

ASCLD/LAB's Position on Reporting of Blood Screening Tests in the 1980's and 1990's

The American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) is the oldest and most well known crime/forensic laboratory accrediting body in the world. ASCLD/LAB has been accrediting crime laboratories since 1982 and currently accredits 388 forensic laboratories which include most federal, state and local crime laboratories in the United States as well as forensic laboratories in five countries outside of the United States.

Before the first laboratories were accredited, ASCLD/LAB established four objectives to define the purposes and nature of the program. They are:

1. To improve the quality of laboratory services provided to the criminal justice system.
2. To develop and maintain criteria which may be used by a laboratory to assess its level of performance and to strengthen its operation.
3. To provide an independent, impartial, and objective system by which laboratories can benefit from a total operational review.
4. To offer to the general public and to users of laboratory services a means of identifying those laboratories which have demonstrated that they meet established standards.

It has been ASCLD/LAB's long standing practice not to publicly comment on issues related to laboratories which it accredits. In recent months, however, ASCLD/LAB has been the subject of criticism from certain media outlets based on allegations of problems at some of its accredited laboratories. Reports have alleged that because ASCLD/LAB is the accrediting body, we have somehow failed to identify problems and should be held responsible. These allegations have become so widely disseminated that many of our accredited laboratories have encouraged ASCLD/LAB to issue a response.

ASCLD/LAB has investigated an allegation that laboratory reports issued by forensic serologists in one of our accredited laboratories are inaccurate, misleading and intended to hide exculpatory information.

The results of ASCLD/LAB's investigation show:

1. Reports and case records reviewed by ASCLD/LAB, concerning the results of screening tests for blood performed by forensic serologists in that laboratory during the 1980's and 1990's, were supported by the examination documentation generated by the analysts.
2. In each inspection of that laboratory, conducted during the 1980's and 90's, the inspection team included one or more competent forensic biologists from outside of that state who reviewed reports containing the results of blood screening tests and found the reports to be in compliance with accreditation standards.
3. No evidence was found in the reviewed reports or case documentation that indicates any attempt to conceal the results of blood testing performed by analysts of that laboratory.

4. The wording of reports issued for blood screening test results was consistent with the wording commonly used by forensic laboratories in the United States during that era.
5. It was well known to forensic serologists that the Takayama test, which was widely used as a confirmatory test for blood, often and for a variety of reasons, produced false negative results.
6. While a positive Takayama test result confirmed the presence of blood, a negative Takayama test did not prove the absence of blood.
7. The various wording formats such as “screening tests indicated the presence of blood” which were commonly used when positive screening tests were followed by a negative Takayama test, were believed to convey to a reader an unconfirmed indication of the presence of blood.

Although ASCLD/LAB did not and does not find that the reporting of blood testing results by many forensic laboratories during that era was erroneous or intended to conceal any relevant information, ASCLD/LAB has continued to strive for greater clarity and transparency in reports issued by forensic laboratories.

Science and methodology change over time and what has been acceptable in one era, may not be as acceptable at a later date with new technology. The development of DNA profiling, as a powerful forensic tool, is one example of how advanced technology has increased the capability of crime laboratories to make more definitive statements concerning blood testing.

As an indication of ASCLD/LAB’s desire to improve reporting clarity, a March 2000 ASCLD/LAB newsletter stated “Scientific procedures used must be appropriate and generally accepted to support the conclusions reported. When the procedures used in examination are presumptive tests, the conclusions reported must be consistent with those examinations and include appropriate qualifiers of limitations of the scope of the examination.”

Again, in 2005, ASCLD/LAB issued a new standard which reads “**Written reports must be generated for all analytical work performed on evidence by the laboratory and must contain the conclusions and opinions that address the purpose for which the analytical work was undertaken. The significance of associations made must be communicated clearly and qualified properly.**”

ASCLD/LAB remains committed to its original objectives and believes that its continuously evolving accreditation program has been the single most important factor in improving the quality of forensic services provided to the criminal justice system nationwide.

Just as a physical examination and a good report from your doctor does not guarantee that you will not have any further health issues, an accreditation certificate from ASCLD/LAB or any other accrediting body does not guarantee no further issues will arise.

The purpose of an ASCLD/LAB accreditation assessment is to ensure that the laboratory has in place and is operating under a quality management system that includes: (1) scientifically validated and accepted operational and technical procedures; (2) documentation that all of its personnel have been properly trained, competency tested and proficiency tested, and are fully

qualified to perform the forensic duties assigned to them before assuming any casework responsibilities; (3) a system to routinely monitor its reports through competent technical review to ensure that the reported results are supportable by examination records and a system of routinely monitoring the testimony of its personnel to ensure that testimony is within the constraints of scientific knowledge; and (4) that the laboratory has operational procedures that will ensure that all evidence is properly identified and tracked in a manner that protects the evidence from loss, cross-transfer, contamination and or deleterious change.

It is not possible for any accrediting body to review all of the work of a laboratory but a sampling of the work of all analysts is reviewed to ensure that the laboratory's procedures are being followed and that reported conclusions are supportable by the documentation in the case records.

An ASCLD/LAB accredited laboratory is required to have a procedure which it follows to take appropriate corrective actions, if there is an indication of a problem with one of its technical procedures or with the work of an analyst.

Mistakes can and do occur in every profession including forensic science. However mistakes are far less likely to occur and much more likely to be detected when laboratories operate under a quality system as is required for ASCLD/LAB accreditation and when laboratories rigorously adhere to the accreditation standards.

The ASCLD/LAB Board of Directors