



*American Academy of Forensic Sciences
American Society of Crime Laboratory Directors
American Society of Crime Laboratory Directors,
Laboratory Accreditation Board
International Association for Identification
Society of Forensic Toxicologists/
American Board of Forensic Toxicology
National Association of Medical Examiners
International Association of Forensic Nurses*

November 12, 2013

National Institute of Standards and Technology
c/o Susan Ballou
100 Bureau Drive
Mailstop 8102
Gaithersburg, MD 20899

We are writing to you regarding the Federal Register published on Friday September 26th, 2013 regarding possible Models for the Administration and Support of Discipline-Specific Guidance Groups for Forensic Science in order to provide the consensus position of our Membership. The Consortium of Forensic Science Organizations was founded in 2000 and represents over 12,000 forensic science practitioners. The membership of the CFSO includes the American Academy of Forensic Sciences, the American Society of Crime Laboratory Directors, the Society of Forensic Toxicologists, the National Association of Medical Examiners, and the International Association for Identification, the American Board of Forensic Toxicology and the American Society of Crime Laboratory Directors/Laboratory Accreditation Board. Many individuals of our organizations have submitted statements providing their specific comments in response to your request and some have included comments on the PowerPoint that has been presented by NIST at a variety of organization meetings. Some member organizations have chosen not to submit an individual document. As our bylaws represent, the CFSO represents the consensus positions of the organizations as a whole. Therefore, we have reviewed the submitted documents of our member organizations and the various comments that have been provided to us by individual members and are providing you a general position of the forensic science practitioner community at large. They are as follows:

- 1) Structure of Guidance Groups:
 - a. The CFSO organizations are supportive of the existing SWGs but have long called for a more structured approach to them to include consistent funding. The inequality of support and funding of the various SWGs has limited the effectiveness of some SWGs in comparison to other SWGs which have been fully organized and supported such as SWGDAM.
 - b. It is not clear how the Guidance Groups would report to the National Commission on Forensic Sciences or to the Department of Justice. We note that the previously proposed legislation proposed by Senator Leahy has the discipline specific committees reporting to the Deputy Attorney General through an Office of Forensic Sciences for review and implementation. It would be useful for the Guidance Groups to feed into a

system that permits some level of enforcement. The Leahy proposal also provides for great deference be given to the committees, so that their recommendations are not modified by stakeholders or policymakers without strong justification.

2) Impact of Guidance Groups:

- a. There is some concern that the Guidance Groups could put forward recommendations that would result in unfunded mandates. Having said that, the CFSO organizations are supportive of mandating accreditation and certification and believe that work with a legislative body could result in a positive outcome favorable to the forensic practitioner community.
- b. Regarding research agendas, the forensic community believes that research should not only stem from needs and requirements of the forensic practitioners but also allow for ingenuity and advancement in the science from the public and private sector to include universities. The Leahy proposal addresses this through a mandated needs assessment coordinated by an Office Forensic Sciences.

3) Representation in the Guidance Groups:

- a. All of the CFSO organizations have strong concerns about the definition of a “balanced and inclusive” representation. By definition, the SWGs’ or Guidance Groups’ mission to “support the development and propagation of forensic science consensus documentary standards, monitor research and measurement standards gaps in each forensic discipline and verify that a sufficient scientific basis exists for each discipline”, means that the membership must be predominated by “practitioners” and not by interested stakeholders. This position is supported by all the members of our organizations who believe that there could be non-voting participants or observers who participate in these groups, but voting members **MUST** have active, practitioner experience so as to ensure that decisions made are operationally sound and based in the application of the science.
- b. It would be useful to have formal representation from relevant professional forensic science organizations, where appropriate.

4) Scope of the Guidance Groups:

- a. The CFSO organizations generally believe that the current structure of the SWGs being based on individual disciplines is a necessary structure, although there should be room for cross disciplinary discussion.

Sincerely,

Peter Marone
Chair,
Consortium of Forensic Science Organizations