

National Commission on Forensic Science

Reporting and Testimony

Subcommittee Update



Meeting 8
Meeting: December 7-8, 2015



Reporting and Testimony Subcommittee

13 Commissioners and 9 additional members

Commission Members

- **Jed Rakoff (co-chair)**
- **Matt Redle (co-chair)**
- **Jules Epstein**
- **Stephen Fienberg**
- **Paul Giannelli**
- **Barbara Hervey**
- **Susan Howley**
- **Linda Jackson**
- **Gerry LaPorte**
- **Pam King**
- **Julia Leighton**
- **Phil Pulaski**
- **Peter Neufeld**

Additional Members

- Mike Cariola
- Jamie Downs
- Larry Kobilinsky
- David Kaye
- Ray Miller
- Thomas McShane
- Jill Spriggs
- Charlotte Word
- Paula Wulff

Staff Liaison: Jonathan McGrath

Meetings Since Last NCFS Meeting

- **In-person:** N/A
- **Virtual:** October 2, 2015

Final Work Product(s) for Vote

- **Title:** Views Document on Report Content
- **Public Comment Period:** [DATES]
- **Number of Comments Received: 8**
 - 3 Anonymous
 - 2 Institutions
 - 3 identified individuals
 - including two Commissioners.
- Summary of adjudication (Julia Leighton)

Draft Work Product(s) Re-introduced to the Commission

- **Title: Views Document on using the term “Reasonable Degree of Scientific Certainty”**
- **Public Comments Overview: [NATURE OF COMMENTS; NUMBER OF COMMENTS]**

Work Products in the Pipeline

- **Title: Evidence Retention and Preservation**
- **Status:** Discussed Today – Guidance provided the WG
- **Title: Probabilistic Statements**
- **Status:** Draft document due to the WG before the end of the year
- **Title: Access of Indigents to Defense Experts**
- **Status:** Abstract submitted
- **Title: Pretrial Discovery**
- **Status:** Under Review by Subcommittee
- **Title: Notice and Demand**
- **Status:** Abstract Submitted
- **Title: Vouching for Expert Witnesses**
- **Status:** Abstract Submitted
- **Title: Report Content – Case File Recommendation**
- **Status:** In development

Current and Planned Subcommittee Activities and Priorities

- New work product for Meeting #9
 - Notice and Demand [Views Document]
 - Judicial Vouching [Views Document]
 - Access to Forensic Service Providers [Views Document]
- Maybe?
 - Report and Case File Content [Recommendation Document]

National Commission on Forensic Science

Human Factors

Subcommittee Update



Meeting 8
Meeting: December 7-8, 2015



Human Factors Subcommittee

6 Commissioners and 16 additional members

Commission Members

- **Bridget McCormack (co-chair)**
- **Jules Epstein (co-chair)**
- **Thomas Albright**
- **Greg Champagne**
- **Stephen Fienberg**
- **Phil Pulaski**
- **Sunita Sah**

Additional Members

- Michael Ambrosino
- Itiel Dror
- Jerome Kassirer
- Christian Meissner
- Kate Philpott
- Barry Scheck
- Melissa Taylor
- Dustin Yeatman
- Simon Cole
- Hany Farid
- Deborah Leben
- Michael Nerheim
- Michael Risinger
- Laura Sudkamp
- Bill Thompson
- John Hollway

Staff Liaison: Jonathan McGrath

Meetings Since Last NCFS Meeting

- **In-person:** December 7, 2015
- **Virtual:** October 19, 2015

Final Work Product(s) for Vote

- **Title:** Views document on Ensuring that Forensic Analysis is Based Upon Task-Relevant Information
- **Public Comment Period: July 28- August 31**
- **Number of Comments Received: 7**
 - Summary of adjudication

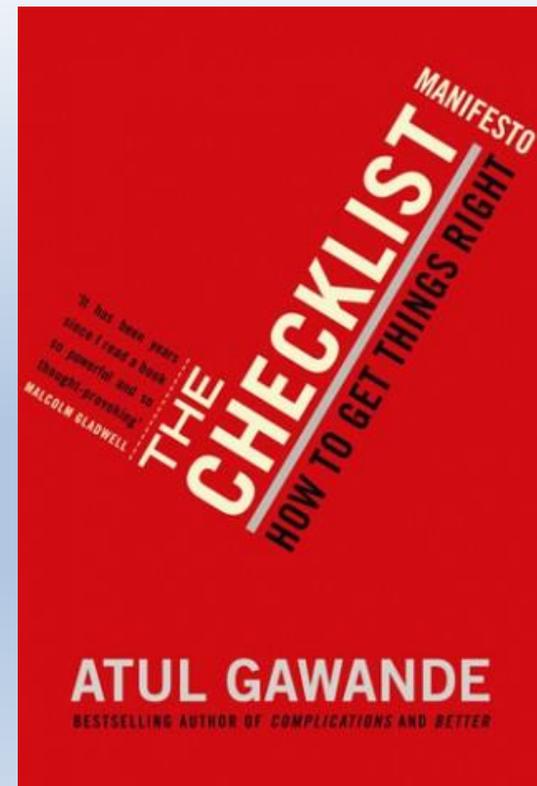
Current and Planned Subcommittee Activities and Priorities - 1

- The H.F. subcommittee prepared a survey on whether and how forensic labs address issues of cognitive bias.
- ASCLD distributed the survey, and once data are gathered they will be provided to us to report to the Commission.



Current and Planned Subcommittee Activities and Priorities - 2

- Title: The use of Checklists to Reduce Error
- Status: **1 hour discussion on 12/7;** a small workgroup has been formed to report back about literature and about areas where checklists might have utility.



Current and Planned Subcommittee Activities and Priorities - 3

- Possible collaborative effort with REPORTING AND TESTIMONY on how to report scientific findings.
- Considering as a topic how jurors hear and understand forensic discipline testimony.
- As context management systems come into their own, how to assess them and use them to make proficiency testing more doable and effective.
- “All-source” expertise and domain relevance.

National Commission on Forensic Science

Interim Solutions

Subcommittee Update



Meeting 8
Meeting: December 7-8, 2015



Interim Solutions Subcommittee

10 Commissioners and 2 additional members

Commission Members

- **Dean Gialamas (co-chair)**
- **Peter Neufeld (co-chair)**
- **Paul Giannelli**
- **Susan Howley**
- **Marilyn Huestis**
- **Ted Hunt**
- **Marc LeBeau**
- **Julia Leighton**
- **Patricia Manzolillo**
- **Jeff Salyards**

Additional Members

- Adam Becnel
- John Hollway

Staff Liaison: Jonathan McGrath
and Danielle Weiss

Activity Since Last NCFS Meeting

- **Meetings**

- No In-Person Meetings
- One (1) Virtual WebEx Meeting on October 28, 2015
- One (1) Conference Call on November 5, 2015

- **Documents**

- None up for Vote today
- Two up for discussion
- No other documents or priorities planned
- Planned sunset

Meetings Since Last NCFS Meeting

- **In-person:** None
- **Virtual (WebEx):** October 28, 2015
- **Conference Call:** November 5, 2015

Draft Work Products Introduced to the Commission

- **Title:** Recommendation on National Code of Professional Responsibility
- **Public Comments Overview:**
 - 3 public comments
 - Code is not necessary or enforceable
 - Support, but need external entity for enforceability
 - Concerns about language in #14 and #16

Draft Work Products Introduced to the Commission

- **Title:** Recommendation on Accessibility of Quality Management System Documents
- **Public Comments Overview:**
 - 5 public comments
 - All supportive of document

National Commission on Forensic Science

Scientific Inquiry and Research

Subcommittee Update



Meeting 8
Meeting: December 7-8, 2015



Scientific Inquiry and Research Subcommittee

12 Commissioners and 5 additional members

Commission Members

- **Suzanne Bell (co-chair)**
- **Jeff Salyards (co-chair)**
- John Butler
- Arturo Casadevall
- Cecelia Crouse
- Bonner Denton
- Stephen Fienberg
- Marilyn Huestis
- Gerry LaPorte
- Marc LeBeau
- Peter Neufeld
- Mark Weiss

Additional Members

- Sarah Chu
- Karen Kafadar
- Kurt Nolte
- Jeremy Triplett
- Jeffery Tomberlin

Staff Liaison: Jonathan McGrath

<http://www.justice.gov/ncfs/scientific-inquiry-and-research-subcommittee>

Meetings Since Last NCFS Meeting

- **In-person:** December 7

- **Virtual:** n/a

Draft Work Product(s) Introduced to the Commission

- **Title:** Views Document on Establishing the Foundational Literature within the Forensic Science Disciplines
- **Public Comments Overview:** 2 comments

- **Title:** Directive Recommendation to Fund Post-Doctoral Projects to Facilitate Translation of Research into Forensic Science Practice
- **Public Comments Overview:** 0 comments as of 12/5/2015

Current and Planned Subcommittee Activities and Priorities

- Review status of documents out for comment (Jonathan McGrath)
- Forensic Science Research Evaluation – NSF & NIJ Workshop (Ed Bartick – Guest Presenter)
- Discussion of the role of accreditation in forensic education (Jeff Tomberlin)
- Discussion of the latest NIJ report on research and dissemination (John Butler)
- Discussion of issue of validation and how to proceed (Peter Neufeld)

National Commission on Forensic Science

Medicolegal Death Investigation

Subcommittee Update

Meeting 8
December 7-8, 2015



Medicolegal Death Subcommittee

7 Commissioners and 7 additional members

Commission Members

- **Vincent DiMaio (co-chair)**
- **John Fudenberg (co-chair)**
- **Frederick Bieber**
- **Phil Pulaski**
- **Kathryn Turman**
- **Greg Champagne**
- **Matt Redle**

Additional Members

- Laura Crandall
- Brian Elias
- Elias Kontanis
- Victor Weedn
- Frank DePaolo
- Randy Hanzlick
- Kurt Nolte

Staff Liaison: Danielle Weiss

Meetings Since Last NCFS Meeting

- **In-person:** December 7, 2015
- **Virtual:** Conducted multiple conference calls

Final Work Product(s) for Vote

- **Title: N/A**
- **Public Comment Period:**
- **Number of Comments Received:**

Draft Work Product(s) Introduced to the Commission

- **Title: N/A**
- **Public Comments Overview:**

Work Products in the Pipeline

- Title: National Call Center
 - Task Lead: Frank DePaolo
 - Status: Drafting recommendation
 - Timeline: To NCFS April 2016
-
- Title: Model Legislation
 - Task Lead: Victor Weedn
 - Status: Final draft voted on 12/07/15
 - Timeline: To NCFS April 2016

Current and Planned Subcommittee Activities and Priorities

- Upcoming topics: Medicolegal Autonomy and Independence - Vince DiMaio

National Commission on Forensic Science

Accreditation and Proficiency Testing Subcommittee Update



Meeting 8
Meeting: December 7-8, 2015



Accreditation and Proficiency Testing Subcommittee

9 Commissioners and 13 additional members

Commission Members

- **Linda Jackson (co-chair)**
- **Patricia Manzolillo (co-chair)**
- **Bill Crane**
- **Cecilia Crouse**
- **Greg Czarnopys**
- **Marc LeBeau**
- **Julia Leighton**
- **Nelson Santos**
- **Frances Schrotter**

Additional Members

- Karin Athanas
- Bicka Barlow
- Pam Bordner
- Cassandra Burke
- Loralie Langman
- Deborah Leben
- Pete Marone
- Greg Michaud
- Brady Mills
- Roger Muse
- Anjali Ranadive
- Marvin Schechter
- Chris Taylor

Staff Liaison: Jonathan McGrath

Meetings Since Last NCFS Meeting

- **In-person:** September 22-23, 2015

- **Virtual:** n/a

Draft Work Product(s) Introduced to the Commission

- **Title:** Proficiency Testing in Forensic Science
- **Public Comments Overview:**

Two comments received.

Suggestions for wording to clarify statements

Suggestion that we did not include all PT participants so we will review

Suggestion to enhance the description of competency testing in the appendix

Draft Work Product(s) Introduced to the Commission

- **Title:** Critical Steps to Accreditation
- **Public Comments Overview:**

Two comments received

Overall suggestions to clarify or improve the specifics of the document and make it more consistent with other NCFS documents

Include creation of quality management system

Discussion of the appendix (same as from Universal Accreditation) and whether it was needed for this document

Work Products in the Pipeline

Abstract: Uniform Policy and Procedures for Accreditation Programs

The Subcommittee will examine the current system of accreditation to determine whether there are avenues for improvement that might be impacted by a views document or recommendations from the Commission.

Some areas the subcommittee will examine include:

- Requirements related to the frequency of on-site ILAC MRA signatory accreditation body assessments
- Requirements that standards approved by the OSAC for addition to the OSAC Registry of Standards be implemented by accredited FSSPs (and that the requirement be enforced by that FSSP's accrediting body)
- Requirement(s) related to participation in proficiency testing programs
- Requirements related to the make-up and expertise of assessment teams
- Requirements related to the conduct of on-site assessments
- Requirements related to transparency of the accreditation process

These areas include the programs from various accrediting bodies as well as the ISO/IEC specific requirements used to assess a forensic science service provider. These are different entities and must be evaluated and addressed separately.

Current and Planned Subcommittee Activities and Priorities

- Title: Analyst Certification
- Status: Abstract by next commission meeting
- Title: Views Document on Need for Research to Improve the Quality of Proficiency Tests
- Status: TBD
- Title: Views Document on Data Collection and Collaboration with Proficiency Test Providers Status: TBD
- Review Accreditation and Digital Evidence