



INTERNATIONAL ASSOCIATION OF BLOODSTAIN PATTERN ANALYSTS

CODE OF ETHICS
Adopted October 5, 2011

PREAMBLE

Because a member's conduct is a reflection on the Association and the profession, members have a responsibility to their colleagues, their employer, the justice system, and the public to conduct themselves in an appropriate manner. To this end, members should be aware of the content of this Code of Ethics. They should take all reasonable steps to work with the Association to make this document as relevant, comprehensive, current, and clear as possible.

Purpose

The purposes of this document are to:

- Provide principles and rules for individual professional conduct in the practice of forensic science disciplines;
- Provide a template for evaluating an individual's professional conduct;
- Offer protection to individuals who are asked to perform unethical acts;
- Ensure uniformity and quality of service to colleagues, the justice system, and the general public.

Scope

This document applies to all classes of membership of the International Association of Bloodstain Pattern Analysts (IABPA).

Although no code of ethics can precisely fit every occasion, the principles and rules of conduct set forth in this document are intended to describe the conduct expected of a member. Violation of these principles and rules may result in the Association imposing disciplinary sanctions including, but not limited to, suspension or termination of membership.

STANDARDS OF PRACTICE

1. Objectivity

Bloodstain pattern analysis is rooted in the scientific method and based on the application of scientific principles and techniques. The principle of objectivity is paramount in science, and its unwavering application in casework is essential. Being objective entails recognizing that bias may sometimes be unavoidable. Members should strive to recognize all biases which are present that could affect results and take all reasonable measures to ensure that these biases do not affect the results. Those measures may involve using certain protocols, designing experiments in a manner to counter or avoid the bias, or declining the assignment.

Conflicts of interest with an employer, client, or the justice system shall be documented and disclosed, and the assignment shall only be accepted if ordered to complete the task. A member shall not provide services on a contingency-fee basis; however, a reasonable fee may be charged for services.

Objectivity requires that all available relevant facts be considered before making conclusions or opinions, and that conclusions and opinions be based only on these facts and valid arguments. Members should use all of the means at their command to identify and evaluate all facts relevant to the matter under investigation. If new developments in the investigation or in the discipline of bloodstain pattern analysis come to light, members should receive them with an open mind and be prepared to reconsider and, if necessary, change their conclusions or opinions.

Experts in a forensic science discipline serve a different function within the justice system from that of attorneys. This difference necessitates dissimilar processes and goals. Members should recognize these dissimilarities and should not confuse their own processes and goals with those of attorneys. The expert's process should be unbiased and systematic, not adversarial. The experts' goals are to objectively discern and accurately present facts, conclusions, and opinions, while the attorneys' goals are to advocate for the client. In recognition of these dissimilarities, members should not assist legal contestants through tactics that might implant a false impression. Members should consent to interviews with counsel for both sides prior to trial, if requested and allowed.

Members should not confuse fact with theory, nor give greater weight to a conclusion or opinion than is due.



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1.1. Examinations and Analyses

- 1.1.1. A member shall be objective.
- 1.1.2. A member shall take all reasonable steps to obtain and evaluate all sources of data that might be relevant to the matter under investigation.
- 1.1.3. A member shall base conclusions or opinions on data derived from examinations or analyses of all available relevant evidence.
- 1.1.4. A member shall base conclusions or opinions on valid arguments.
- 1.1.5. When sampling evidence, a member shall do so in a representative manner.
- 1.1.6. Whenever possible, a member shall leave sufficient sample for additional testing; evidence shall not be consumed unnecessarily.
- 1.1.7. A member shall not do superfluous tests in an attempt to give a conclusion or opinion more weight.
- 1.1.8. A member shall not make unfounded conclusions on grounds of race, color, religion, national origin, sex, age, disability, beliefs, gender, language, sexual orientation, social status, age lifestyle, or political persuasion.

1.2. Conflicts of Interest

- 1.2.1. A member shall not provide services on a contingency-fee basis.
- 1.2.2. A member shall document and disclose to the employer or client any known potential conflict of interest, real or perceived, regarding a case assignment.
 - 1.2.2.1. A member shall not accept such an assignment without explicit written consent from the employer or client.
- 1.2.3. A member shall disclose to the Executive Board any intended direct financial gain from participation in any Association activities.

2. Communication

In all aspects of professional activity, a member should be truthful and forthright within legal constraints. When an expert is hired as a forensic science expert by a client, a confidential relationship is presumed to exist between them. When an expert is retained by an attorney representing a litigant, a confidential relationship is presumed to exist between the expert and the attorney.

Scientific and legal principles require that those who use or evaluate the conclusions or opinions of experts in forensic science disciplines must be able to verify them by the review of data, the replication of experiments, the testing of alternative hypotheses, and by challenging the process used in arriving at conclusions and opinions. For this reason, a member shall provide clear and complete documentation of all factors used to form a conclusion or opinion. When documenting and reporting, a member shall communicate in an appropriately precise, accurate, and clear manner. A member shall not intentionally obscure information by inclusion, omission, or any other means, and shall make documents and information readily available to those who have a legal right to them.

A member shall make only technically correct statements. When two experts arrive at different conclusions or opinions, it may be possible that a technically incorrect statement has been made. Members who are aware that another expert has arrived at a different conclusion or opinion from their own should, if possible, give due consideration to potential sources of that difference. When possible, members should attempt resolution of the difference. This may be done by exchanging information, samples, or data; jointly conducting experiments; referral to a third party; or other means. Members should realize that there can be legitimate differences of opinion.

Members should strive to make accurate statements in testimony, reports, examination records, and technical publications. When testifying, members should not use unduly sensational means of conveying information.

2.1. Testimony, Reports, Examination Records, and Technical Publications

- 2.1.1. A member shall make only technically correct statements.
- 2.1.2. A member shall refuse to offer conclusions, opinions, or observations in matters outside his or her areas of expertise.



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- 2.1.3. A member shall accurately represent his or her qualifications, including, but not limited to: education, training, experience, areas of expertise, certification status, and professional association membership statuses.
- 2.1.4. A member shall communicate in an appropriately precise, accurate, and clear manner.
 - 2.1.4.1. A member shall not use intentionally misleading language.
 - 2.1.4.1.1. If permitted, a member shall explain or qualify yes-or-no answers if not doing so would be misleading.
 - 2.1.4.2. A member shall not alter reports or other records or withhold information from reports for the purpose of gaining a strategic or tactical litigation advantage.
 - 2.1.4.3. A member shall report all results, conclusions, and opinions, and shall not withhold information that would be unfavorable to the side by whom he or she has been retained.
 - 2.1.4.4. If a member does not know the answer to a question being asked, the member shall make this known.
 - 2.1.5. A member shall, to the extent possible, fully explain relevant data, methods, logic, and conclusions and opinions, including any qualifications and limitations.
 - 2.1.5.1. A member shall clearly differentiate data from conclusions or opinions based on that data.
 - 2.1.6. A member shall take all reasonable steps to identify and document in examination records all sources of data that might be relevant to the matter under investigation.
 - 2.1.6.1. A member shall document in examination records any of these sources of data that could not be obtained.
 - 2.1.7. At the time they are performed, a member shall document in examination records all relevant data (including, but not limited to all examinations, analyses, methods, observations, alterations, and results), conclusions or opinions along with the logic and assumptions used to reach them, and any qualifications and limitations that apply to each.
 - 2.1.8. A member shall preserve examination records and reports while in his or her custody.
- 2.2. Disclosure
 - 2.2.1. A member shall make documents and information readily available to those who have a legal right to them.
 - 2.2.2. A member shall, in a timely manner, document and disclose to the employer or client, or appropriate legal authority any known errors or omissions and any changes in advice, conclusions, or opinions.
 - 2.2.3. A member shall, in a timely manner, document and disclose to the employer, client, or appropriate legal authority any attempt by a second party to alter results or improperly influence conclusions or opinions.
 - 2.2.4. A member shall preserve confidentiality unless there is an overriding duty to the court and the justice system for disclosure (if legally allowed), including a situation where a miscarriage of justice might occur.
- 2.3. A member shall be truthful when communicating with the IABPA Board or its representatives.
- 2.4. A member shall not repeat statements or beliefs expressed at IABPA conferences or meetings without putting them into the context in which they were made.

3. Methods and Procedures

Sound scientific procedure requires that practitioners neither form conclusions nor render opinions which are beyond their areas of competence. In accordance with this, a member should not only be aware of the limits of his or her areas of expertise, but also shall be aware of his or her personal limitations in training and experience and refuse to practice outside them. On the other hand, members shall not take advantage of the privilege to express conclusions or opinions in their areas of expertise by offering them on matters to which they have not given formal consideration.

Whenever possible, members should use validated reliable methods that are generally accepted by the forensic science community. New or novel concepts or methods may be used when required; however, a member shall critically evaluate them prior to drawing conclusions from them.



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Whenever possible, members should regularly complete proficiency tests and have another expert technically review their work. Members should strive to produce their report in a timely manner.

- 3.1. A member shall be aware of his or her personal limitations in training and experience.
- 3.2. A member shall not offer conclusions or opinions on matters to which he or she has not given formal consideration.
- 3.3. A member shall use methods that have appropriate accuracy and precision.
- 3.4. A member shall use appropriate and reliable reagents, standards, and controls.
- 3.5. A member shall use appropriate equipment in adequate facilities.
- 3.6. A member shall critically evaluate new or novel concepts and methods prior to drawing conclusions from them.
- 3.7. A member shall document the identity and integrity of evidence prior to examination or analysis.
- 3.8. A member shall maintain evidence integrity.

4. Responsibility

A member shall not tolerate nor conceal a violation of the Code of Ethics. Apparent infractions may be resolved interpersonally or otherwise within an agency or company. However, a member shall report egregious or repeated violations of the Code of Ethics to the Association if other appropriate corrective measures (if pursued) have failed. Such a report should be filed in accordance with the policies and procedures outlined in the IABPA's *Enforcement of the Code of Ethics*.

The fair and respectful treatment of others is an essential component of responsible professional conduct. Members should strive to be fair when interacting with others. When a member gives advice regarding the questioning of another witness, the purpose shall be to prevent incompetent and misleading testimony, and to make known any facts that are legally relevant. The purpose should not be to exercise a vendetta or thwart justice. Fairness also includes the accurate assignment of credit for work. A member shall not engage in plagiarism, but shall properly credit work done by others. In addition, a member shall discourage the association of his or her name with developments, publications, or organizations to which no significant contributions were made.

Members should take responsibility for determining the most appropriate protocols for doing their own examinations or analyses. This determination should not be left to those requesting the work, such as clients, attorneys, or investigators.

When working a case, the individuals performing examinations or analyses may be the people who are best suited to recognize probative evidence and recommend appropriate examinations and analyses. A member working a case shall take all reasonable steps to encourage that appropriate examinations and analyses are requested for the probative evidentiary items in that case.

Members should take responsibility for staying current within their area of expertise. They should be aware of recent scientific advances and new standards, guidelines, policies, and regulations. This may be accomplished by, but is not limited to, reading peer-reviewed technical publications and other relevant literature, attending professional conferences, taking classes, and exchanging information with other experts. To assist colleagues with staying current, members should present any new developments to the profession, and should encourage and support research and training whenever possible.

Members should take all reasonable measures to inform the court of the nature and implications of pertinent evidence if reasonably assured that this information would not otherwise be disclosed to the court. They may appeal to the presiding judicial officer (in the absence of the jury if the trial be by judge and jury) if they believe that the manner in which evidence is being elicited is such to prevent the disclosure of a significant relevant matter or circumstance.

4.1. Responsibilities Regarding Ethical Conduct

- 4.1.1. A member shall not commit, tolerate, nor conceal a violation of this Code of Ethics.



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- 4.1.2. A member shall report serious or repeated violations of the Code of Ethics to the Association if other appropriate corrective measures (if pursued) have failed.
- 4.1.3. A member shall report to the employer or client any conflict between the Code of Ethics and the member's responsibilities as defined by the employer or client, and shall take all reasonable measures to resolve it.
- 4.1.4. A member shall report to the employer or client any conflict between professional responsibilities and agency policy, law, regulation, or other legal authority, and shall take all reasonable measures to resolve it.
- 4.1.5. A member shall abide by the Code of Ethics, Bylaws, and policies of the Association, or else shall report to the Association, in a timely manner, any conflict between professional responsibilities and the Association's Code of Ethics, Bylaws, or policies.
- 4.2. Responsibilities to the Profession
 - 4.2.1. A member shall not engage in conduct detrimental to the profession, including illegal conduct that adversely reflects upon the professional competence of the member or upon the Association as a whole.
 - 4.2.2. A member shall not engage in plagiarism, but shall properly credit work done by others.
 - 4.2.3. A member shall discourage the association of his or her name with developments, publications, or organizations to which no significant contributions were made.
 - 4.2.4. A member shall be responsible for his or her own work and for work done under his or her direction.
 - 4.2.5. When a member gives advice regarding the questioning of another witness, the purpose shall be to prevent incompetent and misleading testimony and to make known any facts that are legally relevant; the purpose shall not be to thwart justice.
 - 4.2.6. A member working a case shall take all reasonable steps to encourage that appropriate examinations and analyses are requested for the probative evidentiary items in that case.
 - 4.2.7. A member acting in an official capacity for the Association (including, but not limited to, Executive Board members, committee chairs, and committee members) shall use all reasonable efforts to fulfill the duties and obligations of their assignment in a timely manner.
 - 4.2.8. A member shall not use membership in an association nor employment status to obtain unjustified benefits, privileges, or exemptions.
 - 4.2.9. A member shall take appropriate action if he or she feels there are good grounds for believing there is a situation which could result in a miscarriage of justice.
- 4.3. Responsibilities of Members who are Managers or Supervisors
 - 4.3.1. Laboratory managers and supervisors shall facilitate, support, and promote an environment conducive to ethical conduct.
 - 4.3.2. Laboratory managers and supervisors shall ensure that laboratory services are provided in a manner that maximizes organizational efficiency and ensures an economical expenditure of resources and personnel while maintaining necessary quality standards.
 - 4.3.3. Laboratory managers and supervisors shall ensure that employees have sufficient academic qualifications, experience, knowledge, and training to perform work within their areas of expertise and operate in accordance with the Code of Ethics.
 - 4.3.4. Laboratory managers and supervisors shall establish and maintain an appropriate quality assurance system.
 - 4.3.5. Laboratory managers and supervisors shall promote and support participation in professional associations, certification programs, and technical working groups.
 - 4.3.6. Laboratory managers and supervisors shall not allow employees to be pressured to perform substandard work, take technical shortcuts, or arrive at conclusions or opinions not supported by scientific data.

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