



# Maine State Police Crime Laboratory

## Professional Responsibility

### 1. **Scope**

The laboratory has developed this guide to provide a framework for describing moral, ethical and professional responsibilities expected by the Maine State Police Crime Laboratory. This guide has been developed from the *Guiding Principles of Professional Responsibility for Forensic Service Providers and Forensic Personnel* and the Maine State Police Code of Conduct. The elements of this guide are designed to endorse integrity among staff and to increase public confidence in the quality of laboratory services. All employees of the Maine State Police Crime Laboratory are expected to comply with the policies outlined.

### 2. **Professionalism and Impartiality**

- 2.1 Laboratory staff members are expected to remain independent, impartial, unbiased, objective and to approach all examinations with due diligence and an open mind.
- 2.2 Laboratory staff members are expected to conduct full and fair examinations. Conclusions will be based on evidence and reference material relevant to the evidence, not on extraneous information, political pressure or other outside influences.
- 2.3 Staff will be aware of their limitations and only render conclusions that are within their area of expertise and about matters which they have given formal consideration.
- 2.4 Staff will honestly communicate with all parties (the investigator, prosecutor, defense, and other expert witnesses) about all information relating to their analyses, when communications are appropriate. Staff will not communicate with defense attorneys or other defense experts until laboratory reports have been disseminated to the defense by way of discovery. A laboratory supervisor may speak to the defense at any time about the possibility of additional testing or testing of limited sample, taking care not to release information that could interfere with an investigation that is protected by law.
- 2.5 Staff will utilize ethical communication practices in dealing with other staff members as well as investigators, prosecutors, defense attorneys and other expert witnesses.
- 2.6 Staff will report to the management any 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. Documentation of management's action will be stored in Paradigm.
- 2.7 At a minimum, the laboratory shall identify any risks to its impartiality on an annual basis. If a risk to impartiality is identified, the laboratory will document how it eliminates or minimizes such risk.



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- 2.8 Staff will report conflicts between their ethical/professional responsibilities and applicable agency policy, law, regulation, or other legal authority, and attempt to resolve them with their supervisor and/or the quality manager or director.
- 2.9 Laboratory staff will not participate in any case where there is a personal or financial conflict of interest or an appearance of such a conflict.
- 2.10 Laboratory staff may not act as independent practitioners or expert witnesses.

### **3. Competency and Proficiency**

- 3.1 The Maine State Police Crime Laboratory will remain committed to providing opportunities for career-long learning in the forensic disciplines in which laboratory staff practice and to help staff stay abreast of new equipment and techniques.
- 3.2 Laboratory staff will strive to stay current with new equipment and techniques and will guard against the misuse of methods that have not been validated. Conclusions and opinions will be based on generally accepted tests and procedures.
- 3.3 Laboratory staff will be properly trained and determined to be competent through testing prior to undertaking the examination of the evidence. Staff will not conduct independent evidence examinations until proficiency testing has been successfully completed.
- 3.4 Laboratory staff members will honestly, fairly and objectively administer and complete regularly scheduled, proficiency tests, comprehensive technical reviews of examiners' work, and verifications of conclusions.
- 3.5 Laboratory staff will give utmost care to the treatment of any samples or items of potential evidentiary value to prevent tampering, adulteration, loss or unnecessary consumption.
- 3.6 Laboratory staff will use appropriate controls and standards when conducting examinations and analyses.

### **4. Clear Communications**

- 4.1 Laboratory staff will accurately represent their education, training, experience, and area of expertise.



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- 4.2 Laboratory staff will present accurate and complete data in reports, testimony, publications and oral presentations.
- 4.3 Laboratory staff will 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 will be prepared in which facts, opinions and interpretations are clearly distinguishable, and which clearly describe limitations on the methods, interpretations and opinions presented.
- 4.4 Laboratory staff will not alter reports or other records, or withhold information from reports for strategic or tactical litigation advantage.
- 4.5 Laboratory staff will use sound scientific techniques and practices and will not use their positions to pressure an examiner or technician to arrive at conclusions or results not supported by data.
- 4.6 Laboratory staff will testify to results obtained and conclusions reached only when they have confidence that the opinions are based on good scientific principles and methods. Opinions will be clearly stated.
- 4.7 Laboratory staff will 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.
- 5. **Moral Conduct and Confidentiality**
  - 5.1 At all times laboratory staff will behave in a manner that will not discredit or impugn the integrity of the Maine State Police Crime Laboratory.
  - 5.2 At all times laboratory staff members are expected to conduct themselves with dignity, maintain high moral character, and have intent to fulfill all financial obligations.
  - 5.3 Laboratory staff will treat all laboratory case related business of the Maine State Police as confidential.
  - 5.4 Laboratory staff will follow state and federal laws and regulations, as well as Maine State Police Crime laboratory policies.
  - 5.5 Laboratory staff will follow orders and instructions from supervisors, unless any such order or instruction is believed by the staff member to be unlawful, in which case the



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staff member should address the issue with the Quality Manager, the Laboratory Director or the Major of Support Services if applicable.

5.5.1 Disobedience or disregard of an ethical and lawful order or instruction from a supervisor may constitute grounds for disciplinary action.

### **6. Professional Responsibility**

- 6.1 Laboratory staff will not permit the use of a photograph that identifies the staff member as an employee of the Maine State Police Crime Laboratory in connection with any testimonial or advertisement, unless previously approved by the Colonel.
- 6.2 Laboratory staff will not authorize the use of the staff member's title, identification, or position with the Maine State Police Crime Laboratory in connection with any testimonial or advertisement, unless previously approved by the Colonel.
- 6.3 Laboratory staff will not solicit subscriptions or collect donations while representing the Maine State Police Crime Laboratory for any purpose, except as permitted by applicable law, and unless previously approved by the Colonel.
- 6.4 The general policy of the laboratory is that staff shall not be made available to testify in civil litigation-related proceedings given the considerable workload and core mission of the laboratory to process evidence relating to alleged criminal activity. Due to time constraints, obligations to criminal court proceedings and various conflicts of interest in current and ongoing criminal cases and investigations, laboratory personnel will only be allowed to participate in casework related civil proceedings with a court order.
- 6.5 Staff members will not sign any petition on behalf of the Maine State Police, unless previously approved by the Colonel.
- 6.6 Laboratory staff will not bring any intoxicating liquor or drugs into any building officially occupied by the Maine State Police, except in order of a physician for medical purposes; as evidence in an investigation; or when authorized by the Colonel.
- 6.7 Laboratory staff will not consume alcoholic beverages while on duty; will not operate a state-owned vehicle after consuming alcohol; report to work while under the influence of or impaired by drugs or alcohol; or consume any drug, narcotic, or other like substance, except as permitted by law or authorized by a licensed physician.
- 6.8 Staff will not be absent from work without authorization or otherwise abuse state leave policies.



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### 7. **Expectations**

- 7.1 This policy will be reviewed annually by all laboratory personnel.
- 7.2 All laboratory staff members are expected to comply with the policies outlined in this document.
- 7.3 This policy is the basis for the performance expectations outlined by laboratory supervisors. Non-fulfillment of this policy will be documented in annual performance evaluations.
- 7.4 Substantial non-compliance with this policy is grounds for investigation by the Office of Professional Standards and / or disciplinary action.