



NATIONAL COMMISSION ON FORENSIC SCIENCE

NIST
National Institute
of Standards
and Technology

Work Product Development Process

PURPOSE: To provide Subcommittees of the National Commission on Forensic Science with guidance for developing work products that will be considered by and voted on by the Commission.

ESTABLISHMENT OF PRIORITIES:

- 1) Priority areas to be addressed by the Commission are identified and approved by the Commission and approved by Commission leadership. The Commission Vice-Chairs will designate or establish a Subcommittee to research the issue and develop a work product. Potential work products include: (a) policy proposals, (b) directive recommendations (strategic implementation), or (c) views documents.
- 2) It is recommended that Subcommittee Co-Chairs develop and present a one-page abstract for each work product early in its development in order to inform the Commission and staff of its progress and to solicit input on the direction and approach of the proposed work product. The abstract should include the following elements: a statement of the issue; a high level synopsis of the direction the Subcommittee plans to undertake, to include the kind of work product to be developed; and notionally, what the recommendation might entail.
- 3) Subcommittee co-chairs will oversee the research and analysis of a particular issue and may establish discrete *ad-hoc* work groups, as appropriate, to develop draft work products. *Ad-hoc* work groups should be established with appropriate breadth of substantive expertise to appropriately address the issue.

INITIAL DRAFT WORK PRODUCTS:

- 1) Once an initial draft work product has been finalized (including proper formatting), it should become a consensus product of the Subcommittee by obtaining a simple majority affirmative vote of all Subcommittee members. In the event a Subcommittee member does not cast a vote, their vote will be recorded as a non-vote and will not be included in the tally. It is recommended that Subcommittees strive to reach unanimous consensus, and use a mechanism to document/record a vote, if required.
- 2) Subcommittee Co-Chairs will send a properly formatted initial draft work product to the Commission staff no less than 21 days in advance of the meeting where the initial draft work product is to be introduced to ensure all administrative requirements have been met.
- 3) Fifteen days in advance of the meeting, initial draft work products will be posted on the NCFS website under “Draft Work Products” to allow for the opening of a 30-day public comment period 15 days in advance of a meeting. Public comments will be received through regulations.gov.

- 4) Subcommittee Co-Chairs or their designees will introduce initial draft work products during an open Commission meeting. The introduction will include a statement of issue, background, and deliberative process at the Subcommittee level to include, to the extent practicable, a summary of public comments received during the first 15 days of the 30-day public comment period.
- 5) Commission Vice-Chairs will facilitate deliberation of draft work products at the NCFS meeting.
- 6) Upon completion of the Commission meeting, the public comment period will remain open for an additional 15 days (for a total of 30 days). When the public comment period closes, comments will be adjudicated by the appropriate Subcommittee. Subcommittee Co-Chairs should reference the adjudication guidance document to facilitate the adjudication process within the Subcommittee. A summary of the adjudication process related to a particular draft work product will be made available to the public.
- 7) Once public comments are adjudicated, the initial draft work product will be reviewed by the Subcommittee and appropriately amended (as necessary). Subcommittee Co-Chairs, in consultation with the Vice-Chairs, will determine whether the initial draft work product requires an additional public comment period.

FINAL DRAFT WORK PRODUCTS

- 1) The goal of developing work products is to obtain consensus of the Subcommittee. If it is determined that the initial draft work product does not require an additional public comment period, it will be put to a vote by the Subcommittee. In order for an initial draft work product to become a final draft work product of the Subcommittee, it must obtain a 2/3 majority affirmative vote of Subcommittee members. In the event a Subcommittee member does not cast a vote, their vote will be recorded as a non-vote and will not be included in the tally. It is recommended that Subcommittees use a mechanism to document/record the vote, to include a process by which dissenting opinions can be captured. Note: All Subcommittee votes related to a final draft work product will be made available to the public.
- 2) If a final draft work product is approved by the Subcommittee, it will be submitted to the NCFS staff 21 days in advance of the Commission meeting.
- 3) Fifteen days in advance of the Commission meeting, the final draft work product will be posted to the NCFS website for informational purposes - regulations.gov will not be open for public comment on final draft work products.
- 4) Subcommittee Co-Chairs will present the final draft work product to the full Commission during an open meeting, to include an articulation of amendments and summary of adjudicated comments.
- 5) If a vote is to be called, the Vice-Chairs will establish a quorum and call for a vote on the final draft work product. If 2/3 of voting Commissioners vote in the affirmative to adopt the work product, it will become a final work product of the Commission and it will be forwarded to the Attorney General for consideration. Turning Point response technology

will be used to cast and record Commission votes. Commission votes on adoption of final draft work products will be made available to the public.

- 6) If a 2/3 majority affirmative vote is not reached by the Commission, the draft work product shall not be considered a final work product of the Commission, nor shall it be forwarded to the Attorney General for consideration.