



A31 Alternative Models Promote the Self-Regulation of the Forensic Enterprise

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The goal of this presentation is to identify alternatives for integrating key organizations and stakeholders into coordinating, guiding, and regulating aspects of the forensic science profession to enhance its effectiveness, reputation, and professionalism.

This presentation will impact the forensic science community by stimulating a discussion and debate among its stakeholders about oversight and compliance alternatives for forensic science based on critical precepts needed to strengthen the profession.

There is little fundamental disagreement about the areas of forensic science needing improvement and standardization when forensic services are considered globally. Studies conducted periodically over the last 25 years by government-funded working groups, committees, and organizations, have identified similar concerns about shortcomings in forensic science, from fundamental education to consistent standardization in analysis methods to continuing need for research. The National Academies of Science National Research Council's *Strengthening Forensic Science in the United States: A Path Forward* is only the latest study to echo these needs and enjoys the greatest current visibility.

As the *NAS Report* reminds us, forensic science has no overarching structure or unifying entity able to provide direction, guidance, or oversight to the profession. The solution proposed by the *NAS Report* is the creation of a federally operated regulatory body, the National Institute of Forensic Science. This is not the only viable model to fill this gap.

Many laudable organizations originated to improve distinct aspects of forensic science, including accreditation, certification, sharing professional information and research results, and educational curricula. All have contributed significantly to advancing the profession. Much of the work is voluntary because most of the organizations have little to no professional staff, or their staff function is limited to operations that focus on the organization. These aggregate organizations represent the main professional aspects of the forensic enterprise and their activities need to shape the forensic profession. What is lacking is a strategic architecture and processes to coordinate and synchronize these aspects, and more, of the forensic science profession. Without such a strategic approach, professional progress will continue to lag behind expectations and need.

A National Forensic Science Board (NFSB) could coordinate forensic programs and activities nationwide. The US forensic science industry has many of the resources in place needed to lead and significantly advance all aspects the profession. What we are lacking are consistent coordinated efforts. The NFSB concept proposes to fill that gap.

Several models are available for forensic science to use as a starting point to build this strategic architecture. They include the National Safety Transportation Board (NTSB), a government entity, and the National Fire Protection Association (NFPA), a private, nonprofit. What both organizations have in common is that they have no regulatory authority and yet, both are the undisputed authoritative voice and promulgator of standards in their respective areas. Through proven deliverables meeting public need, each organization has gained respect and built trust. This has given them the authority they need to positively guide, impact, and strengthen their industries.

The NFSB model takes a similar approach. It proposes to integrate and synchronize the on-going efforts leveraging the subject matter expertise that has been developed by each of the recognized forensic professional organizations. It would also ensure that all the stakeholders that have labored so diligently to identify needs and propose solutions are heard, including the legal community, victim advocates, wrongfully accused, community needs, laboratory management, and individual examiners. With non-regulatory oversight, a collaborative, holistic approach can be developed to gain an accurate understanding of capabilities, resource gaps, and profession requirements and to address the profession's needs.

Some key concepts for how such a Board might be organized and operate include:

- Serving as an independent advisory body for the Executive, Legislative, and Judicial Branches;
- Providing consistent leadership and oversight in the furtherance of excellence and reliability in the forensic sciences by issuing recommendations on topics that include, but are not limited to:
 - Proper analytical procedures and processes,
 - Appropriate formal education,
 - Initial and ongoing training requirements for forensic practitioners to prepare for and maintain analytical competency,
 - Appropriate training for forensic laboratory managers,
 - Methods for ensuring competency;
- Acting as an investigative body for and issuing recommendations on acute forensic science issues, including:
 - Receiving, investigating, and addressing stakeholder concerns and complaints,



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- Evaluation of laboratory failures,
- Appropriate use and limitations of forensic analyses or procedures,
- Current research needs for forensic disciplines;
- Providing consistent direction and support to forensic science discipline groups, that includes:
 - Recommending certification and accreditation changes,
 - Defining the purpose, responsibilities, and expectations of practitioners,
 - Coordinating, defining, and prioritizing the research needs,
 - Reviewing and promulgating work product as authoritative forensic guidance,
 - Supporting professional staff.

There are several significant barriers to creating and operating a model like a NFSB, all of which can be overcome. Financial resources are not the primary hurdle; the costs to start and sustain such a Board with professional staff are anticipated to be modest. Three major challenges to launching this concept are:

1. Territoriality: Forensic science has demonstrated a tremendous capacity for volunteerism. Until the profession can move beyond immediate, operationally-discrete functions (with their perceived political threats, concerns, and challenges) and trust in a larger process that will encompass, recognizes, and addresses our collective concerns, significant collective progress will continue to be stymied and limited to individual initiative and its necessarily limited scope of success.
2. Inertia: Any undertaking of this magnitude and scope requires managing expectations and building relationships that will transcend the individual needs of any one forensic organization.
3. Fear: Any proposal to accomplish a model like what is outlined for the Council will have naysayers; no plan will be quite right for all parties. Leadership will be required to stem inevitable territoriality, to lead people to act on their better natures, and to provide a consistent vision of goals and outcomes.

The forensic community needs to decide its fate actively, rather than respond to sniping, attacks, and political pressures; however, this includes considering and possibly embracing stakeholders' and critics' perspectives. Failure to coordinate and synchronize the forensic profession's collaborative efforts will result in continued misunderstandings among stakeholders and critics, resulting in an increasing loss of faith in forensic science and, ultimately, the criminal justice system.

This presentation will address alternatives to implementing and operating a National Forensic Science Board.

The opinions or assertions contained herein are the private views of the author and are not to be construed as official or as reflecting the views of the Department of the Army, the Department of Defense, or the Los Angeles County Sheriff's Department.

Forensic Science Management, Operational Policy Oversight, Forensic Science Board