

The Consortium of Forensic Science Organizations represents over 21,000 forensic practitioners. I am speaking to you today as the Chair of CFSSO and a BOD member of ASCLD. We have diligently watched and provided comment to the Attorney General regarding the FBI Hair review process. We agree with and support the DOJ statement that there is much need to implement the lessons learned from the hair review process in any future reviews and we want to express our appreciation to DOJ for approaching the expanding reviews at the FBI lab from a structured, strategic, and balanced outlook. We agree with the statement made yesterday by Judge Pam King that the first question DOJ needs to answer is if the review is intended to address whether the testimony provided by the expert was consistent with the expectations of the discipline at the time the testimony was offered OR if the testimony is consistent with today's methods OR if the testimony is founded on ground truth science. Those are very different questions and each would require a different methodology. We believe that the classification of an "error" should be based on the science and protocols at that time, but opportunities should be taken to address progress in the underlying science and changes in the discipline scientific methods or method of testimony. Corrective action should be taken to address these issues, but the criteria for classifying a statement an "error" should be well established in advance and must be evaluated in context by a balanced group of experts. It should not be simply a word or phrase search exercise.

We believe there is a role for forensic practitioners, lab directors, and quality managers in this process. Many individuals represented by our organization have experience inside and outside the forensic arena in conducting historical reviews and other root cause investigations. For that reason we have offered our assistance to DOJ in this process. In addition, they are well established scientists with relevant forensic experience. We firmly believe practitioners need to be a partner at the table when determining the scope of these reviews, performing the

reviews themselves, doing project write-ups, and determining best practice write-ups. Forensic practitioners and leaders are important in this process to ensure that any best practices developed are effectively communicated to state and local jurisdictions as we are the implementers of the science to the legal process.

We also believe it is important to inform FBI lab administrators and forensic scientists in real time of the scope, review methods, and outcome of these expanded reviews and involve them in the official communications from this project. We are eager to be included in preparation of official communications regarding the project so we can communicate best practices with our membership. We encourage participant non-disclosure of information during the review process and we believe all experts and attorneys involved in the reviews should not be allowed to use their work on these reviews to benefit them financially in the private sector. If DOJ uses the NCFS to help establish the framework for this expanded review process, lab directors, quality managers, and forensic practitioners must be well represented on any subcommittee or task group in both the actual review and the communication to the community of the outcome.

It is important to have a balanced team of experts from prosecution and defense, forensic practitioner scientific experts, professional associations, statisticians, and other potential stakeholders. Allowing these teams of experts to help establish the framework for the reviews is extremely important. Again, we offer the resources of the CFSO member organizations to assist in this review process. We fully understand the gravity this process may potentially have on the criminal justice system. Involving the forensic practitioner scientific experts and leaders in this process will ensure that the reviews are timely, reliable, efficient, and meaningful in the greater forensic science community.