



American Statistical Association

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June 9, 2010

The Honorable Patrick Leahy
Chairman, Senate Judiciary Committee
United States Senate
Washington, DC

Dear Chairman Leahy,

The Board of Directors for the American Statistical Association (ASA) issued a statement in April endorsing the National Academies' report, *Strengthening Forensic Science in the United States: A Path Forward*. On behalf of the ASA Board, I write to provide you with the ASA statement (attached) and to comment on your May 5 "Outline of Draft Forensic Reform Legislation."

We applaud your efforts to act on *Strengthening Forensic Science* and to work toward realizing the reform of forensic science. This is a very important and necessary undertaking. We are, however, very concerned that your legislation would not grant the Office of Forensic Science (OFS) and the Forensic Science Commission (FSC) the independence needed to be effective. *Strengthening Forensic Science* emphasizes the importance of independence of such an organization:

- "It must not be in any way committed to the existing system, but should be informed by its experiences.
- "It must not be part of a law enforcement agency."

The Statement by the ASA Board of Directors reinforces the importance of independence: "We also second [the National Academies'] emphasis on the institute having the independence necessary to produce the needed scientific outcomes. Any perception of outside influence on the institute's products will undermine its credibility." Housing OFS and FSC within the Department of Justice would not meet the criteria of independence specified in *Strengthening Forensic Science* and our supporting statement.

We also are concerned that FSC would delegate to a qualified professional organization "the determining of standards for accreditation"; "the determining of standards for certification"; "the

task of determining standards, protocols, methods, practices, and reporting terminology for each applicable forensic science discipline in order to ensure the quality and integrity of the data generated”; and, at its discretion, “the administering of certification.”

Given the problems within the forensic science profession documented in *Strengthening Forensic Science*, there are some professional organizations to which such delegation would undermine the intent of this legislation. We understand the need to take advantage of existing effective infrastructure. To this end, appropriate qualified professional organizations that certify laboratories are financially independent from, and whose upper management structure and members are independent of the forensic labs, should be considered.

We note that interdisciplinary research is vital to forensic science. The proposed FSC and OFS connections to NSF and NIST address this need to some extent; however, FSC should have its own expertise and scientific organizational depth to guide such research. Such internal capability and greater autonomy will enable FSC to seek input from scientific entities with expertise not found at NSF or NIST (e.g., NIH for research on the analysis of biologic specimens, NASA for image algorithms, etc.).

The ASA statement cites six specific instances of the vital importance of sound statistical practices to the success of the FSC. We urge you to incorporate these practices as you progress. We also urge that statistics be explicitly included in the list of disciplines represented in the membership of the FSC and, where appropriate, its subcommittees.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sally C. Morton', with a long horizontal flourish extending to the right.

Sally C. Morton, PhD
2009 President, American Statistical Association