

## Purpose

This procedure is intended to provide clear guidance to the ethical conduct of staff at LSD&FC.

## Scope

This SOP applies to all technical personnel at LSDFC.

## Guidelines and Requirements

- ISO/IEC 17025: 2017 (E) Standards
- R104 - A2LA General Requirements – ISO/IEC 17025:2017 Accreditation of Field Testing and Field Calibration Laboratories.
- R103 – General Requirements: Proficiency testing for ISO/IEC 17025 Laboratories.
- R103a – Annex: Proficiency Testing for ISO/IEC 17025 Laboratories.
- P113- A2LA Policy on Measurement Traceability for Life Sciences Testing and Forensic Conformity Assessment Bodies (CABs).
- P113a – Policy on Reference Material Traceability for Life Sciences Testing Laboratories.

## Reference

- ASCLD/LAB Guiding Principles of Professional Responsibility for Crime Laboratories and Forensic Scientists.

## Definition

1. **Ethics** is defined as a set of moral principles of conduct governing an individual or group, that provides a guiding philosophy of moral importance.
2. **Code of conduct** is a set of rules which outlines the rules and responsibilities of an individual and of the organization and to inform the employee of the organizations expectations.

## LSD&FC Ethics & Code of Conduct

1. LSD&FC provides an atmosphere within the laboratory which actively encourages our staff to know, understand and follow ethical practices.

2. Members of the staff shall not engage in conduct which is harmful to our profession, including but not limited to, falsification, illegal activities, misrepresentation and distortion.
3. Forensic analysis of data shall yield conclusions which are supported by the results obtained during the scientific analysis.
4. Employees shall not be discriminated based on race, color, religion, national origin, age, disability or gender.
5. Employees shall not misrepresent his/her credentials in any professional capacity.
6. Employees shall not improperly disclose confidential information.
7. Employees shall not offer opinions or conclusions in testimony which are false and/or not supported by scientific data.
8. Employees shall report any unethical, illegal or scientifically questionable conduct of other employees or Managers to Management.
9. Management shall examine any allegation of ethics violation to determine if there is probable cause.
10. If the allegation lacks probable cause, a summary of the inquiry shall be documented by a memorandum stating the reasons for the lack of probable cause.
11. If upon examination, it is found that the allegation has violated the code of ethics, a memorandum shall be drafted summarizing the evaluation and an inquiry to gather further information shall be performed.
12. If after investigation, it is determined that the alleged ethics violation is unfounded and should be dismissed, a memorandum shall be drafted summarizing the results of the inquiry.
13. If the investigation finds the violation to be of unethical conduct, the individual may, depending on the severity of the misconduct, undergo disciplinary action, perform additional training, be suspended or may be dismissed.

## Ethics & Code of Conduct Overview

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1. This procedure is intended to provide clear guidance to the ethical conduct of staff at LSD&FC.
2. It is not to be interpreted that these principles are absolute laws or that they are all-inclusive.
3. They, however, represent general standards that each LSD&FC staff member should strive to meet
4. It is to be understood that each case is unique and may vary, just as does the evidence examination and analyses conducted. No set of guidelines or rules will precisely fit every case scenario.
5. At the same time, the fundamentals set forth in this Code are to be regarded as indicating, to a considerable extent, the conduct requirements expected of members of the profession and of the LSD&FC laboratory.

6. The failure to meet or maintain these standards will justifiably cast uncertainty upon an individual's ability to perform forensic work.
7. Serious or repeated breaches of these principles may be regarded as inconsistent with the mission of the LSD&FC laboratory.
8. **Forensic Examination** is centered around accurate examination, analysis, interpretation, and presentation of findings in court. It involves the application of principles, techniques, and methods of forensic science, and has, as its primary objective, a determination of results which may be significant in legal cases.
9. It is the duty of any person performing forensic analysis to serve the interests of justice to the best of his or her ability at all times.
10. In fulfilling this duty, he or she will use all of the scientific means within the laboratory methods to ascertain all of the significant physical facts relative to the matters under investigation.
11. Having made factual determinations, the analyst must then interpret and evaluate their findings. The analysis and findings will be guided by experience and knowledge which, coupled with a review of the analytical findings and the application of sound judgment, may enable the analyst to arrive at opinions and conclusions pertaining to the matters under study.
12. These findings of fact, interpretations and conclusions should then be reported, with all the accuracy and skill of which the analyst is qualified, to the end that all may fully understand and be able to place the findings in their proper relationship to the question at issue.
13. In carrying out these analyses, the analyst will be guided by those practices and procedures which are generally recognized within the profession to be consistent with a high level of professional ethics.
14. The motives, methods, and actions of the analyst shall be consistent at all times with proper ethics and conduct.

## Ethics Related to Scientific Methods

1. The Forensic examination and analyses shall be conducted through logical, unbiased analysis.
2. The examination will adequately represent the analysis, results and interpretation of evidentiary and reference materials, applying those methods essential to make the appropriate conclusions.
3. All scientific analyses will be properly documented and the conclusions in case work shall be based upon the examinations conducted.
4. A proper scientific method demands reliability of validity in the materials analyzed. Conclusions will not be drawn from materials which themselves appear unrepresentative, atypical, or unreliable.

5. A truly scientific method requires that no generally discredited or unreliable procedure be utilized in the analysis.
6. The Forensic caseworker shall keep abreast of new scientific methods being developed and, in all cases, view them with an open mind. This is not to say that one need not be critical of untried or unproved methods, but will recognize superior methods, if and when, they are introduced.

### Ethics Related to Interpretation, Conclusions & Opinions

1. Valid conclusions shall be based on validated methods. Where it is practical to do so, the forensic examinations conducted will apply such methods throughout.
2. Forensic procedure methods are designed to disclose facts and all interpretations shall be consistent with that purpose and will not be knowingly biased.
3. Where appropriate to the correct interpretation of a test, method controls shall be made utilized for verification.
4. Where possible, the conclusions reached as a result of analytical tests shall be properly verified by the analysis of the controls and results.
5. Where test results are inconclusive or indefinite, any conclusions drawn shall be fully explained.
6. The scientific views shall be unbiased and not be swayed by evidence or matters outside the specific materials under consideration. The forensic casework examination shall be immune to prompting, demands, and pressures inconsistent with the evidence at hand. The forensic caseworker shall only be interested in ascertaining the facts.
7. Scientific analysis demands that the individual be aware of one's own limitations and refuse to extend one's self beyond qualification.
8. Forensic caseworkers shall be aware of the implications of their opinions and conclusions and be prepared to weigh them, if called upon to do so. In any such case, however, they will clearly distinguish between that which may be regarded as scientifically demonstrated fact and that which is hypothetical.

### Ethics Related to Expert Witness Testimony

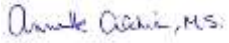
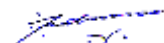
1. The Expert Witness is one who has substantially greater knowledge of a given subject or science than the layperson.
2. An expert opinion is properly defined as the formal opinion of an expert and is derived from a formal evaluation of a subject within the expert's knowledge and experience.
3. An expert conducting themselves ethically does not take advantage of the privilege to express opinions by offering opinions on matters within his or her field of qualification to which he or she has not given formal consideration.

4. The Forensic expert witness will not take advantage of the opportunity to assign greater significance to an interpretation than is justified by the available data.
5. The forensic expert shall take care not to leave false impressions in the minds of the Judge, Attorneys, Jurors or the Court.
6. In all respects, the Forensic Expert will avoid the use of terms, and opinions which will be assigned greater weight than are due them.
7. Where an opinion requires qualification or explanation, it is not only proper but incumbent upon the Expert Witness to offer such qualification.
8. The Expert Witness shall keep in mind that the lay juror is apt to assign greater or less significance to ordinary words of a Forensic Expert than to the same words when used by a lay witness. The Expert Witness, therefore shall avoid such terms that may be misconstrued or misunderstood.
9. It is not the object of the Forensic Experts appearance in court to present only that evidence which supports the view of the side (prosecution or defense) to which he or she was requested to provide testimony. The forensic expert has a moral obligation to see to it that the court accurately understands the evidence and to present it in a neutral manner.
10. The Forensic Expert will not by implication, knowingly or intentionally, assist the contestants in a case through such tactics as will implant a false impression in the minds of the jury.
11. The Forensic Expert, testifying as an expert witness, will make every effort to use understandable language while presenting explanations and demonstrations in order that the jury will obtain a true and valid understanding of the testimony.
12. The use of vague, misleading, convoluted, or complicated language with a view of confusing an issue in the minds of the court or jury is unethical.
13. The witness will answer all questions in a clear, straight-forward manner and will refuse to extend his or her responses beyond their field of expertise.
14. Where the expert must prepare visual and/or background information to the jury in respect to a specific type of analytic method, this information shall be reliable and valid, typifying the usual or normal basis for the method. The instructional material shall be of a level that will provide the jury with a proper basis for evaluating the subsequent evidence presentations, and not such as would provide them with a lower standard than the science demands.
15. Any and all visual displays shall be made according to acceptable practice, and shall not be intentionally altered or distorted with a view to misleading court or jury.
16. By way of conveying information to the court, it is appropriate that any of a variety of demonstrative materials and methods be utilized by the expert witness.
17. Such methods and materials shall not, however, be unjustifiably dramatic.

## Ethics Related to General Practice

1. It is appropriate to set a reasonable fee for expert witness and consultative services.
2. No services shall ever be rendered on a contingency fee basis.
3. It shall be regarded as ethical for one forensic analyst to re-examine evidence materials previously submitted to, or examined by, another. Where a difference of opinion arises, however, as to the significance of the evidence or to test results, it is in the interest of the profession that every effort be made by both analysts to resolve their conflict prior to the case going to trial.
4. Generally, the principle of "attorney-client" relationship is considered to apply to the work of a scientific evidence consultant, except in a situation where a miscarriage of justice might occur. Justice shall be the guiding principle.
5. It shall be ethical for a forensic expert to provide consultation to an attorney in an advisory capacity regarding the questioning of another expert who may be presenting testimony. This service must be performed in good faith and not maliciously. The consultative purpose shall be to prevent incompetent testimony, not to impede justice.

## Procedure Review, Sign Off & Effective Date

<b>Procedure History</b>			
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<b>Author</b>		<b>Date</b>	
Shelley Johnson, MFS		September 1, 2017	
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Date	Reviewed & Approved by	Title	
10/15/19		Annette Alchin, MS Director, DNA Technical Leader	
10/15/19		Richard I. Somiari, PhD Center Director	
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Date	Reason for Revision	Reviser	Version being changed
10/15/19	Updated Guidelines & Requirements Made administrative changes Removed Review History	Lanre Banjo	v2.0