



NATIONAL COMMISSION ON FORENSIC SCIENCE

NIST
National Institute of
Standards and Technology
U.S. Department of Commerce

Recommendation to the Attorney General Proficiency Testing

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

Public Comment Summary:

The document was posted as proscribed by Commission by-laws. Three individuals or groups submitted comments. All three were supportive of proficiency testing overall, but had requests relating to the specific recommendations. Mechanisms for minimizing costs for maintaining a proficiency testing program and potential NIJ/DOJ support were concerns.

Adjudication Process Used by Subcommittee:

The subcommittee met via teleconference on August 2, 2016. All comments, responses and proposed changes to the views document were discussed in detail. The subcommittee was appreciative of the thoughtful comments received. The revised document was submitted to the subcommittee for a vote on August 12, 2016.

Itemized Issues and Adjudication Summary:

1. The Association of State Criminal Investigative Agencies (ASCIA) was opposed to the recommendation document without two changes:
 - a. “Clarification to Recommendation #2 to say: ‘Encourage ALL FSSP’s to participate.....’”
 - b. “Add Recommendation #5: NIJ/DOJ should support and encourage continuous improvement of the accreditation process and provide support for ALL FSSPs through funding, research and other initiatives.”

The subcommittee agrees with the clarification to Recommendation #2 and made the change. Recommendation #5, as proposed, is not specifically related to the introduction of proficiency test programs and was not added.

2. One individual commenter noted that the information in Recommendation #3 “should be the responsibility of the accredited proficiency test providers, not the responsibility of the labs. This should be a requirement of the proficiency test provider’s accreditation.”

Although proficiency test providers should offer tests that meet the criteria listed in Recommendation #3, the Subcommittee intends for the DOJ to utilize its considerable “buying power” to influence the rigor of available proficiency tests. No changes were made.

3. The American Society of Crime Laboratory Directors (ASCLD) Board of Directors “supports proficiency testing of forensic science professionals. Proficiency testing ensures the technical competence, quality assurance, and managerial aspects of forensic science service providers.

The ASCLD Board of Directors supports the Views of the Commission requiring all non-accredited forensic science service providers to also begin implementing proficiency testing in disciplines where proficiency tests are available from external organizations.

The ASCLD Board of Directors would like to recommend the following suggestions to the recommendations given by the commission:

- Recommendation #1: Proficiency testing should be based upon the time when training is completed. A proficiency test should be performed within one year of completion of training not three years as recommended.
- Recommendation #2: Anyone who is performing testing in a forensic capacity (examiners of evidence) should be required to participate in a proficiency testing program. This serves to strengthen each system and show that conformance to standards is being maintained.
- Recommendation #3: no comment
- Recommendation #4: no comment

In general, the recommendations set forth by the Commission are generally agreeable. However, costs for proficiency tests must be kept to a minimum as fees are a deterrent to both accredited and non-accredited forensic science service providers. A determination as to who would be responsible for the enforcement mechanism needs to be determined prior to mandatory proficiency testing. If the proficiency tests could be made by laboratories versus vendors, than the cost for the proficiencies could be kept to a minimum, and there would be a local tracking system in place.”

Recommendation #1 outlines the time in which all DOJ FSSP’s must participate in a proficiency test program. It does not speak to when any individual should take a test within the implemented proficiency test program. Therefore, no changes were made.

The Subcommittee agrees that participation in a proficiency test program is an important element in any quality system. This recommendation does not specify how a particular program should be designed or implemented, but the subcommittee recognizes that if a program is designed to be comprehensive and requires all practitioners to take annual tests, the program may be costly if only external proficiency tests are utilized. The recommendation does not limit an FSSP to only external proficiency tests.