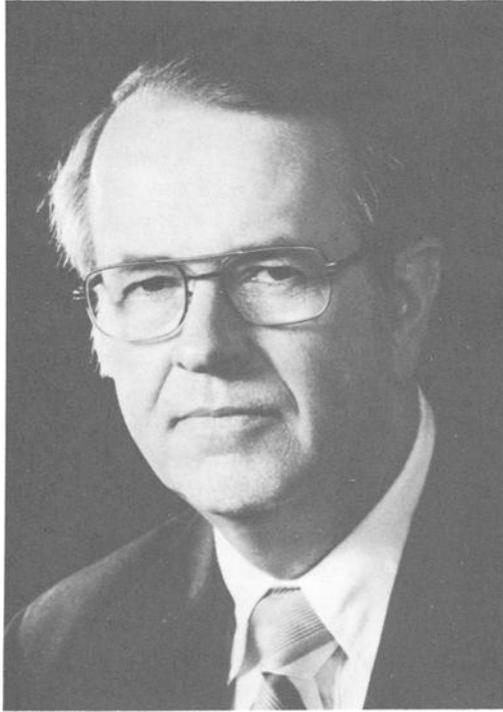


GUEST EDITORIAL



*Don Harper Mills, M.D., J.D.
President, American Academy of Forensic Sciences*

Code of Ethics for the Academy

As professionals, members of the American Academy of Forensic Sciences have ethical obligations to their profession as well as to their clients, and it is the profession's responsibility to verbalize and enforce these obligations. Therefore, in 1976, the Academy undertook to research this function by polling its members concerning the desirability of a Code of Ethics and its contents. Ninety-one percent of respondents agreed to the need for a code applicable to all members, but the individual provisions were not so easily settled. In an effort to avoid far-reaching digressions that might dwell more on idealism than on pragmatic approaches, the Code of Ethics committee at that time agreed initially that any item in the Code of Ethics must satisfy all of the following four criteria: (1) it must be desirable, (2) it must be feasible, (3) it must be enforceable, and (4) it will be enforced.

With these criteria in mind, the committee then reviewed a list of items that had been submitted via the questionnaire. A number of them proved to be potential functions of the Academy rather than guidelines for ethical conduct. For instance, while sixty-three percent of the respondents felt strongly that there should be a mechanism for reviewing evidence and testimony when a legitimate documented concern arose that the evidence in the case was not properly handled, this does not establish a guideline for individual responsibility. It merely identifies a potential function of the Academy for review purposes. Forty-three percent of the respondents felt that there should be a mechanism for providing parallel consultation to individuals seeking advice before or during evidence examination or during its presentation in court. Again, this might be a function of the Academy, but not a guideline for a Code of Ethics. Fifty-three percent felt that there should be a provision for a mechanism to make forensic science expertise available when resources are limited. Notwithstanding the social benefits of such a goal, it does not establish an ethical guideline for our members.

There is always a concern about the potential existence of bias on the part of our members because of the employment relationships many of us have. Though 41% of the respondents felt that there should be a provision for the ultimate separation of all forensic science practitioners from direct control of any parties involved in litigation, such an ethical guideline is not feasible, even though desirable.

Only 29% of the respondents felt that the code should contain a provision which limits public statements of the members concerning controversial issues. The committee expressed a unanimous conclusion that such a proposition was neither desirable, feasible, nor enforceable. The Academy's Bylaws already has a section that prohibits members to speak on behalf of the Academy without prior approval of the governing board, but it was considered inappropriate to further restrict the rights of its members to disagree publicly.

Only two guidelines met all of the criteria. That only two were acceptable was of no great concern. It was felt that though a Code of Ethics for the Academy is a necessity, its development should not be hasty. Its further expansion could be a measure of future discussion. The two guidelines that were ultimately approved by the Academy in 1977 are as follows: (1) every member of the American Academy of Forensic Sciences shall refrain from any material misrepresentation of education, training, experience, or area of expertise, and (2) every member of the Academy of Forensic Sciences shall refrain from any material misrepresentation of data upon which an expert opinion or conclusion is based.

In 1986, the Bylaws Committee of the Academy recommended a restatement of the Code of Ethics to include these two provisions as well as the incorporation of two other provisions that were already within the Bylaws. Therefore, the proposed Code of Ethics is as follows:

As a means to promote the highest quality of professional and personal conduct of its members, the following constitutes the Code of Ethics which is endorsed and adhered to by all members of the American Academy of Forensic Sciences:

(A) Every member of the American Academy of Forensic Sciences shall refrain from exercising professional or personal conduct adverse to the best interests and purposes of the Academy; (B) every member of the American Academy of Forensic Sciences shall refrain from providing any material misrepresentation of education, training, experience, or area of expertise. Misrepresentation of one or more criteria for membership in the American Academy of Forensic Sciences shall constitute a violation of this section of the Code; (C) every member of the American Academy of Forensic Sciences shall refrain from providing any material misrepresentation of data upon which an expert opinion or conclusion is based; and (D) every member of the American Academy of Forensic Sciences shall refrain from issuing public statements which appear to represent the position of the Academy without specific authority first obtained from the Board of Directors.

These are elemental positions and appear to be desirable, feasible, enforceable, and they should be enforced. The Academy, as the profession, owes its members this obligation.

Since 1977, the Ethics Committee of the Academy has opened several dozen files on complaints received from various sources. This degree of activity indicates a high level of confidence on the part of Academy members in the Code of Ethics and in the manner by which this Committee carries out its function.

*Don Harper Mills, M.D., J.D.
Consultant Legal Medicine
Los Angeles, CA*