

## 2017 Current Fiscal Year Report: National Commission on Forensic Science

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|   |                              |
|---|------------------------------|
| <b>1. Department or Agency</b>          | <b>2. Fiscal Year</b>        |
| Department of Justice                   | 2017                         |
| <b>3. Committee or Subcommittee</b>     | <b>3b. GSA Committee No.</b> |
| National Commission on Forensic Science | 83353                        |

|   |                           |                                 |                              |
|---|---------------------------|---------------------------------|------------------------------|
| <b>4. Is this New During Fiscal Year?</b> | <b>5. Current Charter</b> | <b>6. Expected Renewal Date</b> | <b>7. Expected Term Date</b> |
| No  | 04/23/2015                | 04/23/2017                      | 04/23/2017                   |

|   |  |                             |
|---|--|-----------------------------|
| <b>8a. Was Terminated During Fiscal Year?</b> | <b>8b. Specific Termination Authority</b>          | <b>8c. Actual Term Date</b> |
| Yes   | Agency decision documentation dated April 23, 2015 | 04/23/2017                  |

|  |   |                                  |
|--|---|----------------------------------|
| <b>9. Agency Recommendation for Next Fiscal Year</b> | <b>10a. Legislation Req to Terminate?</b> | <b>10b. Legislation Pending?</b> |
| Terminate  | No  | Not Applicable                   |

**11. Establishment Authority** Agency Authority

|   |                           |                           |                           |
|---|---------------------------|---------------------------|---------------------------|
| <b>12. Specific Establishment Authority</b>       | <b>13. Effective Date</b> | <b>14. Committee Type</b> | <b>14c. Presidential?</b> |
| Agency decision documentation dated March 8, 2013 | 03/08/2013                | Continuing                | No                        |

**15. Description of Committee** Other Committee

**16a. Total Number of Reports** 5

**16b. Report Date** Report Title

Recommendation on Accreditation of  
01/09/2017 Digital and Multimedia Evidence  
Forensic Science Service Providers

Recommendation on Model  
 01/09/2017 Legislation for Medicolegal Death  
 Investigation Systems  
 Views on Recognizing the Autonomy  
 01/09/2017 and Neutrality of Forensic  
 Pathologists  
 01/09/2017 Views on Use of Checklists in  
 Forensic Science  
 04/11/2017 Summary Report: Reflecting Back -  
 Looking Toward the Future

**Number of Committee Reports Listed: 5**

**17a.** 2 **17b. Closed** 0 **17c. Partially Closed** 0 **Other Activities** 0 **17d. Total** 2  
**Open**

**Meetings and Dates**

| Purpose   | Start      | End        |
|---|------------|------------|
| To convene the twelfth meeting of the<br>National Commission on Forensic Science    | 01/09/2017 | 01/10/2017 |
| To convene the thirteenth meeting of the<br>National Commission on Forensic Science | 04/10/2017 | 04/11/2017 |

**Number of Committee Meetings Listed: 2**

|  | Current FY   | Next<br>FY |
|--|--------------|------------|
| <b>18a(1). Personnel Pmts to<br/>Non-Federal Members</b>         | \$0.00       | \$0.00     |
| <b>18a(2). Personnel Pmts to<br/>Federal Members</b>             | \$0.00       | \$0.00     |
| <b>18a(3). Personnel Pmts to<br/>Federal Staff</b>               | \$88,510.00  | \$0.00     |
| <b>18a(4). Personnel Pmts to<br/>Non-Member Consultants</b>      | \$439,118.00 | \$0.00     |
| <b>18b(1). Travel and Per Diem<br/>to Non-Federal Members</b>    | \$72,124.00  | \$0.00     |
| <b>18b(2). Travel and Per Diem<br/>to Federal Members</b>        | \$0.00       | \$0.00     |
| <b>18b(3). Travel and Per Diem<br/>to Federal Staff</b>          | \$0.00       | \$0.00     |
| <b>18b(4). Travel and Per Diem<br/>to Non-member Consultants</b> | \$333.00     | \$0.00     |

|                                     |              |        |  |
|-------------------------------------|--------------|--------|--|
| <b>18c. Other(rents,user</b>        |              |        |  |
| <b>charges, graphics, printing,</b> | \$26,367.00  | \$0.00 |  |
| <b>mail, etc.)</b>                  |              |        |  |
| <b>18d. Total</b>                   | \$626,452.00 | \$0.00 |  |
| <b>19. Federal Staff Support</b>    |              |        |  |
| <b>Years (FTE)</b>                  | 1.00         | 0.00   |  |

**20a. How does the Committee accomplish its purpose?**

The Commission accomplished its purpose by: a. Recommending priorities for standards development to the Attorney General; b. Reviewing and recommending that the Attorney General endorse guidance identified or developed by subject-matter experts; c. Developing proposed guidance concerning the intersection of forensic science and the courtroom; d. Developing policy recommendations, including a uniform code of professional responsibility and minimum requirements for training, accreditation and/or certification; e. Considering the recommendations of the National Science and Technology Council's Subcommittee on Forensic Science; f. Identifying and assessing the current and future needs of the forensic sciences to strengthen their disciplines and meet growing demands.

**20b. How does the Committee balance its membership?**

The Commission was comprised of approximately 30 members and up to 10 "ex officio members from key stakeholder groups, including Federal, State, and Local forensic science providers; scientists and academicians; Federal, State, and Local prosecutors, defense attorneys, and judges; and other relevant interests. Members were selected to achieve a range of backgrounds, experiences, viewpoints, and expertise. DOJ used a distribution that included at least one member

from the desired areas of expertise and the various levels of government. This distribution ensured that multiple views from the justice community were represented. The DFO monitored the committee's balance.

**20c. How frequent and relevant are the Committee Meetings?**

Once quarterly, however because the Commission terminated in April, only two meetings were held in FY17. Recommendations and Views prepared by the subcommittees are discussed and voted on during the Commission meetings. Invited speakers inform the Commission on relevant topics.

**20d. Why can't the advice or information this committee provides be obtained elsewhere?**

The objectives and scope of activities of the Commission were to provide recommendations and advice to the Department of Justice (DOJ) concerning national methods and strategies for: strengthening the validity and reliability of the forensic sciences (including medico-legal death investigation); enhancing quality assurance and quality control in forensic science laboratories and units; identifying and recommending scientific guidance and protocols for evidence seizure, testing, analysis, and reporting by forensic science laboratories and units; and identifying and assessing other needs of the forensic science communities to strengthen their disciplines and meet increasing demands generated by the criminal and civil justice systems at all levels of government. The Commission membership included those directly affected, interested, and qualified to the nature and functions of the committee.

**20e. Why is it necessary to close and/or**

## **partially closed committee meetings?**

All meetings of the Commission will be open to the public.

## **21. Remarks**

The Commission was established under Agency authority, and was governed in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App. 2. The Department of Justice (DOJ) established the National Commission on Forensic Science, in partnership with the National Institute of Standards and Technology (NIST), to enhance the practice and improve the reliability of forensic science. From 2014 to 2017, the NCFS developed 43 work products, including 20 recommendations to the Attorney General, to support these goals and met its initial mandate. On April 10, 2017, the Attorney General announced that the Commission would not be renewed and that the DOJ would take a series of steps to advance forensic science upon its termination, to include: 1) appointment of a Senior Forensic Advisor to interface with forensic science stakeholders and advise DOJ leadership; 2) conducting a needs assessment of forensic science laboratories; and 3) publishing a notice in the Federal Register seeking public comments on how the DOJ should move forward to strengthen the foundations of forensic science and improve the operations and capacity of forensic laboratories.

## **Designated Federal Officer**

Jonathan McGrath Designated Federal Officer

| <b>Committee Members</b> | <b>Start</b> | <b>End</b> | <b>Occupation</b>   | <b>Member Designation</b>                         |
|--------------------------|--------------|------------|---|---|
| Albright, Thomas         | 08/10/2015   | 04/23/2017 | Professor and<br>Conrad T Prebys<br>Chair, Salk<br>Institute for<br>Biological<br>Studies | Special<br>Government<br>Employee<br>(SGE) Member |

|                    |            |            |  |  |
|--------------------|------------|------------|--|--|
| Bell, Suzanne      | 01/10/2014 | 04/23/2017 | Associate Professor of Chemistry, West Virginia University   | Special Government Employee (SGE) Member |
| Bieber, Frederick  | 01/10/2014 | 04/23/2017 | Medical Geneticist, Bingham and Women's Hospital and Associate Professor of Pathology, Harvard Medical School  | Special Government Employee (SGE) Member |
| Butler, John       | 01/10/2014 | 04/23/2017 | Fellow and Special Assistant to the Director for Forensic Science, Office of Special Programs, National Institute of Standards and Technology  | Special Government Employee (SGE) Member |
| Casadevall, Arturo | 08/10/2015 | 04/23/2017 | The Alfred and Jill Sommer Professor and Chair of the W. Harry Feinstone Department of Microbiology & Immunology and Bloomberg Distinguished Professor, Johns Hopkins Bloomberg School of Public Health and Johns Hopkins School of Medicine | Special Government Employee (SGE) Member |
| Champagne, Gregory | 08/10/2015 | 04/23/2017 | Sheriff, St. Charles Parish, Louisiana   | Special Government Employee (SGE) Member |
| Crouse, Cecelia    | 01/10/2014 | 04/23/2017 | Director, Palm Beach County Sheriff's Office Crime Laboratory  | Special Government Employee (SGE) Member |
| Czarnopys, Gregory | 01/10/2014 | 04/23/2017 | Deputy Assistant Director, Forensic Services, Office of Science and Technology, ATF  | Special Government Employee (SGE) Member |

|                      |            |            |   |   |
|----------------------|------------|------------|---|---|
| Daly, Deirdre        | 08/10/2015 | 04/23/2017 | United States<br>Attorney, District<br>of Connecticut   | Special<br>Government<br>Employee<br>(SGE) Member |
| Denton, M.<br>Bonner | 01/10/2014 | 04/23/2017 | Professor, The<br>University of<br>Arizona  | Special<br>Government<br>Employee<br>(SGE) Member |
| Epstein,<br>Jules    | 01/10/2014 | 04/23/2017 | Professor of Law,<br>Widener<br>University School<br>of Law   | Special<br>Government<br>Employee<br>(SGE) Member |
| Ferrell,<br>Rebecca  | 06/16/2016 | 04/23/2017 | Program Director<br>of the Biological<br>Anthropology<br>Program,<br>National Science<br>Foundation<br>Maurice Falk<br>University   | Ex Officio<br>Member                              |
| Fienberg,<br>Stephen | 01/10/2014 | 12/14/2016 | Professor of<br>Statistics and<br>Social Science,<br>Carnegie Mellon<br>University  | Special<br>Government<br>Employee<br>(SGE) Member |
| Fudenberg,<br>John   | 01/10/2014 | 04/23/2017 | Assistant<br>Coroner, Clark<br>County Office of<br>the<br>Coroner/Medical<br>Examiner   | Special<br>Government<br>Employee<br>(SGE) Member |
| Gates, Jr.,<br>James | 01/10/2014 | 04/23/2017 | Regents<br>Professor and<br>John S. Toll<br>Professor of<br>Physics,<br>University of<br>Maryland   | Special<br>Government<br>Employee<br>(SGE) Member |
| Gialamas,<br>Dean    | 01/10/2014 | 04/23/2017 | Crime Laboratory<br>Director, Los<br>Angeles County<br>Sheriff's<br>Department -<br>Scientific<br>Services Bureau   | Special<br>Government<br>Employee<br>(SGE) Member |
| Giannelli,<br>Paul   | 01/10/2014 | 04/23/2017 | Distinguished<br>University<br>Professor and<br>Albert J.<br>Weatherhead III<br>& Richard W.<br>Weatherhead<br>Professor of Law,<br>Case Western<br>Reserve<br>University | Special<br>Government<br>Employee<br>(SGE) Member |

|                     |            |            |   |   |
|---------------------|------------|------------|---|---|
| Hanzlick,<br>Randy  | 11/29/2016 | 04/23/2017 | Consultant and<br>Board Certified<br>Forensic<br>Pathologist  | Special<br>Government<br>Employee<br>(SGE) Member |
| Hervey,<br>Barbara  | 01/10/2014 | 04/23/2017 | Judge, Texas<br>Court of Criminal<br>Appeals  | Special<br>Government<br>Employee<br>(SGE) Member |
| Honey, David        | 01/10/2014 | 04/23/2017 | Director of<br>Science and<br>Technology and<br>Assistant Deputy<br>Director, National<br>Intelligence for<br>Science and<br>Technology           | Ex Officio<br>Member                              |
| Howley,<br>Susan    | 01/10/2014 | 04/23/2017 | Director of Public<br>Policy, National<br>Center for<br>Victims of Crime<br>Chief, Chemistry<br>and Drug<br>Metabolism                            | Special<br>Government<br>Employee<br>(SGE) Member |
| Huestis,<br>Marilyn | 01/10/2014 | 04/23/2017 | Section,<br>Intramural<br>Research<br>Program, NIDA,<br>NIH   | Ex Officio<br>Member                              |
| Hunt, Ted           | 01/10/2014 | 04/23/2017 | Chief Trial<br>Attorney,<br>Jackson County<br>Prosecutor's<br>Office  | Special<br>Government<br>Employee<br>(SGE) Member |
| Jackson,<br>Linda   | 01/10/2014 | 04/23/2017 | Director, Virginia<br>Department of<br>Forensic Science   | Special<br>Government<br>Employee<br>(SGE) Member |
| King, Pam           | 01/10/2014 | 04/23/2017 | Assistant State<br>Public Defender,<br>Minnesota State<br>Public Defender<br>Office   | Special<br>Government<br>Employee<br>(SGE) Member |
| LaPorte,<br>Gerald  | 01/10/2014 | 04/23/2017 | Acting Director,<br>Office of<br>Investigative and<br>Forensic<br>Sciences,<br>National Institute<br>of Justice, Office<br>of Justice<br>Programs | Ex Officio<br>Member                              |
| Lawrence,<br>Troy   | 06/16/2016 | 04/23/2017 | Supervisor,<br>Digital Forensic<br>Lab, Fort Worth<br>Police<br>Department  | Special<br>Government<br>Employee<br>(SGE) Member |

|                         |            |            |  |  |
|-------------------------|------------|------------|--|--|
| LeBeau, Marc            | 01/10/2014 | 04/23/2017 | Senior Forensic Scientist, FBI Laboratory, Federal Bureau of Investigation, Scientific Analysis Section  | Special Government Employee (SGE) Member |
| Leighton, Julia         | 01/10/2014 | 04/23/2017 | General Counsel, Public Defender Service For The District Of Columbia  | Special Government Employee (SGE) Member |
| Manzollilo, Patricia    | 01/10/2014 | 04/23/2017 | Laboratory Director, Forensic Services, United States Postal Inspection Service  | Ex Officio Member                        |
| McCormack, Bridget Mary | 01/10/2014 | 04/23/2017 | Justice, Michigan Supreme Court  | Special Government Employee (SGE) Member |
| Neufeld, Peter          | 01/10/2014 | 04/23/2017 | Co-Director, Innocence Project   | Special Government Employee (SGE) Member |
| Pulaski, Phil           | 01/10/2014 | 04/23/2017 | Chief of Detectives, New York City Police Department   | Special Government Employee (SGE) Member |
| Rakoff, Jed             | 01/10/2014 | 04/23/2017 | Federal District Judge, United States District Court Southern District of New York   | Representative Member                    |
| Redle, Matt             | 01/10/2014 | 04/23/2017 | Sheridan County and Prosecuting Attorney, Sheridan County and Prosecuting Attorney's Office  | Special Government Employee (SGE) Member |
| Sah, Sunita             | 08/10/2015 | 04/23/2017 | Assistant Professor of Management and Organizations and the Balen Sesquicentennial Faculty Fellow at the Johnson Graduate School of Management, Cornell University | Special Government Employee (SGE) Member |

|                 |            |            |  |
|-----------------|------------|------------|--|
| Salyards, Jeff  | 01/10/2014 | 04/23/2017 | Executive<br>Director, Defense Special<br>Forensic Science Government<br>Center, Employee<br>Department of (SGE) Member<br>the Army                            |
| Santos, Nelson  | 01/10/2014 | 04/23/2017 | Deputy Assistant<br>Administrator, Special<br>Office of Forensic Government<br>Sciences, Drug Employee<br>Enforcement (SGE) Member<br>Administration           |
| Schrotter, Fran | 01/10/2014 | 04/23/2017 | Senior Vice<br>President and<br>Chief Operating<br>Officer, American Ex Officio<br>National Member<br>Standards<br>Institute<br>Program<br>Director, Office of |
| Turman, Kathryn | 01/10/2014 | 04/23/2017 | Victim Ex Officio<br>Assistance, Member<br>Federal Bureau<br>of Investigation  |

**Number of Committee Members Listed: 40**

### **Narrative Description**

The objectives and scope of activities of the Commission are to provide recommendations and advice to the Department of Justice (DOJ) concerning national methods and strategies for:

- strengthening the validity and reliability of the forensic sciences (including medico-legal death investigation);
- enhancing quality assurance and quality control in forensic science laboratories and units;
- identifying and recommending scientific guidance and protocols for evidence seizure, testing analysis and reporting by forensic science laboratories and units;
- and identifying and assessing other needs of the forensic science communities to strengthen their disciplines and meet the increasing demands generated by the criminal and civil justice systems at all levels of government.

**What are the most significant program outcomes associated with this committee?**

Checked if  
Applies

|   |                                     |
|---|-------------------------------------|
| Improvements to health or safety                  | <input checked="" type="checkbox"/> |
| Trust in government                               | <input checked="" type="checkbox"/> |
| Major policy changes                              | <input checked="" type="checkbox"/> |
| Advance in scientific research                    | <input checked="" type="checkbox"/> |
| Effective grant making                            | <input type="checkbox"/>            |
| Improved service delivery                         | <input checked="" type="checkbox"/> |
| Increased customer satisfaction                   | <input checked="" type="checkbox"/> |
| Implementation of laws or regulatory requirements | <input checked="" type="checkbox"/> |
| Other   | <input checked="" type="checkbox"/> |

### Outcome Comments

Strengthen the validity and reliability of the forensic sciences.

### What are the cost savings associated with this committee?

Checked if Applies

|                            |                                     |
|----------------------------|-------------------------------------|
| None                       | <input type="checkbox"/>            |
| Unable to Determine        | <input checked="" type="checkbox"/> |
| Under \$100,000            | <input type="checkbox"/>            |
| \$100,000 - \$500,000      | <input type="checkbox"/>            |
| \$500,001 - \$1,000,000    | <input type="checkbox"/>            |
| \$1,000,001 - \$5,000,000  | <input type="checkbox"/>            |
| \$5,000,001 - \$10,000,000 | <input type="checkbox"/>            |
| Over \$10,000,000          | <input type="checkbox"/>            |
| Cost Savings Other         | <input type="checkbox"/>            |

### Cost Savings Comments

Not Applicable

### What is the approximate Number of recommendations produced by this committee for the life of the committee?

20

### Number of Recommendations Comments

NCFS Recommendations propose specific acts that the Attorney General could take to further the goals of the Commission. 2 Recommendations work products were adopted by the Commission in FY2017: 1) Accreditation of Digital and Multimedia Evidence Forensic Science Service Providers; 2) Model Legislation for Medicolegal Death Investigation

Systems NCFS Views Documents reflect the collective views of the Commissioners and do not request specific action by the Attorney General. 2 Views work products were adopted by the Commission in FY2017: 1) Recognizing the Autonomy and Neutrality of Forensic Pathologists; 2) Use of Checklists in Forensic Science Adopted NCFS work products can be found here:

<https://www.justice.gov/ncfs/work-products-adopted-commission>

**What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?**

70%

**% of Recommendations Fully Implemented Comments**

DOJ generally provides responses to NCFS Recommendations work products within 6 months of the recommendation being adopted by the Commission. The Attorney General has formally responded to 14 of the 20 Recommendations work products adopted by NCFS, 2 of those during FY 2017. Department actions on the Recommendations adopted by the Commission can be found in the following memorandums from the Attorney General: Recommendation of the NCFS Announcement for NCFS Meeting Twelve - January 2017 (<https://www.justice.gov/ncfs/page/file/930411/download>)

**What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?**

0%

**% of Recommendations Partially Implemented Comments**

DOJ responses to Recommendations adopted at NCFS meetings #11 and #12 (September 2016 & January 2017) are currently in progress.

**Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?**

Yes ☒ No ☐ Not Applicable ☐

**Agency Feedback Comments**

DOJ will provide feedback generally within 6 months of the recommendation adoption date.

**What other actions has the agency taken as a result of the committee's advice or recommendation?**

Checked if Applies

|                                   |                                     |
|-----------------------------------|-------------------------------------|
| Reorganized Priorities            | <input type="checkbox"/>            |
| Reallocated resources             | <input type="checkbox"/>            |
| Issued new regulation             | <input type="checkbox"/>            |
| Proposed legislation              | <input type="checkbox"/>            |
| Approved grants or other payments | <input type="checkbox"/>            |
| Other                             | <input checked="" type="checkbox"/> |

### **Action Comments**

Department actions on the Recommendations adopted by the Commission can be found in the following memorandum from the Attorney General: Recommendation of the NCFS Announcement for NCFS Meeting Twelve - January 2017  
(<https://www.justice.gov/ncfs/page/file/930411/download>)

### **Is the Committee engaged in the review of applications for grants?**

No

### **Grant Review Comments**

Not Applicable

### **How is access provided to the information for the Committee's documentation?**

Checked if Applies

|                           |                                     |
|---------------------------|-------------------------------------|
| Contact DFO               | <input checked="" type="checkbox"/> |
| Online Agency Web Site    | <input checked="" type="checkbox"/> |
| Online Committee Web Site | <input checked="" type="checkbox"/> |
| Online GSA FACA Web Site  | <input checked="" type="checkbox"/> |
| Publications              | <input checked="" type="checkbox"/> |
| Other                     | <input checked="" type="checkbox"/> |

### **Access Comments**

[www.justice.gov/ncfs](http://www.justice.gov/ncfs)