

## **Laboratory Policy on Ethics and Conduct**

- 1.0 Purpose** – This document provides guidance on the ethical standards and responsibilities for all personnel assigned to the State Crime Laboratory (Laboratory).
- 2.0 Scope** – These standards apply to all Laboratory personnel.
- 3.0 Code of Conduct**
- 3.1** Prior to employment, and in order to remain in good standing, all Laboratory employees must be of sound moral character, exhibit integrity and honesty, and exhibit a high level of ethical repute.
  - 3.2** Laboratory employees shall conduct themselves, in both their private and professional lives, in such a manner as to reflect most favorably upon the Department of Justice and the Laboratory.
  - 3.3** Every Laboratory employee shall read, acknowledge and adhere to the Laboratory's Policy on Ethics and Conduct.
  - 3.4** The Laboratory Code of Conduct, as set forth in this policy, shall govern the official and unofficial actions of each employee, whether the status is sworn, non-sworn, on-duty, or off-duty.
  - 3.5** Laboratory employees shall not engage in conduct which is contrary to the intent and purpose of Laboratory policies or goals, or which would reflect adversely upon the Laboratory or its employees. This includes all unlawful acts, but also all acts, which although not unlawful, would degrade or bring disrespect upon the employee or Laboratory.
  - 3.6** Laboratory employees shall be respectful, courteous, and impartial when dealing with the public and other employees.
  - 3.7** Laboratory employees shall not use coarse, violent, profane, derogatory, or insolent language or gestures and shall not express maliciously any prejudice concerning race, religion, politics, sex, or national origin.
  - 3.8** Laboratory employees are encouraged to bear in mind the sensitivity of others and should refrain from making remarks that may be offensive to others even though the remarks are not meant to be malicious.
  - 3.9** Laboratory employees shall not make derogatory remarks against the character, reputation, integrity, intelligence, ability, or efficiency of the Laboratory or any of its employees to anyone other than the appropriate Supervisor, Manager, Assistant Director, or Director. An employee making such remarks shall provide substantiating facts.
  - 3.10** The Laboratory has adopted the Guiding Principles of Professional Responsibility for Forensic Science Providers and Forensic Personnel (see Appendix A) as its code of ethics. These principles apply not only to the Forensic Scientist and Laboratory Manager, but to all Laboratory personnel to the extent allowed by their job description and position.
  - 3.11** The Forensic Scientist Manager or Supervisor shall ensure that all Laboratory personnel read and acknowledge the Guiding Principles of Professional Responsibility for Forensic Science Providers and Forensic Personnel annually.

### **3.12 Acknowledgement**

**3.12.1** This acknowledgement shall be documented.

## **4.0 Ethics Training**

**4.1** Application of ethical practices in forensic science is a crucial part of the training provided to newly-hired Forensic Scientists. Training shall be provided during completion of the Forensic Scientist Academy.

### **4.2 Acknowledgement**

**4.2.1** All ethics training shall be documented.

## **5.0 Compliance with the Laboratory Policy on Ethics and Conduct**

**5.1** Employees shall comply with all the rules, regulations, directives, and policies adopted by the Laboratory. Ignorance of rules, regulations, directives, and policies shall not justify non-compliance.

**5.2** Employees who fail to comply with all the rules, regulations, directives, and policies adopted by the Laboratory shall be subject to disciplinary action according to Department of Justice and Laboratory policies and procedures, as well as the State Human Resources Manual.

**5.3** An employee that observes a potential ethical violation shall notify his or her direct supervisor. The name of the employee reporting the violation shall remain confidential. No punitive action will be administered to an employee in retaliation for reporting a potential ethical violation.

**5.4** Based on the ethics violation, additional action may be required.

**5.4.1** If the ethics violation originates as an outside complaint, a Quality Assurance Record may be initiated in accordance with the Laboratory Procedure for Complaints.

**5.4.2** If the ethics violation concerns the Quality System, a Corrective Action may be initiated. See the Laboratory Procedure for Corrective Action and Non-Conformities.

**5.4.3** If it is determined that a violation of Laboratory Policy may have occurred, the Forensic Scientist Manger shall notify, via memo, the Laboratory Director within 2 business days.

## **6.0 Conformance with Laws**

**6.1** Each employee shall obey the laws of the United States, as well as the laws of North Carolina and local jurisdictions. If the evidence revealed by an investigation indicates that it is more likely than not that an employee has knowingly committed an act(s) which constitutes a violation of civil or criminal law or ordinance, then the employee may be deemed to have violated this subsection irrespective of prosecution or judicial verdict.

## **7.0 Employee/Close Association Arrest and/or Conviction**

**7.1** An employee shall notify his or her direct supervisor within 24 hours upon the occurrence of any of the following:

**7.1.1** The employee has been arrested or otherwise charged with a crime, or the employee has reason to believe that he or she may be a suspect in a criminal investigation.

**7.1.2** The employee knows that his or her immediate family or household member has been arrested or otherwise charged with a crime, or the employee has reason to believe that such person may be a suspect in a criminal investigation.

**7.1.3** The employee has been convicted of a crime or knows or has reason to believe that his or her immediate family or household member has been convicted of a crime.

**7.2** The direct supervisor shall notify those in the chain of command.

**7.3** The employee shall set forth, in writing, all known circumstances concerning the arrest and/or investigation.

## **8.0 Associations**

**8.1** Except as necessary for the performance of official duties, employees shall avoid associations or dealings with persons they know, or should know, are racketeers; sexual offenders; suspected felons; under criminal investigation or indictment; or have a reputation in the community for present involvement in felonious or criminal behavior.

## **9.0 Personal Involvement in Investigations**

**9.1** Laboratory employees shall not perform any analysis or investigation in a case in which they or their immediate family, or close personal friends, are involved (e.g., as suspects, witnesses, victims, etc.), without the knowledge and approval of his or her immediate supervisor.

## **10.0 Personal Appearance**

**10.1** All Laboratory employees shall maintain a neat, well-groomed appearance while at work.

**10.2** Personal hygiene and appearance shall not adversely affect normal operations and/or employees of the Laboratory.

**10.3** Employees shall abide by the following guidelines:

### **10.3.1 Hair Styles**

**10.3.1.1** Hair must be neat, trimmed, combed, and clean.

**10.3.1.2** Hair must not be styled in such a manner as to hinder the effective use of gas masks, hearing protectors, and other headgear designed for individual safety.

**10.3.1.3** Wigs and hairpieces must conform to the above guidelines.

### **10.3.2 Tattoos, Brands and Piercings**

- 10.3.2.1** Tattoos or brands cannot be visible on the head, face, chest or neck.
- 10.3.2.2** Visible tattoos or brands cannot be vulgar, indecent, sexist, racist, or incite sexual thoughts.
- 10.3.2.3** Tattoos that do not meet the above specifications must be covered by clothing that meets the guidelines of this directive, tattoo-covering makeup consistent with the employee's skin tone or by an approved "Tat-Jacket." Any other method for covering tattoos must be approved by the Laboratory Director. These items must be purchased at the employee's expense.
- 10.3.2.4** Piercings shall be limited to the ears. No other piercings (including, but not limited to, nose, lip, brow, tongue, neck) shall be displayed while working.

### **10.3.3 Dress Code**

- 10.3.3.1** Employees, while at work, shall dress according to individual taste but in a manner which will promote/enhance a professional image of the Laboratory. Attire shall be clean, neat, and not propose or portray attitudes or ideas inconsistent with the standards of the Laboratory.
- 10.3.3.2** When attending court, meeting with the public or other members of the criminal justice community or otherwise appearing before a group of individuals as a spokesperson for the Laboratory, employees shall dress in business attire. Business attire is defined as follows:
  - 10.3.3.2.1** A conservatively designed dress, suit, skirt and blouse, or coordinating dress pants and jacket, and footwear designed for dress wear.
  - 10.3.3.2.2** A conservatively designed suit or conservatively designed and coordinating sport coat and dress slacks, dress shirt and tie, and clean/shined dress shoes.
- 10.3.3.3** When participating as an attendee in training courses/conferences with no likelihood of attending court, conducting interviews, meeting with the public or other members of the criminal justice community, or otherwise appearing before a group of individuals as a spokesperson for the Laboratory, employees may dress in business casual as described below:
  - 10.3.3.3.1** A conservatively designed dress, skirt, blouse/shirt, dress slacks with leg length at the ankle, khakis, and footwear designed for dress purposes.
  - 10.3.3.3.2** Khakis, dress slacks, collared shirt, and footwear designed for dress purposes.

- 10.3.3.4** Casual attire, including smocks/scrubs, will be allowed at all other times. Pants/slacks with leg length above ankles will be permitted. Athletic type footwear will be permitted.
- 10.3.3.5** Any time an employee is dressed in business casual or casual attire as outlined, they shall have available appropriate clothing to allow them to meet the requirements of business attire should a change of circumstances dictate.
- 10.3.3.6** When engaged in crime scene searches or related training, employees may wear authorized utility clothing in lieu of appropriate attire as outlined in the preceding paragraphs.
- 10.3.3.7** The following attire shall be PROHIBITED:
  - 10.3.3.7.1** Clothing which induces ridicule or is offensive.
  - 10.3.3.7.2** Clothing which shows excessive wear or has faded or washed out appearance.
  - 10.3.3.7.3** Dress/skirt with hemline 3” inches or more above the knees.
  - 10.3.3.7.4** “Flip flop” type footwear.
  - 10.3.3.7.5** Bedroom type footwear.
  - 10.3.3.7.6** Clothing designed for athletic activity.
  - 10.3.3.7.7** Tank tops.
  - 10.3.3.7.8** Clothing which is designed to reveal the midriff.
- 10.3.3.8** Management may prohibit or allow other articles of clothing on a case-by-case basis.

## **11.0 Records**

- Annual employee acknowledgement of Guiding Principles of Professional Responsibility for Forensic Science Providers and Forensic Personnel
- Documentation of ethics training

## **12.0 Attachments**

- Appendix A: GUIDING PRINCIPLES OF PROFESSIONAL RESPONSIBILITY FOR FORENSIC SCIENCE PROVIDERS AND FORENSIC PERSONNEL

Revision History		
Effective Date	Version Number	Reason
05/01/2020	5	3.0, 11.0, and Attachment A – Removed employee pledge 7.1 – updated notification timeframe to 24 hours 10.0 – updated dress code requirements Appendix A – added Guiding Principles

## APPENDIX A

### GUIDING PRINCIPLES OF PROFESSIONAL RESPONSIBILITY FOR FORENSIC SCIENCE PROVIDERS AND FORENSIC PERSONNEL

*"If the law has made you a witness,  
Remain a man of science.  
You have no victim to avenge,  
No guilty or innocent person to convict or save --  
You must bear testimony within the limits of science."  
Dr. P.C.H. Brouardel  
19th Century French Medico-legalist*

#### **Preamble**

These Guiding Principles are written specifically for forensic personnel, including management. The concepts presented here have been drawn from other professional codes and suggestions made by leaders in the forensic community.<sup>i</sup> The Guiding Principles have been vetted<sup>ii</sup> and adopted with the hope that forensic management will use them in training sessions, performance evaluations, disciplinary decisions, and as guides in other management decisions. It is also important that all forensic personnel are equally aware of these Guiding Principles and incorporate the principles into their daily work.

These Guiding Principles provide a framework for describing ethical and professional responsibilities in the forensic community. While not all inclusive, they describe key areas and provide some specific rules to supplement existing codes of ethics adopted by professional organizations and individual forensic service providers. The Guiding Principles are designed to promote integrity among practitioners, and to increase public confidence in the quality of forensic services, whether or not the forensic service provider is accredited by any accrediting body.

Many of the ASCLD Guidelines for Forensic Laboratory Management Practices, have been incorporated into accreditation requirements. Those practices provide for management support of the guiding principles set forth below and are intended to create a culture of ethical behavior and professional responsibility within the forensic workplace. The ASCLD practices should be implemented and followed to give practical meaning to the Guiding Principles of Professional Responsibility for Forensic Service Providers and Forensic Personnel.

#### **Professionalism**

Ethical and professionally responsible forensic personnel . . .

1. Are independent, impartial, detached, and objective, approaching all examinations with due diligence and an open mind.
2. Conduct full and fair examinations. Conclusions are based on the evidence and reference material relevant to the evidence, not on extraneous information, political pressure, or other outside influences.
3. Are aware of their limitations and only render conclusions that are within their area of expertise and about matters which they have given formal consideration.
4. Honestly communicate with all parties (the investigator, prosecutor, defense, and other expert witnesses) about all information relating to their analyses, when communications are permitted by law and agency practice.
5. Report to the appropriate legal or administrative authorities unethical, illegal, or scientifically questionable conduct of other laboratory employees or managers. Laboratory management will take appropriate action if there is potential for, or there has been, a miscarriage of justice due to circumstances that have come to light, incompetent practice or malpractice.
6. Report conflicts between their ethical/professional responsibilities and applicable agency policy, law, regulation, or other legal authority, and attempt to resolve them.
7. Do not accept or participate in any case on a contingency fee basis or in which they have any other personal or financial conflict of interest or an appearance of such a conflict.

### ***Competency and Proficiency***

Ethical and professionally responsible forensic personnel . . .

8. Are committed to career-long learning in the forensic disciplines which they practice and stay abreast of new equipment and techniques while guarding against the misuse of methods that have not been validated. Conclusions and opinions are based on generally accepted tests and procedures.
9. Are properly trained and determined to be competent through testing prior to undertaking the examination of the evidence.
10. Honestly, fairly and objectively administer and complete regularly scheduled:
  - relevant proficiency tests;
  - comprehensive technical reviews of examiners' work;
  - verifications of conclusions.
11. Give utmost care to the treatment of any samples or items of potential evidentiary value to avoid tampering, adulteration, loss or unnecessary consumption.
12. Use appropriate controls and standards when conducting examinations and analyses.

### ***Clear Communications***

Ethical and professionally responsible forensic personnel. . .

13. Accurately represent their education, training, experience, and area of expertise.
14. Present accurate and complete data in reports, testimony, publications and oral presentations.
15. Make and retain full, contemporaneous, clear and accurate records of all examinations and tests conducted, and conclusions drawn, in sufficient detail to allow meaningful review and assessment of the conclusions by an independent person competent in the field. Reports are prepared in which facts, opinions and interpretations are clearly distinguishable, and which clearly describe limitations on the methods, interpretations and opinions presented.
16. Do not alter reports or other records, or withhold information from reports for strategic or tactical litigation advantage.
17. Support sound scientific techniques and practices and do not use their positions to pressure an examiner or technician to arrive at conclusions or results that are not supported by data.
18. Testify to results obtained and conclusions reached only when they have confidence that the opinions are based on good scientific principles and methods. Opinions are to be stated so as to be clear in their meaning. Wording should not be such that inferences may be drawn which are not valid, or that slant the opinion to a particular direction.
19. Attempt to qualify their responses while testifying when asked a question with the requirement that a simple "yes" or "no" answer be given, if answering "yes" or "no" would be misleading to the judge or the jury.

<sup>i</sup>The term "forensic scientist" is used throughout this document. These Guiding Principles are meant to apply to all laboratory personnel, including technical support personnel and others who assist forensic scientists in their work.

<sup>ii</sup>The materials from which the concepts embodied in these Guiding Principles have been drawn include:

- a. ASCLD Guidelines for Forensic Laboratory Management Practices. <http://asclد.org/files/library/labmgtguide.pdf>.
- b. ASCLD Code of Ethics. <http://asclد.org/files/library/Code%20of%20Ethics.pdf>
- c. American Academy of Forensic Sciences Code of Ethics and Conduct. [www.aafs.org](http://www.aafs.org).
- d. The Code of Ethics of the California Association of Criminalistics. [www.cacnews.org](http://www.cacnews.org).
- e. The Code of Ethics of the Midwestern Association of Forensic Scientists, Incorporated. [www.mafs.net](http://www.mafs.net).
- f. Schroeder, O. C., "Ethical and Moral Dilemmas Confronting Forensic Scientists," Journal of Forensic Sciences. Vol. 29, No. 4, Oct. 1984, pp. 966-986.
- g. Lucas, D. M., "The Ethical Responsibilities of the Forensic Scientist: Exploring the Limits," Journal of Forensic



- Sciences. Vol. 34, No. 3, May 1989, pp. 719-729.
- h. Peterson, J. L., Murdock, J.E., "Forensic Science Ethics: Developing an Integrated System of Support and Enforcement," Journal of Forensic Sciences. Vol. 34, No.3, May 1989, pp. 749-762.
  - i. Saks, M. J., "Prevalence and Impact of Ethical Problems in Forensic Science," Journal of Forensic Sciences. Vol. 34, No.3, May 1989, pp. 772-793.
  - j. Starrs, J.E., "The Ethical Obligations of the Forensic Scientist in the Criminal Justice System," Journal of the Association of Official Analytical Chemists. Vol. 54, 1971, pp. 906-914.

<sup>iii</sup>The draft of this document was distributed to thirty (30) forensic science organizations and several legal commentators for comment. The comments received were considered and many suggestions incorporated into the final version.