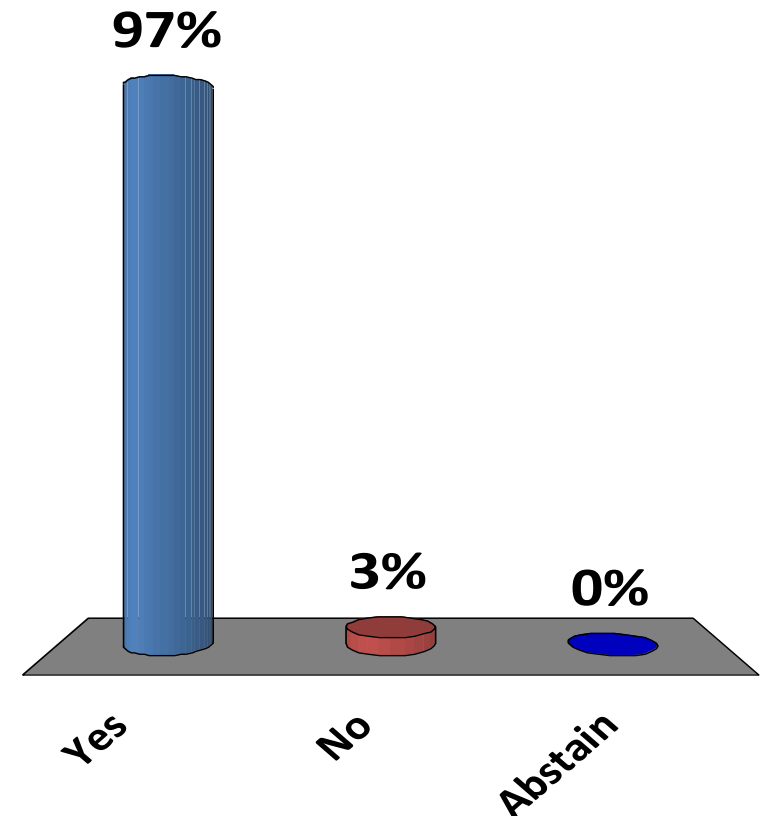
Abstaining: Nelson Santos

# Testimony Using the Term “Scientific Certainty”

Reporting and Testimony  
Subcommittee

Agree with the concepts described in **Testimony Using the Term “Scientific Certainty”** document and requesting subcommittee to address comments raised during today’s discussion

1. Yes
2. No
3. Abstain



**29 votes recorded:**  
28 for Yes, 1 No, 0 Abstain  
Voting “No”: Jules Epstein

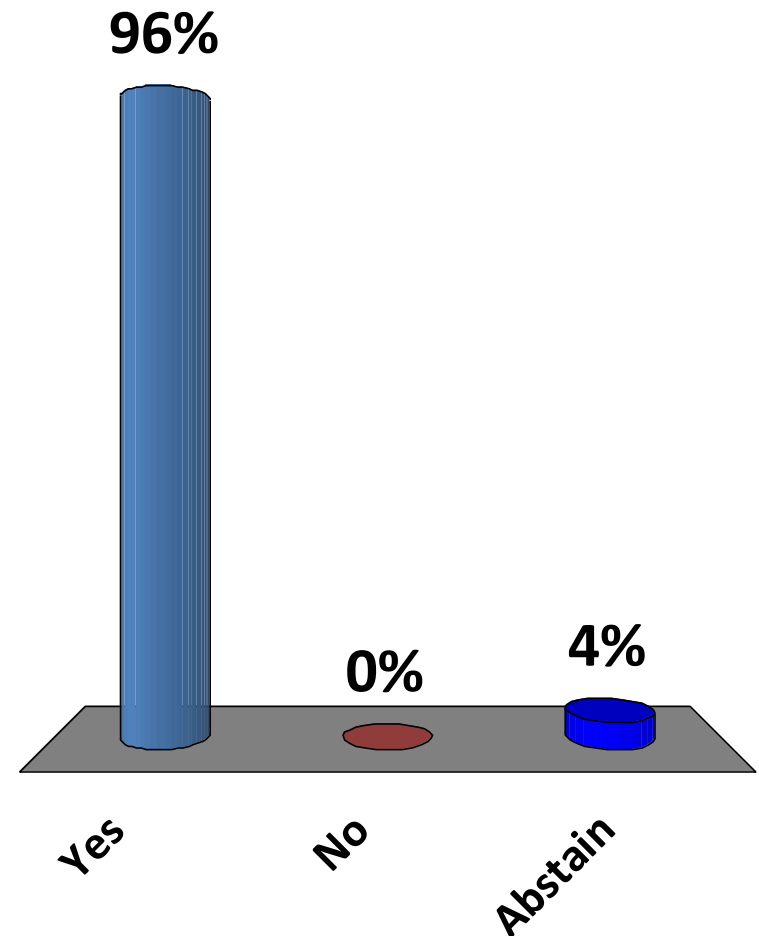


# Increasing the Supply of Forensic Pathologists

Medicolegal Death Investigation  
Subcommittee

# Increasing the Supply of Forensic Pathologists Views Document (with edits requested)

1. Yes
2. No
3. Abstain



**28 votes recorded:**  
27 for Yes, 0 No, 1 Abstain  
Abstaining: Marc LeBeau  
No clicker response: Bill Crane

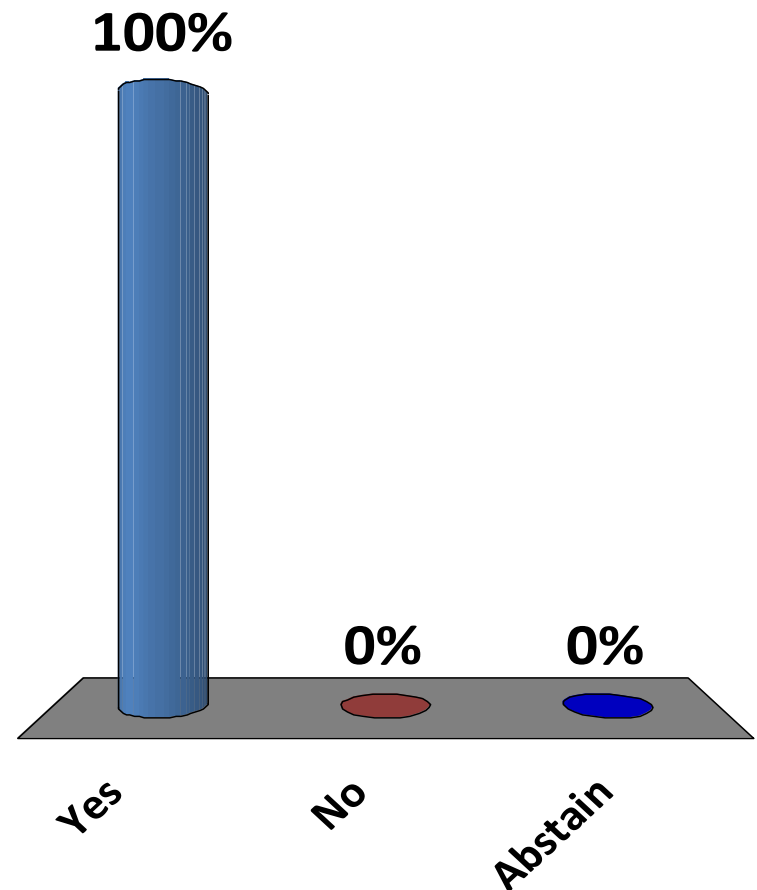
# Electronic Networking of the Medical Examiner and Coroner Offices in the United States

Medicolegal Death Investigation  
Subcommittee

# Electronic Networking of the Medical Examiner and Coroner Offices

## Policy Document (with edits requested)

1. Yes
2. No
3. Abstain



**27 votes recorded:**

27 for Yes, 0 No, 0 Abstain

No clicker response: Bill Crane & Paul Giannelli

# Wrap-Up Summary

- Marilyn: status on BJS survey plan
- These slides will be posted on the NCFS website
- Commissioner binder materials provided
- NCFS website and document availability
- SPO going forward (Andrew)
- Future meeting dates
- Potential agenda items for the next meeting
- Acknowledgments

# **A Renewal MOU Was Recently Signed between DOJ and NIST**

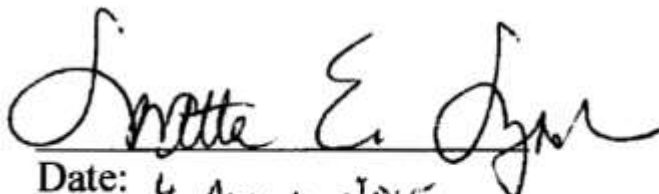
**and will be publicly available on the NCFS website**

Copy provided in Commissioner binders

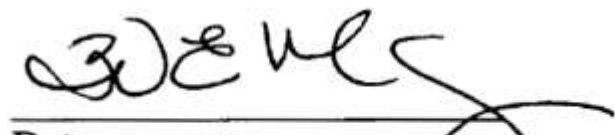
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### **X. Signatures:**

For the Department of Justice:

  
Date: 4 August 2015

For the National Institute of  
Standards and Technology:

  
Date: 05 August 2015

# **Science Magazine** reported on the NIST-organized Forensic Science Error Management meeting



Copy provided in Commissioner binders

## SCIENCE AND THE LAW

# ***Forensic labs explore blind testing to prevent errors***

Evidence examiners get practical about fighting cognitive bias

By Kelly Servick

**S**haken by revelations of unreliable results in crime labs, some forensic scientists are urging their colleagues to adopt a basic research practice: the blind experiment. Last week, at the first International Symposium on Forensic Science Error Management in Arlington, Virginia, nearly 500 scientists, lab managers, and other practitioners confronted the factors that lead them to make mistakes. A key problem, many said, is that people who evaluate evidence from crime scenes have access to information about a case that could bias their analysis.

science. His presence at the meeting, organized by the National Institute of Standards and Technology (NIST), was one sign of the field's eagerness for reform after a decade of humbling revelations. A 2009 report from the National Research Council concluded that many forensic disciplines lacked a firm foundation in science and produced inconsistent, unreliable results. In response, NIST and the Department of Justice assembled both a national commission on forensic science to suggest policies that will strengthen the field and 24 discipline-specific expert committees to make practical recommendations to more than 400 U.S. labs.

## U.S. initiatives to strengthen forensic science & international standards in forensic DNA

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Copy provided in Commissioner binders

- This review article covers recent U.S. activities to strengthen forensic science including the formation of the National Commission on Forensic Science and the Organization of Scientific Area Committees
- DNA documentary standards and guidelines from organizations around the world are also included



# Upcoming NIJ Conference on Impression, Pattern, and Trace Evidence (August 25-27, 2015)

NIJ's 2015 Impression, Pattern and Trace Evidence Symposium

Forensic Technology Center of Excellence

Home > Community Involvement > NIJ IPTE Symposium 2015 >

## Impression Pattern and Trace Evidence Symposium

**Free Registration  
Live Web Cast**

August 25-27, 2015  
San Antonio, Texas



The National Institute of Justice (NIJ)—the research, development, and evaluation arm of the U.S. Department of Justice—and its Forensic Technology Center of Excellence sponsoring the Impression, Pattern and Trace Evidence Symposium (IPTES) to be held **August 25–27, 2015, in San Antonio, TX.** The symposium is specifically designed to bring together practitioners and researchers to enhance information-sharing and promote collaboration among the impression, pattern and trace evidence, law enforcement and legal communities. The Symposium will also provide unique educational opportunities for forensic examiners in the disciplines of impression, pattern and trace evidence.

Topics include the latest developments and challenges to fingerprint, shoeprint and tire tread evidence, questioned documents, bloodstain pattern analysis, biometrics, firearms/toolmarks, digital photography, fibers, paint, tape and other types of evidence as well as calculation of error rate, testimony, interpretation/reporting, case studies, and technology applications. IPTES will have one full day of workshops and two full days of plenary and poster sessions, including federal updates.

<https://www.forensiccoe.org/Community-Involvement/NIJ-IPTES-Symposium-2015>

# Commission DOJ Support Staff and Roles

(National Institute of Justice employees or contractors)

- **Robin Jones** ([Robin.W.Jones@usdoj.gov](mailto:Robin.W.Jones@usdoj.gov)):
  - Organizes meetings and coordinates Commission activities
  - Point-of-contact (POC) working with the **Reporting & Testimony, Interim Solutions** and the **Training on Science and Law** Subcommittees
- **Jonathan McGrath** ([Jonathan.McGrath@usdoj.gov](mailto:Jonathan.McGrath@usdoj.gov)):
  - Works on implementing recommendations made by the Commission
  - POC working with the **Scientific Inquiry & Research, Human Factors**, and the **Accreditation & Proficiency Testing** Subcommittees
- **Danielle Weiss** ([Danielle.Weiss@usdoj.gov](mailto:Danielle.Weiss@usdoj.gov)):
  - Provides support with public comments received on draft documents
  - POC working with the **Medicolegal Death Investigation** Subcommittee
- **DOJ Office of Legal Policy**

# SPO (formerly Bylaws) Subcommittee

- **Purpose:** to define/refine process documents and bylaws governing Commission activities
- **Bylaws Membership:**
  - DFO: Andrew Bruck
  - Vice-Chairs: Nelson Santos & John Butler
  - OSTP representative: Meredith Drosback
  - Commission representatives (4):
    - Marilyn Huestis (researcher)
    - Dean Gialamas (practitioner)
    - Pam King (defense attorney)
    - Matt Redle (prosecuting attorney)

# SPO Topics

- December agenda
- Appointment of Jules Epstein to Human Factors Subcommittee Co-Chair
- Improving facilitating discussion
- Abstention floor (# yes/no votes)
- Product development process
- Adjudication of public comments process
- Reconciliation process/committee
- Further revisions to Bylaws

# Planned Future Commission Meeting Dates (2<sup>nd</sup> Term)

- *Meeting 8*: December 7-8, 2015 M/T
- *Meeting 9*: March 21-22, 2016 M/T
  - NIST visit March 23
- *Meeting 10*: June 20-21, 2016 M/T

**Is there a preference for M/T or Th/F?**

**Mixture of responses (slightly more for M/T)**

**Suggestion of doing some of both**

# Potential Additional Meeting Dates

(not checked yet with meeting space availability, etc.)

## **2016**

- September 19-20 (M/T) or September 22-23 (Th/F)
- September 26-27 (M/T) or Sept 30 – Oct 1 (Th/F)

## **2017**

- January 9-10 (M/T)
- January 12-13 (Th/F)
- April 10-11 (M/T)
- April 13-14 (Th/F)

## **2017 (beyond April 23, 2017 term)**

- July 17-18 (M/T)
- July 20-21 (Th/F)
- November 6-7 (M/T)
- November 9-10 (Th/F)

# Potential Topics for the Next Meeting

- Implementation of Commission documents
  - Attorney General powers
  - Progress towards implementing NCFS documents
  - Laboratory directors' perspective (ASCLD)?
  - Status report on BJS survey of police forensic units?
- Panel on research transition challenges and models (Scientific Inquiry & Research Subcommittee)
- Panel on pros and cons of checklists (Human Factors Subcommittee)
- Panel on systems approaches (Human Factors Subcommittee)
- Civil vs criminal evidence issues
- Other?

# Thank you!

- **Subcommittee co-chairs and subcommittee members for their hard work**
- Note takers for Commission and subcommittee meetings
- Robin Jones and support staff – for making meeting arrangements
- House of Sweden for an excellent venue
- *Please leave the clickers on your desk and I will pick them up at the end of the meeting*