

The Code of Ethics of the Northwest Association of Forensic Scientists

The Northwest Association of Forensic Scientists (NWAFS) Code of Ethics was adopted during the annual NWAFS Business meeting on November 8th, 2007 in Salt Lake City, UT.

Preamble

This Code is intended as a guide to the ethical conduct of individual workers in the field of forensic science. It is not to be construed that these principles are immutable laws or that they are all-inclusive. Instead, they represent general standards which each worker should strive to meet. It is to be realized that each individual case may vary, just as does the evidence which the forensic scientist examines, and no set of guides or rules will precisely fit every occasion. 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 this Association. The failure to meet or maintain certain of these standards will justifiably cast doubt upon an individual's fitness for this type of work. Serious or repeated infractions of these principles may be regarded as inconsistent with membership in this Association. Forensic Science is that professional occupation concerned with the scientific analysis and examination of physical evidence, its interpretation, and its presentation in court. It involves the application of principles, techniques and methods of the physical sciences, and has as its primary objective a determination of physical facts which may be significant in legal cases.

It is the duty of any person practicing the profession of forensic science to serve the interests of justice to the best of their ability at all times. In fulfilling this duty, they will use all of the scientific means at their command to ascertain all of the significant physical facts relative to the matters under investigation. Having made factual determinations, the forensic scientist must then interpret and evaluate the findings. In this they will be guided by experience and knowledge which, coupled with a serious consideration of the analytical findings and the application of sound judgment, may enable them to arrive at opinions and conclusions pertaining to the matters under study. These findings of fact and the conclusions and opinions should then be reported, with all the accuracy and skill of which the scientist is capable, to the end that all may fully understand and be able to place the findings in their proper relationship to the problem at issue.

In carrying out these functions, the forensic scientist 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. The motives, methods, and actions of the forensic scientist shall at all times be above reproach, in good taste and consistent with proper moral conduct.

I. ETHICS RELATING TO THE SCIENTIFIC METHOD:

- A.** The forensic scientist has a truly scientific spirit and should be inquiring, progressive, logical and unbiased.
- B.** The true scientist will make adequate examination of all materials, applying those tests essential to proof. They will not, merely for the sake of bolstering their conclusions, utilize unwarranted and superfluous tests in an attempt to give apparent greater weight to the results.
- C.** The modern scientific mind is an open one, incompatible with secrecy of method. Scientific analyses will not be conducted by “secret process”, nor will conclusions in case work be based upon such tests and experiments as will not be revealed to the profession.
- D.** 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.
- E.** A truly scientific method requires that no generally discredited or unreliable procedure be utilized in the analysis.
- F.** The progressive worker will keep abreast of new developments in scientific methods and in all cases view them with an open mind. This is not to say that they need not be critical of untried or unproven methods, but they will recognize superior methods when they are introduced.

II. ETHICS RELATING TO OPINIONS AND CONCLUSIONS:

- A.** Valid conclusions call for the application of proven methods. Where it is practical to do so, the competent forensic scientist will apply such methods throughout. This does not demand the application of “standard test procedures”, but, where practical, use should be made of those methods developed and recognized by this or other professional societies.
- B.** Tests are designed to disclose true facts and all interpretations shall be consistent with that purpose and will not be knowingly distorted.
- C.** Where appropriate to the correct interpretation of a test, experimental controls shall be made for verification.
- D.** Where possible, the conclusions reached as a result of analytical tests are properly verified by re-testing or the application of additional techniques.
- E.** Where test results are inconclusive or indefinite, any conclusions drawn shall be fully explained.
- F.** The scientific mind is unbiased and refuses to be swayed by evidence or matters outside the specific materials under consideration. It is immune to suggestion, pressures and coercions inconsistent with the evidence at hand, being interested only in ascertaining facts.
- G.** The forensic scientist will be alert to recognize the significance of a test result as it may relate to the investigative aspects of a case. In this respect they will,

however, scrupulously avoid confusing scientific fact with investigative theory in their interpretations.

- H.** Scientific method demands that the individual be aware of their own limitations and refuse to extend themselves beyond them. It is both proper and advisable that the scientific worker seek knowledge in new fields; they will not, however, be hasty to apply such knowledge before they have had adequate training and experience.
- I.** Where test results are capable of being interpreted to the advantage of either side of a case, the forensic scientist will not choose that interpretation favoring the side by which they are employed merely as a means to justify their employment.
- J.** It is both wise and proper that the forensic scientist be aware of the various possible 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 a scientifically demonstrated fact and that which is speculative.

III. ETHICAL ASPECTS OF COURT PRESENTATION:

- A.** The expert witness is one who has substantially greater knowledge of a given subject or science than has the average person. An expert opinion is properly defined as “the formal opinion of an expert.” Ordinary opinion consists of one’s thoughts or beliefs on matters, generally unsupported by detailed analysis of the subject under consideration. Expert opinion is also defined as the considered opinion of an expert, or a formal judgment. It is to be understood that an “expert opinion” is an opinion derived only from a formal consideration of a subject within the expert’s knowledge and experience.
- B.** The ethical expert does not take advantage of the privilege to express opinions by offering opinions on matters within their field of qualification which they have not given formal consideration.
- C.** Regardless of legal definitions, the forensic scientist will realize that there are degrees of certainty represented under the single term of “expert opinion.” They will not take advantage of the general privilege to assign greater significance to an interpretation than is justified by the available data.
- D.** Where circumstances indicate it to be proper, the expert will not hesitate to indicate that while they have an opinion, derived of study, and judgment within their field, the opinion may lack the certainty of other opinions they might offer. By this or other means, they take care to leave no false impressions in the minds of the jurors or the court.
- E.** In all respects, the forensic scientist will avoid the use of terms and opinions which will be assigned greater weight than are due them. Where an opinion requires qualification or explanation, it is not only proper but incumbent upon the witness to offer such qualification.
- F.** The expert witness should keep in mind that the lay juror is apt to assign greater or less significance to ordinary words of a scientist than to the same words when used by a lay witness. The forensic scientist, therefore, will avoid such terms as may be misconstrued or misunderstood.

- G.** It is not the object of the forensic scientist's appearance in court to present only that evidence which supports the view of the side which employs them. They have a moral obligation to see to it that the court understands the evidence as it exists and to present it in an impartial manner.
- H.** The forensic scientist will not by implication, knowingly or intentionally, assist the contestants in a case through such tactics as will implant false impression in the minds of the jury.
- I.** The forensic scientist, testifying as an expert witness, will make every effort to use understandable language in their explanations and demonstrations in order that the jury will obtain a true and valid concept of the testimony. The use of unclear, misleading, circuitous or ambiguous language with a view of confusing an issue in the minds of the court or jury is unethical.
- J.** The forensic scientist will answer all questions put to them in a clear, straight forward manner and refuse to extend themselves beyond their field of competence.
- K.** Where the expert must prepare photographs or offer oral "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 that level which 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.
- L.** Any and all photographic displays shall be made according to acceptable practice, and shall not be intentionally altered or distorted with a view to misleading the court or jury.
- M.** 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. Such methods and materials shall not, however, be unduly sensational.

IV. ETHICS RELATING TO THE GENERAL PRACTICE OF FORENSICS:

- A.** Where the forensic scientist engages in private practice, it is appropriate that they set a reasonable fee for their services.
- B.** No services shall ever be rendered on a contingency fee basis.
- C.** It shall be regarded as ethical for one forensic scientist 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 before the case goes to trial.
- D.** Generally, the principle of "attorney-client" relationship is considered to apply to the work of a physical evidence consultant, except in a situation where a miscarriage of justice might occur. Justice should be the guiding principle.
- E.** It shall be ethical for one of this profession to serve an attorney in an advisory capacity regarding the interrogation of another expert who may be presenting

testimony. This service must be performed in good faith and not maliciously. Its purpose is to prevent incompetent testimony but not to thwart justice.

V. ETHICAL RESPONSIBILITIES TO THE PROFESSION:

In order to advance the profession of forensic science, to promote the purposes for which the Association was formed, and to encourage harmonious relationships between all forensic scientists, each examiner has an obligation to conduct themselves according to certain principles. These principles are no less matters of ethics than those outlined above. They differ primarily in being for the benefit of the profession rather than specific obligations to society. They, therefore, concern individuals and departments in their relationship with one another, business policies and similar matters.

- A.** It is in the interest of the profession that information concerning any new discoveries, developments or techniques applicable to the field of forensic science be made available to forensic scientists generally. A reasonable attempt should be made by any forensic scientist having knowledge of such developments to publicize or otherwise inform the profession of them.
- B.** Consistent with this and like objectives, it is expected that the attention of the profession will be directed toward any tests or methods in use which appear invalid or unreliable in order that they may be properly investigated.
- C.** In the interest of the profession, the individual forensic scientist should refrain from seeking publicity for himself or his accomplishments on specific cases. The preparation of papers for publication in appropriate media, however, is considered proper.
- D.** The forensic scientist shall discourage the association of their name with developments, publications or organizations in which they have played no significant part, merely as a means of gaining personal publicity or prestige.
- E.** The NWAFS has been organized primarily to encourage a free exchange of ideas and information between members. It is, therefore, incumbent upon each member to treat with due respect those statements and offerings made by their associates. It is appropriate that no member shall unnecessarily repeat statements or beliefs of another as expressed at NWAFS seminars.
- F.** It shall be ethical and proper for one forensic scientist to bring to the attention of the Association a violation of any of these ethical principles. Indeed, it shall be mandatory where it appears that a serious infraction or repeated violations have been committed and where other appropriate corrective measures, if pursued, have failed.
- G.** This Code may be used by any forensic scientist in justification of their conduct in a given case with the understanding that they will have the full support of this Association.