

**ACFEI'S OFFICIAL STATEMENT IN RESPONSE TO
FRONTLINE'S FILM & PROPUBLICA'S ARTICLE**

This is the American College of Forensic Examiners--International's ("ACFEI") rebuttal to the *ProPublica* article, "No Forensic Background, No Problem" and the PBS *Frontline* film "The Real CSI." The two stories involve essentially the same journalists and the same subject matter, so by in large, they are handled collectively herein.

In their reports, the journalist takes aim at both forensic experts, alleging improper qualifications, and at forensic organizations, alleging they certify unqualified individuals to act as expert witnesses in court cases. Regrettably, the show is terribly misguided in its criticisms of ACFEI. The ACFEI does not, nor has it ever, bestowed degrees, university diplomas, or state licenses on any individual. An expert witness in any case is determined by the judge based upon that person's formal education, knowledge, experience and training regarding a specific topic, and not by any certificate that ACFEI has or has not awarded them.

The reports give the false impression that ACFEI somehow creates expert witnesses. As proof, they offer Ms. Leah Bartos, a former graduate student from the University of California, Berkeley, who received certification that she completed the ACFEI forensic consultant course. The forensic consultant certification acknowledges that she is now knowledgeable about the court process, rules of evidence, direct and cross-examinations, report writing, deposition preparation, and testimony. This does not make her an expert. The training merely aids one who is already an expert, say in engineering, in understanding and navigating the judicial process. The contention in the stories was that because of ACFEI's certificate, Ms. Bartos was now somehow qualified to be an expert witness on any topic--as if now she had carte blanche to go into court and testify on any subject from rocket science to brain surgery--a premise that is completely false.

Specifically, the stories make it appear that Ms. Bartos happened upon ACFEI, paid \$495.00, punched some information into a computer and then instantly became an expert witness. The reports conveniently omit the fact that Ms. Bartos is a current member of ACFEI and has been for the last two years. She has attended two national meetings of the organization. Ms. Bartos even attended a lecture I conducted in October of 2011, after which we briefly discussed the merits of the organization.

During the time Ms. Bartos was with ACFEI, she was encouraged to take the Certified Forensic Consultant ("CFC") course. She was asked to take a two-day course that was taught by Dr. Marc Rabinoff (the course creator), which is a detailed review of the CFC information. I understand that Ms. Bartos did not take the course due to a scheduling conflict. There was also a four-hour course available at the ACFEI national meeting, which again she did not take. She did, however, enroll in an online course and used course materials to study and pass the open book exam. It was from this point that the journalists

contend that she became qualified to be an expert witness in court. A premise that is blatantly false.

As mentioned above, the nature of the CFC certification is not to make you an expert witness. Dr. Rabinoff and Dr. Wecht (ACFEI's chief spokesman) explained this to Ms. Bartos numerous times. The CFC course is an overview of the justice system. It involves an explanation of procedural rules, rules of evidence, the role of depositions, interrogatories and the role of the expert witness, but it does not make one an expert.

Ultimately, it became apparent that Ms. Bartos' involvement with the organization over the past two years was a ruse. Initially, she stated that she was a student at Berkeley who was doing research, that she was fascinated by the organization and wanted to know more. Members of the organization spoke to her freely over many hours, in person and over the telephone. After that she referred one of her colleagues, Andrés Cediél, one of the producers of the *Frontline* piece, who began phoning the organization and was actually invited to come to ACFEI headquarters in Springfield, Missouri. He spent a day and a half in Springfield asking questions of organization representatives, myself included. Thereafter, ACFEI was advised that noted journalist Lowell Bergman wanted to interview ACFEI spokesman, Dr. Cyril Wecht, on camera. ACFEI agreed and the two met and shot an extensive interview over a two-day period. Unfortunately, in its film, *Frontline* extracted just a few statements from Dr. Wecht, all of which seemed to support its agenda.

The skewed agenda of the journalist becomes apparent in both the film and the online report as they unfold. The episode of *Frontline* began with a story about a fingerprint that was misidentified by the FBI lab. Three FBI agents, including a supervisor, alleged that a certain person was guilty of a crime based upon fingerprint evidence. That individual was later proven to be innocent. Interestingly, the journalists did not state the names of the FBI agents who made the misidentification. Furthermore, *Frontline* did not tell the public what organizations they were members of or what organizations they were certified from. Most likely they were members of two organizations involving fingerprint analysis and crime scene investigation called the International Association for Identification and the American Academy of Forensic Science, but that issue was never addressed. Juxtaposed, the journalists then presented a couple of other instances of errors made by forensic experts, who were members of ACFEI, and were quick to point out their names and organizational affiliation. This begs the question, why were those individuals and ACFEI vilified by the journalists and not the others?

Certainly a continuing education organization cannot be held responsible for all the sins of its program attendees. If a medical doctor does something wrong, does the victim blame the continuing education program he attended last? Of course not. Should Ms. Bartos' institution be responsible for the acts of Ted Kaczynski simply because he taught at Berkeley? Certainly not. Individuals in all professions make mistakes and must take individual responsibility for their own actions. *Frontline's* attempt to cast blame on ACFEI for the shortcoming of all forensic science is akin to blaming AAA for an auto accident caused by one of its members. It is just not logical. Likewise, the extrapolation that ACFEI is responsible for the acts of its members is completely misguided.

Frontline also caught up with disgruntled former ACFEI employee John Bridges. ACFEI is presently in litigation with Mr. Bridges. Mr. Bridges now calls the organization a diploma mill, but interestingly he remains a member and continues to refer new individuals to sister organizations. Mr. Bridges also alleged that 99% of applicants passed their test. The actual pass rate is approximately 86%. That being said, most of what ACFEI offers is continuing education certifications, which have extremely high pass rates in all fields, not just forensic science.

Further, the *ProPublica* article claims that Dr. Robert L. O'Block, the founder of ACFEI, was rejected for membership by a credentialing organization for forensic handwriting experts. This article omitted that Dr. O'Block was actually already certified by another organization in the handwriting field, and has also completed a Secret Service document investigation course at the Federal Law Enforcement Training Center. Additionally, he has been a commissioned law enforcement officer most of his life in addition to having a Ph.D.

The journalists also alleged that it is misleading for ACFEI to call itself the American *College* of Forensic Examiners, since it is not a traditional "bricks and mortar" school. Although it may come as a surprise to the journalists, words sometimes have more than one meaning. The dictionary also defines a college as "a body of persons having a common purpose or shared duties." There are many membership associations that use the word "college." There is the American College of Surgeons, the American College of Chest Physicians, the American College of Rheumatology, the American College of Veterinary Anesthesiologists, the American College of Sports Medicine, American College of Emergency Physicians, American College of Obstetricians and Gynecologists, American College of Radiology, American College of Phlebotomy, American College of Gastroenterology, American College of Prosthodontists, American College of Medical Toxicology, the American College of Clinical Pharmacy, American Academy of Optometry, American College of Medical Physics, and many, many more. In no way does one go to the American College of Surgeons to learn surgery. You do not go to the American College of Cardiology to learn how to transplant a heart. It is a commonly used name to refer to a professional association. The attack by the journalists on this front evidences either ignorance of or a conscious disregard for what is common practice among professional associations.

Finally, the *ProPublica* article also references the now infamous Dr. Zoe D. Katz. Dr. Katz is a fictitious character created by a Dr. Eichel and for whom he obtained numerous certifications. Ms. Bartos indicates that ACFEI was one such organization fooled by Dr. Eichel and provides a hyperlink to purportedly prove this accusation. Interestingly, if you take the time to click on the hyperlink, it takes you to a page that does not mention or reference ACFEI anywhere.

In conclusion, the Bartos article and the *Frontline* T.V. special were unwarranted attacks on the organization. Certainly there are diploma mills that exist. Certainly there are forensic scientists that may be making claims that are not supported by solid science. The journalists were correct in identifying potential problems that exist in the forensic science community.

I suspect in the world of television entertainment, if you identify a problem, then you need to identify the source of the problem. Unfortunately, that is where the logic of the journalist fell short, in its pointing the finger at ACFEI as the scapegoat. In reality, ACFEI provides continuing education for forensic experts, and is actually a part of the solution, not part of the problem.

Of the 20,000 members that ACFEI has, it is interesting that *Frontline* chose not to highlight any of the good people who have dedicated their lives to improving forensic science. In investigating this story, *Frontline* co-producer Andrés Cediél asked for the names of 10 members they could interview about ACFEI. They were given the names and the contact information for 20 members. Later, the members reported to ACFEI that when they were questioned, they said nothing but good things. Unfortunately none of the positive comments were printed by Bartos or put on PBS. I spoke with *Frontline* co-producer Andrés Cediél in person for over an hour. None of the positive statements I made about the organization were aired. I have spoken with Leah Bartos in person and corresponded with her by telephone and e-mail. None of the positive statements I made about the organization to her were included in her article. Instead, they found the few who have made mistakes or were disgruntled, and, for whatever reason, used them to bolster their agenda to blame ACFEI for the shortcomings of all forensic science. It certainly makes one wonder “Why?” I can only assume it has something to do with creating an exciting story that draws interest and makes them money, but ultimately, it is a question only the journalists themselves can answer.

ACFEI strives to maintain a high level of excellence in its educational processes. That is why ACFEI is voluntarily actively pursuing additional accreditation for its certification and educational programs. ACFEI takes pride in the educational opportunities it provides its members. Hopefully, these certifications will enhance its members’ abilities to relate their existing expertise to a courtroom setting. For more information regarding the organization, including testimonials regarding the benefits of ACFEI certifications, please visit www.acfei.com.

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