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Response of the AAFS Standards Board (ASB) To the Proposed Models of the Organization of Scientific Area Committees (OSAC) for Forensic Science 2.0 October 27, 2017

The American Academy of Forensic Sciences Standards Board (ASB) has taken this opportunity to express our thoughts and concerns to each of the proposed Concepts of the future structure of the Organization of Scientific Area Committees (OSAC). This document supplements the ASB's response to the Request for Information, which provides detailed information related to our opinions on the current structure of the OSAC and our vision of the OSAC 2.0.

Concept 1: Current Framework and Function

Overview

In this concept, OSAC would continue to function within its current structure and with its current core mission—the development, review, approval and placement of industry-leading standards and best practices to the OSAC Registry. OSAC would continue to operate and be funded as it is currently, but may be overseen/funded by NIST, by another federal agency, or by another appropriate organization.

Management

NIST or another agency/organization would manage the overall structure and continue to fund OSAC as it is currently formulated (see OSAC Organizational Structure).

Work Products

OSAC would develop a registry of standards and related documents such as best practices and guides.

Standards

OSAC would facilitate the development of standards and best practices for the OSAC Registry. OSAC would ensure that standards have a high degree of technical merit and are developed via an appropriate process. OSAC would also ensure a balance of interests and transparency. In general, OSAC would rely on standards developing organizations (SDOs), but provide a mechanism for public comment, as many SDOs do not perform this function.

Key Differences from Current OSAC

OSAC would continue to function as is within the currently formulated organizational chart, subject to future revisions by the parent agency/organization. Oversight and financial support of OSAC may continue to reside within NIST or be transferred to another federal agency or appropriate non-federal organization.

ASB Thoughts and Concerns

The current Function of the OSAC is beneficial to the forensic science community and its presence and balance addresses many of the concerns stated in previous federal sponsored reports on the state of forensic science.

The host organization, it should provide the administrative and organizational needs of the OSAC. The current Charter and Bylaws provide for an independent structure of the OSAC with the Forensic Science Standards Board (FSSB) governing the organization processes. Section 2 of the OSAC Charter and Bylaws under Administration defines the responsibility of the current "host" organization. The

one duty defined that is not appropriate for the host organization is “reviewing and approving the direction and deliverables provided by the OSAC Forensic Science Standards Board”. If the OSAC is an independent organization there is not a need for additional review and approval processes. The host organization will need to have the appropriate financial backing, stability and staffing to facilitate the running of the established procedures.

Concept 2: Community-based Standards

Overview

In this concept, OSAC would consist of two primary structures: Scientific Area Committees (SACs) and a Forensic Science Standards Board (FSSB). The SACs would be staffed by forensic science practitioners who would identify needed standards, advocate for research and development to support needed standards, and find standards that meet forensic needs. The FSSB would be staffed with scientific experts who would address issues of scientific merit. Standards would be placed on a registry based on SAC and FSSB concurrence. Lab managers, accreditors, regulators and others would use the registry as a source for vetted standards.

Management

NIST or another federal agency would manage the overall structure by awarding grants to forensic science organizations to staff the SACs and to scientific and professional organizations to staff the FSSB.

Work Products

OSAC’s only work product would be a registry of standards and related documents such as best practices and guides.

Standards

Standards would be developed by any organization that chooses to engage in this area. OSAC would ensure that standards have a high degree of technical merit and are developed via an appropriate process. OSAC would also ensure a balance of interests and transparency. In general, OSAC would rely on standards developing organizations (SDOs), but provide a mechanism for public comment, as many SDOs do not perform this function.

Key Differences from Current OSAC

The subcommittees would be replaced with standards developing organizations. The FSSB would be composed of experts from outside the forensic science community.

ASB Thoughts and Concerns

It is not clear in the description of this model if the Forensic Science Standards Board (FSSB) would remain in its current member structure or if it would be replaced with scientific experts that will review the technical content of the proposed standards to be added to the registry. If as described the standards would be documents developed by an accredited SDO, then the technical merit of the document would have gone through the scientific technical public review process and it is not clear the need for duplication of that process by the FSSB. The function of the FSSB is to evaluate the need for the proposed Standard in the forensic community and if the proposed Standard has been developed under the appropriate public review process. Final acceptance to the Registry should not be decided by a select group of scientific experts only.

If OSAC were to eliminate its subcommittee function, it would have a major impact upon the efficiency and ability of the SDOs to continue to develop standards for forensic science. SDOs may not be able to afford to sponsor in-person meetings necessary to develop first drafts of proposed standard documents. Also, due to balance requirements, they might not be able to absorb the persons currently involved in OSAC as voting members. The interest category balance requirements for SDOs and the type of balance in SDO (by skill sets) are distinct, and complementary. The loss of either set greatly diminishes the probability that the final product will be scientifically sound and simultaneously useful to the forensic community.

Concept 3: Federal/State/Local Partnership

Overview

In this concept, OSAC would develop model laws for use by regulators and state/local legislative bodies. The goal would be to promote uniformity across forensic laboratories. This is especially important given that most forensic practice happens at the state and local level, rather than the federal level. Model laws would cover issues of forensic laboratory quality, and would extend to the entire legal system, including matters of accreditation, certification, training, and requirements for standards and best practices. OSAC would consist of legislative, legal, forensic, and other experts serving as representatives of federal, state and local governments. (This concept is based on the National Conference on Weights and Measures (link is external).)

Management

NIST or another federal agency would establish a new organization and would fund its startup. The organization could become financially self-sustaining by charging fees for training and credentialing.

Work Products

The primary work products would be model laws specifying licensing and proficiency requirements, rules of evidence, accreditation and other performance requirements. Products would also include educational material.

Standards

OSAC would develop minimum requirements for standards and best practices including evaluation criteria. The development of specific standards would happen outside of OSAC.

Key Differences from Current OSAC

Instead of focusing on populating a registry of standards, OSAC would mainly focus on producing model legislation. In this scenario, instead of accrediting bodies monitoring for compliance with standards, legal requirements would mandate an infrastructure that supports and improves forensic science.

ASB Thoughts and Concerns

NIST and the forensic community has invested an enormous amount of time and money developing the current OSAC structure and procedures. To establish a new organization to replace the OSAC would be a waste of the resources commitment to developing the existing organization. If the underlying goal of this Concept is to direct legislation to implementing specific standards, this process is currently part of the OSAC FSSB implementation plan and is part of Concept 1 as defined. This Concept diminishes the initial goals defined under the OSAC Charter and Bylaws.

Concept 4: Standards Readiness Assessment and Improvement Program

Overview

In this concept, OSAC would assess standards, identify research needs, and coordinate the development, testing and evaluation of forensic methods, protocols and technologies. This function is critically important because standards have diminished value when the underlying scientific basis is not well understood. OSAC would look at all forensic science disciplines from established to novel. For example, single source DNA analysis is mature and has established protocols, large validation studies, and well understood uncertainties. Other areas in forensic science may lack established protocols, large scale validation studies, or a sufficient understanding of uncertainties. OSAC would publish reports assessing whether forensic methods have a sufficient basis of research to support the development of technically-sound standards. These reports would also identify the research needed for developing standards or improving them.

Management

NIST or another federal agency would lead the work and may establish partnerships with additional federal and private sector entities.

Work Products

OSAC would produce peer reviewed publications based on results from literature surveys and from OSAC-coordinated studies on standards readiness, method development, validation, inter-laboratory comparison, and reference data and materials. The resulting reports would be used to understand the correct use and limitations of evidence and supply standards developing organizations (SDOs) with the data and materials they need to implement new documentary standards or improve existing ones. OSAC would also produce gap assessments.

Standards

OSAC would produce reports that SDOs would use to understand whether existing documents should be revised, and to know what technology is ready for standardization. SDOs would be responsible for writing, correcting, and distributing documentary standards

Key Differences from Current OSAC

A library of resulting scientific studies would replace the registry. The committee structure would be replaced by a steering committee that assists OSAC in prioritizing work areas. OSAC would support the development of reliable technical documentary standards by functioning as a clearinghouse and coordinator of information on the development, validation, and uncertainty of forensic technologies and methods. Emphasis would be placed on both existing and new technologies. This will enable a path to implementation for existing methods as well as new approaches developed in the field by federal, state, and local agencies, in academia, and in other research organizations.

ASB Thoughts and Concerns

NIST and the forensic community has invested an enormous amount of time and money developing the current OSAC structure and procedures. It appears that this Concept would completely replace the work done to develop the OSAC and would be a waste of the resources previously committed. The proposed scientific review is a part of the Committee's mandate and should be part of the development of the sub-committee's work plan.