



## Jurisprudence Section - 2014

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### **E14 Forensic Laboratory Independence: “You Keep Using That Word — I Don’t Think It Means What You Think It Means”**

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After attending this presentation, attendees will have knowledge of the practical aspects facing forensic laboratories that are independent of law enforcement and the implications this has for relationships between scientists and attorneys.

This presentation will impact the forensic science community by providing real-world experiences of the first post-NAS independent forensic agency in negotiating the boundaries and shaping expectations for other independent laboratories.

Forensic service providers inhabit a necessary, if unique, role in the criminal justice system. The forensic sciences have many stakeholders, primarily the public they serve but also governmental ones, including law enforcement, attorneys, and the courts. For historical and political reasons, most forensic service providers are administratively a subset of law enforcement agencies. Occupying a subordinate role in a para-military organization sets boundaries on the laboratory’s relationships with their parent agency and aligned agencies. The “law enforcement” paradigm for forensic laboratories was challenged by the 2009 National Academy of Sciences Report (NAS) on the forensic sciences that recommended that forensic service providers be administratively or financially independent of law enforcement-based parent agencies. The community response varied and concerns were raised: what about political clout during the budget process; who oversees the operations; how would the laboratory participate in investigations; and, what would be gained or lost through independence? Successful independence requires a greater sense of self-awareness and an objective analysis of the organization’s concept of operations. Without a framework or narrative in which to fit what a forensic science laboratory is (or isn’t), uncertainty will continue about the organization’s true mission, goals, and values. Relevant to the development of that concept is the notion of independence and what that means for a forensic laboratory. The question remains; however, how will the community move forward to evaluate and implement any new or adjusted business models for independent forensic laboratories? The need for strategic leadership in forensic science is critical and the lack of a historical systems-level view has slowed the development of strong strategic leadership. Forensic service providers, traditionally under law enforcement agencies, have had few opportunities to have a collective, distinctive political voice that served them alone.

As the first post-NAS independent forensic agency, the recent experiences of the DC Department of Forensic Sciences (DFS) may help illuminate some issues with independence, forensic service provision, and the role of forensic laboratories in the criminal justice system. The DFS interacts with the DC United States Attorney’s Office, the Public Defenders System, the DC Attorney General’s Office, and other law enforcement and legal agencies as an independent “science first” organization.

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### **Independence, NAS Report, Laboratory**