



### A99 Is There a Need for a (Forensic) Science Ombudsman?

Max M. Houck, PhD\*, PO Box 6250, Arlington, VA 22206; and Christine Funk, JD, 919 Vermillion St, Ste 200, Hastings, MN 55033

The goals of this presentation are to learn the role of an ombudsman in an organization, the suggested role of a scientific ombudsman, and the benefits of such a position in forensic laboratories regarding quality, ethics, operations, and safety.

This presentation will impact the forensic science community by offering a novel approach to the mitigation of inevitable conflicts that arise in organizations and, with the creation of a scientific ombudsman, could stop or even prevent some failures that are all too common in the profession. The impact on the profession could be significant.

Conflicts arise within any organization; the role of an ombudsman is to act as a neutral, independent arbiter and mitigator of procedural or ethical conflicts. An ombudsman operates within an organization but outside the traditional hierarchy, typically answering only to the highest authority in the hierarchy. As inside "outsiders," ombudsmen act as informal, impartial sources trained in conflict resolution, providing safe places to share concerns, facilitate early resolutions, and help answer complex or sensitive questions.

Repeated and persistent failures of process and quality control at various forensic science laboratories and service providers suggest the need for a Scientific Ombudsman (SO), one that would not only address the standard questions of conflict in an organization, but also issues of scientific conflict, such as method development, process and protocol application and execution, training and competency testing, proficiency testing, scientific ethics, testimony, and reporting. Lapses in the scientific systems within laboratories, such as North Carolina, Nassau (NY), Houston (TX), and St. Paul (MN) point to the need for internal corrective mechanisms that are outside the traditional hierarchy of laboratory management, especially for those working within a police culture which operates under different mores and norms than would a scientific one. Organizations have already adopted the role of the ombudsman, such as in North Carolina; while laudable, there is a persistent need for an ombudsman whose background includes science and particularly forensic science. For example, in a recent case, this exchange occurred.

Attorney: "You don't, in your lab, have a lot of the basic minimum standards in place?"

Scientist: "I guess I don't know what the minimum standards are."

At first glance, this may seem to be a quality issue, but if the lack of standardization or even the awareness of it is institutionalized in a laboratory, the concerned scientist cannot turn to management. Management is the source of the problem. Another example would be where laboratory policy requires an inconclusive reporting statement when evidence from the person in question is lacking, causing a scientist to consider this an exclusion; the supervisor rejected the scientist's concerns.

The role of the SO would be similar to a standard ombudsman but with important differences. Any ombudsman is neutral, independent, confidential, and informal. Neutrality means that everyone is treated with equal respect, regardless of status or rank. The ombudsman has no stake in the outcome but rather acts as an advocate for an equitable process and outcome while navigating potential conflicts of interest. Independence means that the ombudsman's position is located in the hierarchy such that it reports directly only to the highest levels of management. Confidentiality; however, is necessary to help resolve conflicts at the lowest levels possible. The only time an ombudsman would release any information without the approval of the complainant would be instances of imminent threat or harm. Finally, an ombudsman is informal: no records (other than statistics) are kept and the ombudsman does not participate in any formal judgment processes.

The SOs role would be the same as any other ombudsmen with several important additions. Beyond the skills and training of a typical ombudsman (e.g., alternative conflict resolution methods), the SO needs to have a science education and career experience, a deep understanding of forensic issues, and training in ethics, quality, and accreditation; additionally, the SO would need a deep understanding of the criminal justice system, the constitution, and the rights of the accused. The benefits to a forensic laboratory of having an SO include increased productivity, improved management, cost savings in personnel (reduction in lawsuits, turnover, and union issues), cost reductions in legal staff, and other benefits, such as improved morale and reduced illegal or unethical behavior. Many of these benefits involve significant cost savings for the laboratory. The SO is successful if the office is seen as safe, accessible, and credible; employees help themselves to resolve issues; and the management has feedback to improve the organization. The SO is in a unique position to identify and communicate new opportunities and innovations.

The concept of a scientific ombudsman has the potential to improve forensic science operations, effectiveness, and professionalism.

**Ombudsman, Negotiations, Professionalism**