

Customer Working Groups – Benefits for Directors of Public Forensic Laboratories

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There is much good news in the world of public forensic laboratories. Forensic evidence continues to be a significant part of the criminal justice system, providing decision makers with the tools needed to distinguish the guilty from the innocent. Forensic work is being enhanced as scientific standards for forensic laboratories are evolving and becoming more rigorous. New forensic laboratories and new disciplines are being established and the demand for forensic work continues to increase.

However, the boom in forensic science comes with new responsibilities and tasks, particularly for the lab director of a public forensic laboratory. Lab directors have to manage a diverse workforce, deal with budgetary constraints, and stay abreast of developing science, while maintaining a quality system and dealing with growing backlogs based on requests from a criminal justice system hungering for more scientific evidence. Maintaining accreditation, improving efficiency, hiring and training scientists, as well as responsible triaging of work to avoid backlogs, are all on-going issues for a laboratory. In grappling with all of these matters, especially backlog concerns, a laboratory director will benefit from working closely with its customers, who are the ultimate beneficiaries of a well-functioning laboratory.

General guidelines for a laboratory's relationship with customers can be found in the International standard, *ISO/IEC 17025 General Requirements for the Competence of Testing and Calibration Laboratories*, Section 4.7. It emphasizes the value of ongoing communication and cooperation between the laboratory and the customer in order to clarify customer requests and to allow customers to monitor the laboratory's performance. It instructs laboratories to actively seek customer feedback and to incorporate that feedback in the ongoing improvement of its management and services. In Section 4.9, ISO standards also require that a laboratory inform its customers of non-conformities in the laboratory and plans for remediation. A laboratory is given the discretion for developing its approach to these requirements. A Customer Working Group (CWG) is a productive way of meeting the ISO requirements.

A preliminary question is, "Who is the customer?" Though there are many stakeholders in a public forensic laboratory, including the criminal justice system as a whole, the funding authority, judges, law enforcement, the defense and the agency to which the laboratory reports, these parties are not all customers of a laboratory. For the purposes of a CWG, as described here, customers are the agencies who are directly involved in investigating a criminal case, and in the course of that investigation either submit evidence to the lab, or request testing from the lab. These agencies are

the police and prosecutors, who are tasked with investigating and proving criminal cases. Similarly, the mission of a public forensic laboratory is to perform services necessary for the recognition and proper preservation, identification and scientific analysis of evidence materials pertaining to the investigations of a case [emphasis supplied]. Thus, to fulfill its mission, the laboratory's work is geared toward providing scientific evidence to the police and prosecutors that can contribute to the investigation of a case. A CWG focuses on enhancing the inter-relationship between the laboratory, the police and the prosecutors.

Police and prosecutors have frequent contact with a laboratory. Every day detectives and police officers submit evidence to the laboratory and have on-going relationships with laboratory staff in order to get leads in a case. Similarly, prosecutors come to know the criminalists who testify at trials about their findings. However, these daily encounters between the laboratory, police and prosecutors do not deal with the over-arching policy decisions that affect a laboratory.

Lab directors should encourage the development of a CWG to address the larger policy issues. The CWG should consist of the lab director, along with senior decision makers from prosecutor offices and police agencies serviced by the laboratory. Such a group will provide an opportunity for all parties to learn from one another. It will enhance a fuller understanding of each agency's needs and limitations and ultimately foster a trusting relationship between the laboratory and its customers. The CWG will be the place where coordination can be enhanced and input given regarding important matters affecting the laboratory.

There are a wide variety of issues that can be discussed in a CWG. Some of these issues include: setting priorities for what should be tested and what should not, discussing non-conformities in the lab and methods of remediation, dealing with backlogs, introducing new testing methodologies and changing the format of reports. A lab director will benefit from discussing these topics with the lab's customers and can use the input to make informed and educated decisions.

It can be particularly helpful to have a pre-existing CWG when a high profile event occurs, such as the discovery of a non-conformity in the laboratory. The existence of the CWG provides a logical place for the lab director to explain the problem and present possible avenues of remediation. The customers can provide the lab director with their input regarding how to proceed and can coordinate an approach to the issues. At the same time, prosecutors and police will receive timely notification of the problem, so they can assess its impact on past and pending cases and prosecutors can provide any required notification to the defense.

Backlog issues are also well suited for a CWG. Since a laboratory cannot test every piece of evidence in all cases, it is necessary to triage the work. The lab director should discuss triage protocols and strategies with its customers in light of the capacity of the laboratory. At these meetings, the police and prosecutors can describe their priorities and resolve logistical issues that can also contribute to backlogs. For example, in New York, enforcement of new gun possession legislation had led to an expectation to have DNA testing performed on all confiscated guns. The DNA lab management met with senior police and prosecutors to provide statistics on the likelihood of obtaining usable DNA profiles from guns and explained the difficulties of obtaining relevant suspect exemplars. Hearing this information, the police and prosecutors developed more restrictive

protocols for the submission of gun possession evidence that assisted the laboratory with triaging its work.

A CWG should consider meeting several times a year, so that there is a regular forum for getting together, whether or not an emergency exists. This allows for continuing education between the parties and permits relationships to be developed and maintained. There is great variety in the composition of public laboratories and their customers: some public laboratories are within police departments, others are not; some public laboratories provide testing for multiple prosecutor offices and police agencies, and some only for one; and some public laboratories are geographically close to their customers, and some are far away. All of these variables require different solutions to creating a CWG. However, with the use of conference calls and video technology, even the most distant customers can join in a meeting.

Forensic science is a critical part of a criminal investigation. A robust CWG is an important way to make sure that laboratories, prosecutors and police work together to assure that a public forensic laboratory contributes reliable forensic testing that will benefit the criminal justice system as a whole.

¹ Nebraska State Patrol Crime Laboratory mission statement.

² On rare occasions, a public forensic laboratory may provide testing for the defense, usually pursuant to court order. These rare occasions do not render the defense a customer, especially given that the defense is not in charge of the investigation and may often be in an adversarial relationship with the laboratory and its testifying criminalists.