



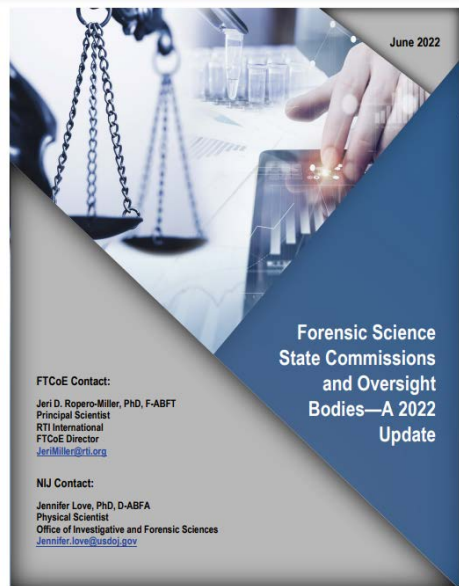
An Overview of State Forensic Science Commissions

Massachusetts Forensic Science Oversight Board
2022 Virtual Summit
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Why State Forensic Science Commissions?



Improving cooperation among forensic science laboratories and stakeholders;



Ensuring that national standards are implemented in practice, especially accreditation activities;



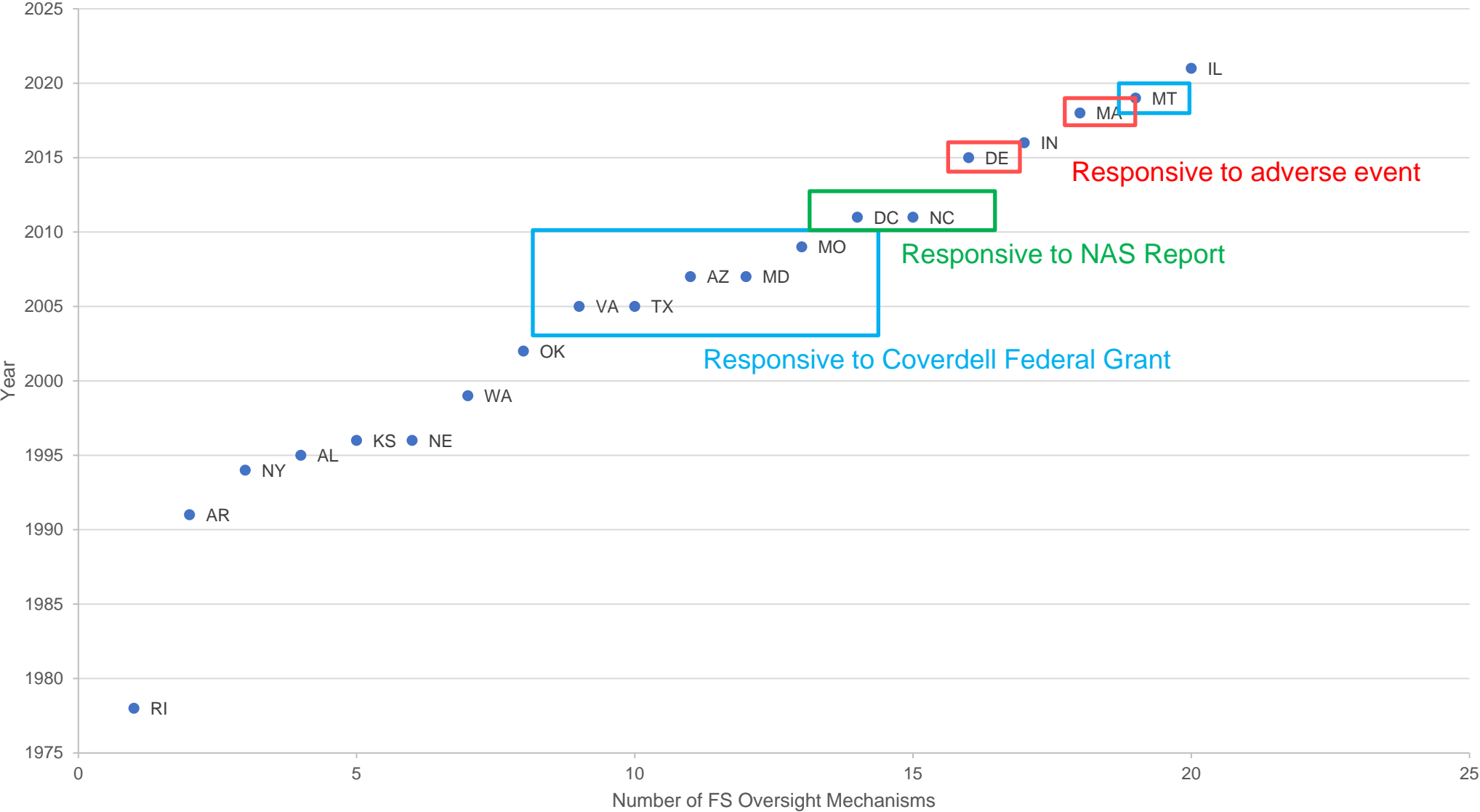
Coordinating state or grant funding to address areas of need, opportunities to implement technological, or operational innovations; and



Preventing or mitigating problems in forensic science laboratories or systems by serving in a role as investigator of misconduct or professional negligence.

Growth of FS Oversight Mechanisms Over Time

*Excluding MI FS TF



Duty to Correct and Notify

Duty to Correct

1. Identify all cases affected by the adverse event
2. Determine the system-level root and cultural causes
3. Remedy and correct the error to prevent or reduce the risk of recurrence

Duty to Notify

1. Include all affected cases regardless of case or incarceration status
2. Gather diverse stakeholders to design and implement the notification plan
3. Utilize a public process to ensure accountability

State FS Oversight Mechanisms that review complaints per FTCoe-NIJ (2022)

Entity	State	Process	Explicit Power to Investigate	Actively investigates?
Department of Forensic Sciences Science Advisory Board	DC	Review all reports of allegations of professional negligence, misconduct, or misidentification or other testing error	No	Lab not active
Illinois Forensic Science Commission	IL	Review significant nonconformities and offer recommendations for correction	No	Est. August 2021
Indiana Commission on Forensic Sciences	IN	Not in statute, IN IC § 4-23-6, 2016	No	No
Massachusetts Forensic Science Oversight Board	MA	Develop, implement, and periodically review a system for forensic labs to report negligence or misconduct; labs required to report professional negligence or misconduct	No	No
Missouri Crime Laboratory Review Commission	MO	Issue reprimands for negligent or misconduct; reviewed 2 disclosure since establishment in 2014	No	Unclear
Montana Forensic Science Laboratory Advisory Board	MT	created as a Coverdell-required independent investigative body	Yes	Unclear
Nebraska Forensic Science Laboratory Advisory Board	NE	Can investigate allegations of serious negligence or misconduct	Yes	No
North Carolina State Crime Laboratory	NC	Ombudman establishing process to receive complaints and correct errors	Unclear	Unclear
Texas Forensic Science Commission	TX	Power to undertake investigation for education; investigate allegations of professional negligence or misconduct	Yes	Yes

Scope of MA FSOB Capacity to Respond to Problems

Mass. General Laws c.6 § 184A (St.2018, c. 69, § 9 (d)(e), eff. April 13, 2018)

- (d) The board shall initiate an investigation into any forensic science, technique or analysis used in a criminal matter upon: (i) application by a person alleging that a forensic technique in common use is not scientifically valid if not less than 5 members of the commission, which may include the undersecretary for forensic sciences or the undersecretary's designee, agree; or (ii) a determination by not less than 5 members of the commission, which may include the undersecretary for forensic sciences or the undersecretary's designee, that an investigation of a forensic analysis would advance the integrity and reliability of forensic science in the commonwealth.

The board shall report the results of an investigation by the board, with any resulting recommendations...

- (e) The board shall develop, implement and periodically review a system for forensic laboratories to report professional negligence or misconduct and any such facility shall be required to report to the board any instance of professional negligence and misconduct.

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HOW TO FIX A DRUG SCANDAL

Oxycod

Mariju

Heroin

Cocaine

Heroin

Strengthening MA FSOB's Duty to Correct and Notify

Update Mass. General Laws c.6 § 184A to include:

- The powers needed to independently investigate allegations of professional negligence or misconduct
- Extend this power to the handling and applications of forensic evidence in the criminal legal system
- The power to accredit forensic science service providers (standards, policies, protections)
- The power to convene system stakeholders to implement the duty to notify

Thank You

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