

Testimony of Jill Spriggs  
Consortium of Forensic Science Organizations  
President, American Society of Crime Lab Directors  
Crime Lab Director, State of California

before the  
United States Senate Committee on the Judiciary

July 18, 2012

Mr. Chairman and Members of the Committee:

Thank you for giving me the opportunity to testify before you today about the status of forensic advancement and the legislation on which your Committee has been working.

I am Jill Spriggs, the Crime Lab Director for the State of California and the President of the American Society of Crime Lab Directors. However, I am here today representing the Consortium of Forensic Science Organizations and speaking on behalf of the over 12,000 forensic service providers that our organizations represent.

I would first like to express our appreciation for tackling the daunting task of writing this legislation, which is very important to our community, as well as for the process you have created in drafting this legislation. You and your staff have been most extraordinarily open and collaborative. It has been a process that we have greatly appreciated. We have been impressed by your office's desire to listen and learn from the actual practitioners in the complex field of forensic science. You and your staff have truly understood that the application of the science is quite different from what may be written in a textbook or on TV. We look forward to a continued productive dialogue.

As you know, it was the forensic community that asked for legislation many years ago with which to assess the needs and requirements of forensic science. That request resulted in the National Academy of Sciences study. We have long since recognized that, while our nation's crime laboratories and medical examiner offices are State and Local entities, our science has no borders and it crosses over into numerous jurisdictions. As such, continuity of processes is important. In 1994, Congress passed the DNA Identification Act to provide federal guidance to standards that would allow for the advancement and expanded use of DNA technology in order to utilize this groundbreaking technology in the most productive manner to the nation's Criminal Justice system. The federal government then took the leadership role in creating technical working groups consisting of federal, state and local forensic scientists,

international members, academia and independent consultants. One of the most visible groups is the Scientific Working Group on DNA Analysis Methods or SWGDAM. The role of this group is to ensure the uniformity of DNA standards and improve processes within the forensic human DNA laboratory community.

Each discipline in forensic science also has a similar SWG group. For example, the Scientific Working Group for Seized Drugs or SWGDRUG and Scientific Working Group for Friction Ridge Analysis, Study and Technology or SWGFAST. (All SWG groups have the same interest at heart, which is to create a forum for increased quality in the discipline they represent. However, these other disciplines within the field of forensic science have not enjoyed such robust and widespread federal support as the DNA analysis Scientific Working Group. Areas such as, toxicology, controlled substances, latent print analysis, and firearms identification among others, comprise over 90% of the work conducted in our nation's laboratory system yet their scientific working groups are typically not funded and lack the prominence as the DNA analysis scientific working group. The nation's crime laboratory and medical examiner systems need to be viewed and addressed not as a single discipline but as a single system that encompasses all disciplines.

At the core of our issue is the ability of the system to be flexible and responsive. Our nation's crime laboratories must have the capacity to process all the evidence that comes into the laboratories in a timely manner and with the utmost in quality and accuracy. This applies to all disciplines of which there are approximately 13. In fact, while DNA is the most popular in the media, our largest backlog and casework is in fact, controlled substances. Many of our crime laboratories are drowning in synthetic drug cases. This is a perfect example of why we need federal guidance and leadership. All laboratories and state legislatures are experiencing similar issues with identifying drugs to schedule, then be able to place these substances into their respective codes, have the crime laboratories in a position to analyze them, only to have uncontrolled analogs to these drugs produced and distributed in a very efficient manner to circumvent new legislation.

Mr. Chairman, we are in support of the creation of an independent Office of Forensic Science within the Department of Justice and the continuation of the Scientific Working Groups to assist the Director in providing a national strategy and guidance. This has been a key to the success of our DNA program.

We support the accreditation for all public and private crime labs and believe they should operate in accordance with ISO/IEC 17025:2005 and other relevant ISO standards. These standards currently and should continue to apply to all testing laboratories and for the calibration of measuring and testing equipment. In fact, these international standards also apply to other non-forensic applications such as pharmaceutical testing, environmental sampling and testing, which impact all sectors of industry in the US. We agree that these standards should evolve and advance as the science does, and are encouraged by the discussions that we have had with your office regarding the continued utilization of these standards as we move forward versus starting over with federally established standards that may or may not be similar to these objective and internationally accepted standards.

Mr. Chairman, over 400 forensic laboratories are already accredited as well as over 65 Medical Examiner offices also accredited.

A natural progression from the quality systems of the organization, in other words accreditation, is the competency of the individual, or certification. While no program of certification or accreditation can guarantee error-free work, certification, at a minimum, attests that the individual performing the analysis has met a certain level of competence. Continuing proficiency testing is also an integral part of the certification process as well as a requirement in accreditation. We are supportive of an organized federal role in enhancing the breadth of proficiency testing, but again do not believe that the process should begin from scratch. Much like accreditation, it should be an on-going, evolving process that begins with what is already in place.

A National Research Strategy for comprehensive and targeted research of forensic science also must be pursued. It is critical, however, that there is input from the active practitioners in the field to ensure that the research is applicable to and necessary for the casework currently handled by crime laboratories and medical examiners. Further, any research should begin by assessing, locating, and amassing existing bodies of research from the numerous studies, which have already been conducted. This has been something our community has long asked for, however, funding for basic and applied research in forensics has been sparse at best and certainly not coordinated among the agencies that have provided researchers funding. In fact, we have recently learned that the Department of Defense is becoming more aggressive with research and we are concerned that this work should be adaptable and available for the forensic science community.

Key to the continued advancement of our science is a group of rigorous forensic science education programs both at the undergraduate and graduate levels. The well-established Forensic Education Program Accreditation Commission (FEPAC) has for some time been credentialing these programs; thereby ensuring only the highest quality opportunities are provided, again minimizing waste. It should be the barometer by which all educational programs are set for prospective forensic trainees. In addition, attention needs to be given to current in-service training programs to ensure continuity of standards and quality amongst the various programs administered throughout the nation.

I have spoken so far about issues that pertain mostly to the crime laboratories but another key element of forensic science is that of death investigation. As with operations in the crime laboratory the public has a right to competent medico-legal inquiries into every death. At present there is no national standard implemented for comprehensive medico-legal investigations, with roughly half the country utilizing a system of untrained or minimally trained lay coroners lacking requisite forensic training. The other half used highly trained and certified forensic pathologist physician functioning as medical examiners. At least four federal studies (NRC 1928, NRC 1932, IOM 2003, & NRC 2009) have all called for essential reform, yet to date, the status quo remains in effect with resultant shortcomings adversely impacting the justice system. We firmly believe that there needs to be education standards applied to death investigation.

Finally, grants for forensic science must include funding for accreditation, certification, and research, as well as capacity building in all disciplines. There must be the development of a process to determine the requirements of the community regarding grants (i.e. personnel, equipment, research, accreditation etc.). Such grants should be based on those requirements, not on politically driven agenda's. Specific, ongoing "needs" assessments should be conducted by the Department of Justice with a representative sampling of the forensic service provider community. Such studies would provide guidance to strategize grant distribution to maximize benefits while minimizing waste and redundancy.

Mr. Chairman and Members of the Committee there is much precedent in other countries for guidance and assistance for forensic science. An interesting model is the one in Australia and New Zealand whereby a National Institute of Forensic Science provides guidelines and coordination among the forensic science providers in those countries. In fact, it operates on a staff of 6 at the federal level. We are very supportive of a model similar to this. It is critical that we are able to provide the much needed leadership, guidance and experience to aid in the direction of a federal structure that ensures forensic science is at the forefront, as well as developing a quality system that enhances forensic science. Crime laboratories serve the public at large and the criminal justice system. In order to do this effectively, there must be an open line of communication between all parties in which quality forensic science comes first.

Again, thank you for all that you have done so far and we look forward to the continued discussion with you and your staff in order to achieve the much needed federal leadership that we require in the field of forensics.