

I just finished a great week at the American Academy of Forensic Sciences meeting in Baltimore Maryland. It was great seeing many of you there! It was an honor to present the annual ASCLD update to the AAFS Criminalistics Section. We want to thank outgoing Criminalistics Section Chair Kristy Kadash for allowing ASCLD to present at this venue and detail the ASCLD initiatives. I have posted this presentation for your review. It is a good mid-year review of the activities of the organization. I enjoyed talking with many of you about the various activities and projects ASCLD is working on. It was an important week where we talked a great deal about advancing forensic science. One way we are advancing forensic science is through the strategic and careful implementation of new technology. This week I want to highlight the efforts of the Rapid DNA Task Force.

FORESIGHT USERS GROUP MEETING

I have taken many questions about this meeting. It is open to all interested individuals. While it is in Utah, it is not just for Western Lab Directors. The FORESIGHT Strategy Session will be hosted at the Utah Department of Public Safety Crime Laboratory in Salt Lake City, Utah on **March 14-15, 2019**. The agenda is almost set. We will discuss the future of Foresight, data metrics, dashboarding data, definitions, collaboration with LIMS vendors, digital forensics participation, using the data for policy decisions and budget forecasting, a new workforce calculator, and many other things. Dr. Paul Speaker (FORESIGHT Co-Founder--West Virginia University) and Max Houck (FORESIGHT Co-Founder) have confirmed attendance. We have also confirmed attendance by researchers and business experts. Attendees will be responsible for their own travel funding and arrangements. Tuition is very reasonable: FREE! Send an email to jhenry@utah.gov to register or obtain more information.

IMPLEMENTATION OF RAPID DNA INSTRUMENTATION

The following is a statement from the Rapid DNA Task Force Groups at ASCLD. The purpose of this summary is to alert crime laboratories of the need to implement Rapid DNA (RDNA) as a proactive action, establishing expertise to guide law enforcement implementation and enabling a response to disaster victim identification, such as the successful response and identification of victims of the recent Camp Fire disaster in California.

To date, most forensic science laboratory administrators, DNA Technical Leaders, State CODIS Administrators, and bench level DNA analysts have been reticent to validate or adopt RDNA technology. Cost, CODIS architecture, the FBI Quality Assurance Standards (QAS), fear of losing industry jobs or control, and federal law have all be cited as potential barriers to implementation. Each of these are legitimate concerns, but can be rationally resolved. Taxpayers fund forensic science laboratory analysts to find scientific evidence and utilize technology that will convict the guilty and exonerate the innocent in a timely manner. If we are unable to break through these barriers to implementation, law enforcement agencies who already own and implement RDNA technologies will innovate without forensic science service provider expertise or insight. We might effectively create competing DNA analysis systems rather than collaborative ones.

On August 18, 2017, President Trump signed the Rapid DNA Act of 2017 into law, authorizing non-laboratory criminal justice agencies, following FBI quality assurance requirements, to upload reference sample profiles generated by RDNA instruments into CODIS. Although the passage of this law creates a new paradigm in the CODIS architecture, as we know it, this gateway to CODIS registration of RDNA profiles is presently very limited in scope. Additionally, at this time, the FBI, ASCLD and the NDAA have taken the position to endorse RDNA analysis only from single source reference samples and support database inclusion of single source known reference profiles only. Consequently, in the near term, not many law enforcement agencies owning RDNA instruments outside of forensic science laboratories will be participating in RDNA technology as outlined in this law or as endorsed by the FBI, ASCLD, or the NDAA.

The reality of RDNA technology is that many law enforcement agencies are innovating the technology beyond the intent of the Rapid DNA Act of 2017 and that of the FBI and CODIS. Many law enforcement agencies have begun using RDNA technology on crime scene swabs and are querying their own self-created non-CODIS DNA databases. The NDAA and ASCLD position is that RDNA profiles are screening tools that are not yet appropriate for court, therefore crime labs must be involved in cases that progress beyond the immediate investigative assistance provided by this approach. There is also a concern that individual local databases undermine the much wider DNA match potential provided by the CODIS system; agencies will miss investigative leads because of small and segmented databases. Forensic science service providers should drive implementation to ensure quality and full database access, rather than inhibit implementation that will lead to the propagation of additional local LE databases.

Forensic science laboratories around the country are facing large backlogs. Using RDNA technology, law enforcement agencies can bypass public forensic science laboratory backlogs. In many instances, using this shortcut will allow agencies to receive DNA results from crime scene evidence in approximately 90 minutes. This innovation has had a degree of success that is undeniable in providing a quick answer to move investigations forward. However, what is missing without involving forensic scientist expertise is the ability to interpret DNA mixtures, full utility of the CODIS database, and the ability to defend against legal challenges.

As responsible forensic science laboratory directors and scientists, we must reach out to our stakeholders in the criminal justice community and figure out ways to collaborate on RDNA technology. Our focus should be on the benefit to society from incorporation of RDNA in the criminal justice workflow right now. Disaster victim identification is one of those ways where RDNA can be immediately useful. Preparation for a mass disaster, such as the Camp Fire, may be the mechanism for a crime lab to access and immediately implement this technology. Labs all over the country are investigating responsible implementation of this technology in laboratory and law enforcement applications. We encourage law enforcement agencies implementing this technology in their jurisdictions to engage with forensic science service providers in a strategic way.

Forensic DNA testing is often referred to as the “gold standard” of forensic science. What made forensic DNA testing the gold standard is the forensic DNA community’s commitment to quality. This commitment to quality led to unprecedented Congressional and legal support, not to mention public trust. Quality work and collaboration is called for today as we embark on yet another evolution of DNA testing. We are the stewards of quality for the proper implementation of this RDNA technology in the law enforcement community. It is important that we support our investigative partners with expertise and experience. We must embrace new technology, lest it fail or be undermined in the criminal justice system due to the lack of our participation.

Please join us at the ASCLD Annual Meeting in St. Louis and register for the Rapid DNA DVI Workshop on May 20th to learn more: <https://www.ascldsymposium.com/>

IN MEMORIAM—ASCLD PAST PRESIDENT FRANK FITZPATRICK



ASCLD Past President and Emeritus Member Frank Fitzpatrick passed away on February 19, 2019, after a courageous battle with cancer. He is survived by his wife, Maggie Black, and two children, Frankie and Veronica. Details about the memorial service have not yet been finalized. Frank was the former Laboratory Director of the Orange County Crime Laboratory serving in that position from 1989 until his retirement in 2004. Under his guidance, the lab experienced several significant milestones including appointment of the lab’s first QA Manager in 1990, accreditation with ASCLD/LAB in 1992, and moving to a new headquarters in 1992 about 6 months after being accredited. Frank was a long-time member of ASCLD serving as the 25th President from 1997 – 1998.