# ASCLD/LAB GUIDING PRINCIPLES OF PROFESSIONAL RESPONSIBILITY FOR CRIME LABORATORIES AND FORENSIC SCIENTISTS

*"If the law has made you a witness,*
*Remain a man of science.*
*You have no victim to avenge,*
*No guilty or innocent person to convict or save --*
*You must bear testimony within the limits of science."*

*Dr. P.C.H. Brouardel*
*19th Century French Medico-legalist*

## *Preamble*

These Guiding Principles are written specifically for forensic scientists[i] and laboratory management. The concepts presented here have been drawn from other professional codes and suggestions made by leaders in the forensic community.[ii] The Guiding Principles have been vetted[iii] and adopted by the ASCLD/LAB Board of Directors and staff with the hope that laboratory management will use them in training sessions, performance evaluations, disciplinary decisions, and as guides in other management decisions. It is also important that all laboratory personnel, including forensic scientists and other laboratory employees who assist forensic scientists in their work, are equally aware of these Guiding Principles and support forensic scientists and managers by incorporating the principles into their daily work.

These Guiding Principles provide a framework for describing ethical and professional responsibilities in the forensic laboratory community. While not all inclusive, they describe key areas and provide some specific rules to supplement existing codes of ethics adopted by professional organizations and individual laboratories. The Guiding Principles are designed to promote integrity among practitioners, and to increase public confidence in the quality of laboratory services, whether or not the laboratory is accredited by any accrediting body.

ASCLD/LAB has adopted the ASCLD Guidelines for Forensic Laboratory Management Practices, many of which have been incorporated into the ASCLD/LAB accreditation standards. Those practices provide for management support of the guiding principles set forth below and are intended to create a culture of ethical behavior and professional responsibility within the laboratory. The ASCLD practices should be implemented and followed to give practical meaning to the Guiding Principles of Professional Responsibility for Crime Laboratories and Forensic Scientists.

## *Professionalism*

The ethical and professionally responsible forensic scientist and laboratory manager . . .

1. Are independent, impartial, detached, and objective, approaching all examinations with due diligence and an open mind.

2. Conduct full and fair examinations. Conclusions are based on the evidence and reference material relevant to the evidence, not on extraneous information, political pressure, or other outside influences.

3. Are aware of their limitations and only render conclusions that are within their area of expertise and about matters which they have given formal consideration.

4. Honestly communicate with all parties (the investigator, prosecutor, defense, and other expert witnesses) about all information relating to their analyses, when communications are permitted by law and agency practice.

5. Report to the appropriate legal or administrative authorities unethical, illegal, or scientifically questionable conduct of other laboratory employees or managers. Laboratory management will take appropriate action if there is potential for, or there has been, a miscarriage of justice due to circumstances that have come to light, incompetent practice or malpractice.

6. Report conflicts between their ethical/professional responsibilities and applicable agency policy, law, regulation, or other legal authority, and attempt to resolve them.

7. Do not accept or participate in any case on a contingency fee basis or in which they have any other personal or financial conflict of interest or an appearance of such a conflict.

## *Competency and Proficiency*

The ethical and professionally responsible forensic scientist and laboratory manager . . .

8. Are committed to career-long learning in the forensic disciplines which they practice and stay abreast of new equipment and techniques while guarding against the misuse of methods that have not been validated. Conclusions and opinions are based on generally accepted tests and procedures.

9. Are properly trained and determined to be competent through testing prior to undertaking the examination of the evidence.

10. Honestly, fairly and objectively administer and complete regularly scheduled:

    - relevant proficiency tests;

- comprehensive technical reviews of examiners' work;
- verifications of conclusions.

11. Give utmost care to the treatment of any samples or items of potential evidentiary value to avoid tampering, adulteration, loss or unnecessary consumption.

12. Use appropriate controls and standards when conducting examinations and analyses.

## *Clear Communications*

The ethical and professionally responsible forensic scientist and laboratory manager . . .

13. Accurately represent their education, training, experience, and area of expertise.

14. Present accurate and complete data in reports, testimony, publications and oral presentations.

15. Make and retain full, contemporaneous, clear and accurate records of all examinations and tests conducted, and conclusions drawn, in sufficient detail to allow meaningful review and assessment of the conclusions by an independent person competent in the field. Reports are prepared in which facts, opinions and interpretations are clearly distinguishable, and which clearly describe limitations on the methods, interpretations and opinions presented.

16. Do not alter reports or other records, or withhold information from reports for strategic or tactical litigation advantage.

17. Support sound scientific techniques and practices and do not use their positions to pressure an examiner or technician to arrive at conclusions or results that are not supported by data.

18. Testify to results obtained and conclusions reached only when they have confidence that the opinions are based on good scientific principles and methods. Opinions are to be stated so as to be clear in their meaning. Wording should not be such that inferences may be drawn which are not valid, or that slant the opinion to a particular direction.
19. Attempt to qualify their responses while testifying when asked a question with the requirement that a simple "yes" or "no" answer be given, if answering "yes" or "no" would be misleading to the judge or the jury.

[i] The term "forensic scientist" is used throughout this document. These Guiding Principles are meant to apply to all laboratory personnel, including technical support personnel and others who assist forensic scientists in their work.

[ii] The materials from which the concepts embodied in these Guiding Principles have been drawn include:

a. ASCLD Guidelines for Forensic Laboratory Management Practices. http://ascld.org/files/library/labmgtguide.pdf.

b. ASCLD Code of Ethics. http://ascld.org/files/library/Code%20of%20Ethics.pdf

c. American Academy of Forensic Sciences Code of Ethics and Conduct. www.aafs.org.

d. The Code of Ethics of the California Association of Criminalistics. www.cacnews.org.

e. The Code of Ethics of the Midwestern Association of Forensic Scientists, Incorporated. www.mafs.net.

f. Schroeder, O. C., "Ethical and Moral Dilemmas Confronting Forensic Scientists," *Journal of Forensic Sciences*. Vol. 29, No. 4, Oct. 1984, pp. 966-986.

g. Lucas, D. M., "The Ethical Responsibilities of the Forensic Scientist: Exploring the Limits," *Journal of Forensic Sciences.* Vol. 34, No. 3, May 1989, pp. 719-729.

h. Peterson, J. L., Murdock, J.E., "Forensic Science Ethics: Developing an Integrated System of Support and Enforcement," *Journal of Forensic Sciences.* Vol. 34, No.3, May 1989, pp. 749-762.

i. Saks, M. J., "Prevalence and Impact of Ethical Problems in Forensic Science," *Journal of Forensic Sciences.* Vol. 34, No.3, May 1989, pp. 772-793.

j. Starrs, J.E., "The Ethical Obligations of the Forensic Scientist in the Criminal Justice System," *Journal of the Association of Official Analytical Chemists.* Vol. 54, 1971, pp. 906-914.

[iii] The draft of this document was distributed to thirty (30) forensic science organizations and several legal commentators for comment. The comments received were considered and many suggestions incorporated into the final version.