

Testimony of Jill Spriggs
Consortium of Forensic Science Organizations

before
the United States Senate Committee on Commerce, Science
and Transportation

June 26, 2013

Mr. Chairman, Ranking Member and Members of the Committee:

Thank you for asking me to testify before this Committee on matters of forensic science. My name is Jill Spriggs and I am the Crime Laboratory Director for the Office of the District Attorney, Sacramento County, Laboratory of Forensic Services. I am also the Past President of the American Society of Crime Laboratory Directors. In my career, I have overseen the daily operations of both a state and local crime laboratory. Therefore, I come from a unique perspective where I can address forensic issues from both a state and local position. Today, I am here representing the Consortium of Forensic Science Organizations or CFSO which represents over 12,000 forensic science providers.

As you know, the National Academies released in February 2009, a critique or report on the state of forensic science in this nation. This report distills down into two operational and scientific needs:

1. Need for standardization in education, training and forensic science delivery
2. Need for resources across the forensic science community.

In fact, the forensic science provider community requested federal legislation to provide guidance and leadership to our community in response to this report and still four years later this has not happened. In the absence of legislation, the Executive Branch has taken numerous efforts to reshape forensic science such as the creation of the National Commission on Forensic Science. I would like to take this opportunity to lay out for this Committee what we believe to be the greatest challenges facing the forensic community and solutions to solve them.

First, while we do believe the federal government should be involved in State and Local forensic science to maintain consistency and guidance, we do not believe a federal oversight organization should be created. Any solution needs to understand the important role of state and local labs. While the work the crime laboratory performs is ultimately the same, differences among the state jurisdictions need to be considered and there is not a one size fits all approach that will work. We believe and strongly support the creation of an Office of Forensic Science in the Department of Justice to coordinate and lead on such matters of accreditation, training, education, certification and resource allocation.

Second, many seem to believe there currently exist no standards or training or education in forensic science. This could not be further from the truth. There are currently 22 Scientific Working Groups or SWGs who build consensus standards in the specific forensic disciplines they represent, as well as training guidelines and improvement in practices in the disciplines themselves. Federal, state and local forensic scientists and other experts are represented on the SWGs, as well as academia, attorneys, judges, private laboratory scientists and independent consultants. Historically, these SWGs have operated on very slim budgets and have succeeded in bringing to the forensic disciplines the much needed structure. Why is the administration budgeting a program to create working groups that many believe will undo the work of the SWGs? An inordinate amount of money to start over is being proposed in the 2014 federal budget. CFSO supports NIST advising the SWG groups in order to give the SWGs the much needed support but to start over and reinvent the wheel is not needed and costly. This will prove extremely disruptive to the scientific community as it waits years for new standards to be disseminated and vetted.

Third, research is an absolutely critical part of how we advance our science as forensic science is just that – a science. Research is critical but it has to be in the context of all the requirements of the forensic science community. What is needed in the forensic community is applied science and by that I mean science that is taken from basic research so that it can be applied in a crime laboratory.

Fourth, capacity building funds. Crime laboratories use the availability of Coverdell funding to aid in funding the non-DNA disciplines in training, backlog reduction and the purchase of equipment. While Coverdell has been

authorized at \$35 million, in the last few years crime laboratories have received less than half of this money. And indeed in the 2014 budget, Coverdell has a zero allocation. We applaud the efforts to provide us more resources but we are frustrated by the lack of attention to our significant backlogs in non-DNA disciplines such as drugs, toxicology and latent prints.

Fifth, while we support the role of NIST in advancing standards and the role of the NSF in research, we remain convinced that the Department of Justice must remain involved in this process and provide the leadership to ensure that the science, standards, training and education are not only applicable to the mission of providing scientific analysis to the criminal justice system but also to ensure that the grants meet the needs of the community. We believe the argument that forensics should be removed from law enforcement gets confused with how the crime laboratory should be led. We also believe that forensics should not be removed from law enforcement in its entirety. The accreditation process protects the administrative independence of laboratories.

Mr. Chairman, while we are optimistic about the creation of a National Commission on Forensic Science we must admit that we have concerns after seeing the Charter signed by the Attorney General. First, the Commission is bound by FACA rules. This would mean State and Locals do not have a voice in regards to any outcomes from the Commission. Second, it will not be developing or recommending guidance regarding digital evidence. Is digital evidence not as important a forensic discipline as DNA analysis? Digital evidence includes the analysis of cell phones and computers. Most of these cases involve homicides, sexual assaults and white collar crime. Should digital evidence not be accredited, adhere to a quality assurance system or receive training and is research not important? Currently, digital evidence is seen as “forensic” in nature and includes its own Scientific Working Group on Digital Evidence (SWGDE). If it is not considered a forensic discipline, we will be sitting here ten years from now discussing why it was not considered a forensic discipline.

Further, in the past year, several news articles have been written regarding the state of forensic science, including many this week. As we have stated earlier forensic science, like any science, evolves and advances. With the more wide spread use of DNA analysis over the last 15 -20 years, the incidence of exonerations should decline over time. The advances in DNA are phenomenal as opposed to the old ABO Typing in which 45% of the

population had Type O blood.

Lastly, voluntary accreditation for crime labs over the last several years has increased dramatically. Within the next three years, all laboratories will fall under ISO 17025 which include over 400 international standards. With ISO 17025 accreditation, cradle to grave documentation exists in crime laboratories where it did not before. CFSO supports mandated accreditation for crime laboratories in order to ensure standards are adhered to and a quality product exists but we are very opposed to starting all over. We should begin with what we have and advance it with the science.

Crime laboratories ultimately serve the criminal justice system and the public at large. The public deserves the best a crime laboratory has to offer and assurance the work coming out of crime laboratories is of the highest quality. Thank you for allowing me to testify today.