



110 One Academy, Eleven Sections, How Many Ethics Codes?

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After attending this presentation, attendees will grasp the major complexities involved in the creation, evaluation, and application of ethics rules for their forensic disciplines.

This presentation will impact the forensic science community by deepening awareness of critical ethics issues shared across disciplines and enabling informed responsible dialog that will result in progress towards the goals of the 2009 National Academy of Sciences Report, *Strengthening Forensic Science in the United States: A Path Forward*.

The 2009 call from the National Academy of Sciences (NAS) for the establishment of a regulatory body to be known as the National Institute of Forensic Science has been stirring up a vigorous conversation across AAFS membership. Upon taking office in 2010, President Bono required an *Academy News* newsletter column from each section providing an account of its responses to the NAS document. This was carried out over the succeeding year and the subsequent annual scientific meeting program included a variety of sessions devoted to aspects of quality improvement in forensic work. Building on that foundation, this presentation addresses critical issues that inevitably require further discussion in order to achieve success in our efforts to codify quality concerns into ethics guidelines.

Those who would attempt to develop any set of professional ethics codes immediately face two obstacles. First, the past generation has experienced an explosion of access to information, with no corresponding means for judging its quality and thereby its potential ethical weight. Second, professions have not appeared eager to embrace ethics codes, economists being an interesting example.

In addition, the sheer volume of material involved is formidable. Hundreds of ethics codes are already in existence, readily available on the internet along with detailed instructions for composing more of them, including potential examples. Although it runs to 4 ½ pages, one model code presented at the Chicago AAFS meeting is by design incomplete.

Certification issues are crucial. Some have boldly proposed that certification be required in order to testify in court. There are forensic disciplines with their own recognized certification systems unrelated to AAFS. For psychologists certification is highly demanding, and earning a license is normally considered a sufficient practice qualification. Also certifying boards are costly to establish and operate.

In order to be effective an ethics code must address the issue of enforcement provisions, with due process including qualifications for its administrators. The experience of AAFS indicates that lawsuits are to be expected. Enforcement help from civil law seems meager at best. Once censured, there may be no legal bar to keep an expert from continuing to testify.

Any set of ethics rules, codes, or guidelines must be a living document, a practical representation of professionals' daily experience. By their nature such guidelines reflect a current and substantial consensus, a willingness to support a general expectation of adherence. Over time such agreement can be expected to evolve, requiring a mechanism for revision. It is highly useful to provide a means for practitioners to submit queries or consultation requests to their organizations' ethics leadership. This encourages membership's striving to practice ethically and provides leadership an opportunity to anticipate emerging issues.

The existing ethics provisions of AAFS (Bylaws, Article II, appended to the annual *Directory of Members and Affiliates*) already provide a solid foundation for responding to the challenge from NAS. Whatever the legislative outcome of its proposal it is clear that the public is expecting more from forensic science professionals. We need to work together to respond to these expectations where they are valid and correct them where they are not.

Ethics, Regulation, Quality