

2017 Current Fiscal Year Report: National Commission on Forensic Science

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1. Department or Agency

Department of Justice

2. Fiscal Year

2017

3. Committee or Subcommittee

National Commission on Forensic Science

3b. GSA Committee No.

83353

4. Is this New During Fiscal Year?

No

5. Current Charter

04/23/2015

6. Expected Renewal Date

04/23/2017

7. Expected Term Date

04/23/2017

8a. Was Terminated During Fiscal Year?

Yes

8b. Specific Termination Authority

Agency decision documentation dated April 23, 2015

8c. Actual Term Date

04/23/2017

9. Agency Recommendation for Next Fiscal Year

Terminate

10a. Legislation Req to Terminate?

No

10b. Legislation Pending?

Not Applicable

11. Establishment Authority

Agency Authority

12. Specific Establishment Authority

Agency decision documentation dated March 8, 2013

13. Effective Date

03/08/2013

14. Committee Type

Continuing

14c. Presidential?

No

15. Description of Committee

Other Committee

16a. Total Number of Reports

5

16b. Report Date

Report Title

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

01/09/2017 Recommendation on Model Legislation for Medicolegal Death Investigation Systems

01/09/2017 Views on Recognizing the Autonomy 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. Open 2 17b. Closed 0 17c. Partially Closed 0 Other Activities 0 17d. Total 2

Meetings and Dates

Purpose

To convene the twelfth meeting of the National Commission on Forensic Science

To convene the thirteenth meeting of the National Commission on Forensic Science

Start

01/09/2017

04/10/2017

End

- 01/10/2017

- 04/11/2017

Number of Committee Meetings Listed: 2

	Current FY	Next FY
18a(1). Personnel Pmts to Non-Federal Members	\$0.00	\$0.00
18a(2). Personnel Pmts to Federal Members	\$0.00	\$0.00
18a(3). Personnel Pmts to Federal Staff	\$88,510.00	\$0.00
18a(4). Personnel Pmts to Non-Member Consultants	\$439,118.00	\$0.00
18b(1). Travel and Per Diem to Non-Federal Members	\$72,124.00	\$0.00
18b(2). Travel and Per Diem to Federal Members	\$0.00	\$0.00
18b(3). Travel and Per Diem to Federal Staff	\$0.00	\$0.00
18b(4). Travel and Per Diem to Non-member Consultants	\$333.00	\$0.00
18c. Other(rents,user charges, graphics, printing, mail, etc.)	\$26,367.00	\$0.00
18d. Total	\$626,452.00	\$0.00
19. Federal Staff Support Years (FTE)	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

Committee Members	Start	End	Occupation	Member Designation
Albright, Thomas	08/10/2015	04/23/2017	Professor and Conrad T Prebys Chair, Salk Institute for Biological Studies	Special Government Employee (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 Molecular 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 Attorney, District of Connecticut	Special Government Employee (SGE) Member
Denton, M. Bonner	01/10/2014	04/23/2017	Professor, The University of Arizona	Special Government Employee (SGE) Member
Epstein, Jules	01/10/2014	04/23/2017	Professor of Law, Widener University School of Law	Special Government Employee (SGE) Member
Ferrell, Rebecca	06/16/2016	04/23/2017	Program Director of the Biological Anthropology Program, National Science Foundation	Special Ex Officio Member
Fienberg, Stephen	01/10/2014	12/14/2016	Maurice Falk University Professor of Statistics and Social Science, Carnegie Mellon University	Special Government Employee (SGE) Member
Fudenberg, John	01/10/2014	04/23/2017	Assistant Coroner, Clark County Office of the Coroner/Medical Examiner	Special Government Employee (SGE) Member

Gates, Jr., James	01/10/2014	04/23/2017	Regents Professor and John S. Toll Professor of Physics, University of Maryland	Special Government Employee (SGE) Member
Gialamas, Dean	01/10/2014	04/23/2017	Crime Laboratory Director, Los Angeles County Sheriff's Department - Scientific Services Bureau	Special Government Employee (SGE) Member
Giannelli, Paul	01/10/2014	04/23/2017	Distinguished University Professor and Albert J. Weatherhead III & Richard W. Weatherhead Professor of Law, Case Western Reserve University	Special Government Employee (SGE) Member
Hanzlick, Randy	11/29/2016	04/23/2017	Consultant and Board Certified Forensic Pathologist	Special Government Employee (SGE) Member
Hervey, Barbara	01/10/2014	04/23/2017	Judge, Texas Court of Criminal Appeals	Special Government Employee (SGE) Member
Honey, David	01/10/2014	04/23/2017	Director of Science and Technology and Assistant Deputy Director, National Intelligence for Science and Technology	Ex Officio Member
Howley, Susan	01/10/2014	04/23/2017	Director of Public Policy, National Center for Victims of Crime	Special Government Employee (SGE) Member
Huestis, Marilyn	01/10/2014	04/23/2017	Chief, Chemistry and Drug Metabolism Section, Intramural Research Program, NIDA, NIH	Ex Officio Member
Hunt, Ted	01/10/2014	04/23/2017	Chief Trial Attorney, Jackson County Prosecutor's Office	Special Government Employee (SGE) Member
Jackson, Linda	01/10/2014	04/23/2017	Director, Virginia Department of Forensic Science	Special Government Employee (SGE) Member
King, Pam	01/10/2014	04/23/2017	Assistant State Public Defender, Minnesota State Public Defender Office	Special Government Employee (SGE) Member
LaPorte, Gerald	01/10/2014	04/23/2017	Acting Director, Office of Investigative and Forensic Sciences, National Institute of Justice, Office of Justice Programs	Ex Officio Member
Lawrence, Troy	06/16/2016	04/23/2017	Supervisor, Digital Forensic Lab, Fort Worth Police Department	Special Government Employee (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 Laboratory 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 Special
Redle, Matt	01/10/2014	04/23/2017	Sheridan County and Prosecuting Attorney, Sheridan County and Prosecuting Attorney's Office	Government Employee (SGE) Member Special
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	Government Employee (SGE) Member Special
Salyards, Jeff	01/10/2014	04/23/2017	Executive Director, Defense Forensic Science Center, Department of the Army	Government Employee (SGE) Member Special
Santos, Nelson	01/10/2014	04/23/2017	Deputy Assistant Administrator, Office of Forensic Sciences, Drug Enforcement Administration	Government Employee (SGE) Member Special
Schrotter, Fran	01/10/2014	04/23/2017	Senior Vice President and Chief Operating Officer, American National Standards Institute	Ex Officio Member
Turman, Kathryn	01/10/2014	04/23/2017	Program Director, Office of Victim Assistance, Federal Bureau of Investigation	Ex Officio Member

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

Reallocated resources

- Issued new regulation
- Proposed legislation
- Approved grants or other payments
- Other

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
- Online Agency Web Site
- Online Committee Web Site
- Online GSA FACA Web Site
- Publications
- Other

Access Comments

www.justice.gov/ncfs