

QUESTIONS FOR COMMISSIONS

- How/where is the oversight body situated in state government?
- Is the oversight body funded? If so, how?
- Is the oversight body staffed? Describe.
- Are members compensated? Describe.
- Are members covered by liability insurance, or do they have other protections from liability?
- How long did it take to create the oversight body (i.e., from the idea to the practice)?
- Does the oversight body act as a recipient and conduit of Coverdell funding? How does the process work?
- Does the oversight body conduct investigations into allegations of malfeasance in laboratories? How does the investigation process work? Does the oversight body act as a clearinghouse and “farm out” the investigation, or is it conducted by the oversight body itself?
- What factors and/or obstacles were considered or faced in forming the oversight body?
- How did the creation of the oversight body come about?
- How long did it take for the oversight body to go from an idea to reality?
- Was there a single event that triggered the creation of the oversight body? Describe?
- What is the source of authority for the oversight body? Is there a mechanism to enforce mandates, or do voluntary incentives exist?
- If the oversight body project were to begin today, what would be done differently?
- Does the oversight body have a formal mission statement?
- How does the oversight body facilitate the standardization of services or appropriate allocation of resources across all the labs to make sure each lab meets the additional requirements the oversight committee may require?
- Does the oversight body require its own certification of scientists or does it rely on established certification bodies (ABC, IAI, etc.)?
- Does the oversight body have any significant influence on the state legislature to obtain additional funds or resources for the forensic laboratories?
- Is there a formal mechanism in place for individual labs or organizations to communicate directly with the oversight body? Are there routine periodic meetings between lab

directors and the oversight body? How does the oversight body communicate its requirements with the labs?

- Does the oversight body develop its requirements to prevent conflict or redundancy with accreditation standards?
- When the oversight body mandates some change in a laboratory, do they fund the change?
- In conducting "oversight" does the oversight body concern itself with quality assurance issues? Specifically, does it review corrective actions? If the answer is "yes," does that mean the oversight body also involves itself in personnel matters since a corrective action can lead to dealing with an employee's performance?
- How does the oversight body deal with the rights of the employee that are part of his or her negotiated benefits? Stated otherwise, personnel actions follow a prescribed procedure that does not currently include commission oversight or responsibility; how are the rights of the employee and the oversight body reconciled?
- Does the oversight body involve itself in matters of discovery? For example, does the oversight body arbitrate what portions of a file are provided upon request? The reason for the question of course is that so much depends upon local judicial culture; yet the idea of an oversight body suggests uniformity and consistency.
- Does the oversight body concern itself with questions of scientific method or opinion? Does it establish uniform methods of analyzing an evidentiary sample? Does it set standards as to when an opinion may be rendered on types of evidence? For example, is there a requirement of statewide consistency as to when someone is "under the influence" or when a DNA or fingerprint comparison becomes a "match"?
- Is the oversight body involved directly with the laboratory's accreditation process (ASCLD/LAB, FQS-I, etc?) How so?
- Is the oversight body involved with the day to day operation of the laboratories, ie, approving procedures, developing budgets, acting as an independent external investigation body where any complaints or allegations of serious negligence or misconduct substantially affecting the integrity of the forensic results committed by employees or contractors of any forensic laboratory system, medical examiner's office, coroner's office, law enforcement storage facility, or medical facility in the state that receives grant funding?.
- Is there state statute that lends authority to the oversight body rulings?
- Are considerations of how forensic science resources distributed within the state part of the oversight body purview?
- Who appoints the oversight body and what is their term? What are their prerequisites for appointment?

- What kind of legislation is in place that provides the oversight body authority over the lab's parent agency, it's county/city policies, collective bargaining agreements (MOUs) etc. as it relates to administrative or criminal inquiries related to misconduct or negligence?
- What statistical data do you have that demonstrates a change in the quality of forensic science testing, when comparing before and after the establishment of a oversight body?
- How has the outcome of disciplinary procedures against forensic scientists changed when compared to before and after the establishment of the oversight body?
- Does the oversight body have jurisdiction over all forensic practitioners residing in, employed in or testifying in the jurisdiction? Does this include private practitioners?
- What code of ethics governs the rulings of the oversight body?
- Did the establishment of a oversight body have any effect (increase or decrease) in the number of post-conviction DNA testing requests which were granted or denied?
- What funding source does your jurisdiction use to pay for the activities of the oversight body?
- How is misconduct by the oversight body defined? How are members of the oversight body removed for misconduct?
- What is the individual's process/ability to contact the body to express concern about a laboratory's activities or to directly report a problem?