



Dear Commissioner:

The Scientific Working Group on Digital Evidence, the Scientific Working Group on Imaging Technology, and the Facial Identification Scientific Working Group would like to take this opportunity to congratulate you on your selection to the National Commission on Forensic Science (NCFS). The work you perform will have a significant effect on the criminal justice system in the United States and around the world for many years to come and we look forward to the opportunity to provide you assistance in this important task. To that end, we would like to introduce you to our groups and our efforts in the digital and multimedia evidence industry.

First, however, we would like to raise an issue regarding the future activities of the NCFS, specifically the process for including – or excluding – new and emerging forensic disciplines in the Commission’s work. It is important that you not only provide direction for existing forensic disciplines, but that you also establish policies for the recognition, development, and incorporation of new and emerging forensic disciplines. Without a proactive vision, the Commission could lose its relevancy over time. We are committed to seeing that the NCFS not only address the forensic issues of today, but be poised to take on the challenges of tomorrow.

You can start by addressing an immediate, critical challenge in this regard, specifically in relation to Digital Evidence forensics. To wit, the NCFS charter explicitly precludes the Commission from developing or recommending guidance for digital evidence. Given the fact that digital evidence is encountered in the vast majority of criminal and civil cases in our legal system, this exclusion is surprising and disappointing. This exclusion is particularly puzzling, given the widespread – and long-standing – recognition of digital evidence in the forensic community. The American Society of Crime Laboratory Directors Laboratory Accreditation Board (ASCLD/LAB) recognized digital evidence as forensic discipline subject to assessment over ten years ago, in 2003. The American Academy of Forensic Sciences (AAFS) established a Digital and Multimedia Sciences section in 2008. Finally, the National Academy of Sciences (NAS) report on Forensic Science in 2009 – which directly led to the establishment of the Commission – included Digital and Multimedia Analysis as an emerging discipline. The Commission can demonstrate its commitment to addressing ALL forensic disciplines by taking steps to include digital evidence in its work.

The community of Digital and Multimedia Evidence professionals stands ready to assist you in this effort. Digital and Multimedia Evidence (DME) disciplines are currently supported by three Scientific Working Groups (SWGs). SWGDE, SWGIT and FISWG – representing Digital Evidence, Imaging Technology, and Facial Identification – work together to



represent the DME community and have done so for more than fifteen years. The DME SWGs endeavor to advance the digital forensic disciplines through identification and advocacy of best practices and standards. Together, SWGDE, SWGIT, and FISWG have produced close to 60 best practices and standards documents, many in third or fourth revisions. We work closely with international standards production organizations such as ISO/IEC, as well as with ASTM in the authoring and producing standards for US components working in the DME fields.

To accomplish our objectives, each SWG strives to bring together organizations actively involved in their respective fields, works to foster communication and cooperation, and provides guidance to ensure quality and consistency. Essential to this mission is to provide relevant programmatic guidance to organizations, regardless of their size. Guidance is general enough to be applicable to all while specific enough to actually be of use.

These SWGs have been forging a path forward in digital forensics since 1997 and they are responsible for much of the recognition this field has received from the forensic community at large – in particular working with ASCLD/LAB, AAFS, and the NAS to receive the recognition discussed above.

Over the last four years, the DME SWGs also participated with the White House's, National Science and Technology Council's Subcommittee on Forensic Science (SoFS) to promote the recognition and acceptance of digital evidence equal to that of all other forensic disciplines. Now that the SoFS effort has come to an end, it is perplexing to see the complete exclusion of digital forensic related efforts under the Commission.

In conclusion, the standards and guidance promulgated by the NCFS will impact all forensic communities. To exclude digital evidence from the work of the Commission risks setting digital evidence forensics down the same road that led other forensic disciplines to be so criticized in the NAS Report. The Commission must look forward by including digital evidence in its work.

Regardless of how you proceed on this issue, be assured that the DME SWG's and our community will welcome the opportunity to offer counsel to the Commission in matters involving DME. Not only do we have expertise relating to digital and multimedia evidence, but we also offer our experience in establishing guidelines for agencies of disproportionate size and capabilities. This experience can only be gained by the decades of experience represented in the DME SWGs and it is at your disposal. You need only ask.



Sincerely,

James Darnell
Chair, SWGDE

Melody Buba
Chair, SWGIT

Richard W. Vorder Bruegge
Chair, FISWG