

## Letter to the Editor

Re: Lack of Enforcement of Standards as Regards the Testing of Human Subjects

The International Association for Identification (IAI) bills itself as “the world’s oldest and largest forensic science identification association.” The body has, for years, certified examiners and analysts in the various disciplines related to bloodstain pattern analysis, crime scene investigation, footwear analysis, art analysis, crime scene photography, latent print / tenprint analysis, and video analysis. The latter, the unaccredited Forensic Video Certification, was added to the roster of IAI certifications around 2010.

The IAI publishes the *Journal of Forensic Identification* (JFI). According to the IAI website, “*The Journal of Forensic Identification* is a scientific journal that provides more than 100 pages of articles related to forensics. Such articles are written by forensic authorities from around the world who are practitioners or academics in forensic science fields.”

In support of my agency’s educational efforts, an analysis was conducted on the articles and case studies published in the *JFI* to answer questions about the quantity and quality of the scholarship found within the *JFI* as it relates to the discipline of Forensic Multimedia Analysis.

We returned 6 articles published in the last 10 years that relate to this discipline and began our work in compiling an annotated bibliography entry for each. In doing so, we noticed that the first article reviewed [1], one from this year, failed to note Institutional Review Board (IRB) approval for the testing of human subjects. This seemed in conflict with the *JFI*’s stated policy [2].

We performed a quick search of the *JFI* publisher’s database for the search terms “Institutional Review Board” and “IRB.” We returned only one article [3] that featured an IRB approval in our search of the *JFI*’s publications from 1988 to 2018.

### Lack of IRB Approval Noted in *JFI* Articles and Case Studies

The *JFI*’s own guidance on the subject states, “When reporting research involving live human or animal subjects, authors should clearly indicate within their manuscript whether the procedures followed were in accordance with the ethical standards of their

agency's institutional review board (IRB).” [2] Clearly, there are papers that the JFI has published that involve human subjects. Yet, the JFI has seemingly not enforced its own policy.

One *JFI* article that we discovered, as noted above, [1] involved laboratory employees as test subjects. Using employees as test subjects comes with its own set of problems and considerations, as the University of Pittsburg's IRB notes,

Recruitment of potential participants who are employees must be designed to minimize the possibility of coercion or undue influence. In general, potential participants should be solicited from a “broad base” of individuals meeting the conditions for study, rather than from individuals who report directly to the investigator(s). Strategies to minimize the potential influence of an investigator when recruiting his/her own employees include recruitment through a third party unassociated in a supervisory relationship with the employee, postings or sign-up sheets, or other methods that require an employee interested in participation to initiate contact with the investigator(s). [4]

### **Compliance with Federal Law**

The American Psychological Association gives the following guidance as regards the use of human subjects in research,

Federal regulations that pertain to the IRB are specified in Title 45 Code of Federal Regulations Part 46 (45 CFR 46) and Title 21 Code of Federal Regulations Parts 50 and 56 (21 CFR 50 and 56). Individuals who submit research proposals to an IRB should be aware that federal regulations frame all IRB action. The ethical foundations for this regulatory framework are contained in the report of the National Commission for the Protection of Human Subjects in Biomedical and Behavioral Research entitled, *The Belmont Report: Ethical Principles and Guidelines for the Protection of Human Subjects of Research* (Office for Protection from Research Risks, OPRR, 1979). As described in these documents, IRBs consider a variety of important issues, including participant safety and freedom from coercion, and the potential benefits and risks of research. [5]

Clearly, in having a policy, the *JFI* is aware of the Federal Regulations mentioned herein. However, the Editorial Board of the *JFI* has failed to enforce its rules, potentially placing the subjects of the studies contained within its pages at risk.

### **Conclusion**

Thank you for your attention to this matter. It is my hope that the *JFI*'s Editorial Board will insist on an IRB approval statement (or exemption letter) in future articles involving the testing of human subjects. I am available to the Board, should it have any questions about this issue.

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### **References**

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2. *Journal of Forensic Identification*. Research Subjects Protection Policy. <https://www.theiai.org/jfi/HumanSubjectsProtectionPolicy2014.pdf>.
3. Lounsbury, D. A.; Thompson, L. F. Concerns When Using Examination Gloves at the Crime Scene. *J. For. Ident.* **2006**, *56* (2), 179–185.
4. University of Pittsburg. Human Research Protection Office. Research Involving Employees as Research Participants. <http://www.irb.pitt.edu/content/research-involving-employees-research-participants>.
5. American Psychological Association. IRBs and Psychological Science: Ensuring a Collaborative Relationship. <http://www.apa.org/research/responsible/irbs-psych-science.aspx>.

## **Editor's Response to Dr. Hoerricks Letter**

On behalf of the *JFI* Editorial Review Board, my office, and *JFI* readers, I thank Dr. Hoerricks for his interest and concern regarding our Research Subjects Protection Policy. Dr. Hoerricks is correct in that I have not strictly enforced the policy and many articles have been published in the last four or five years that should have included an indication of compliance with the policy. This is being corrected and a more stringent adherence to the policy will be forthcoming.

However, I would like to point out to our readers, participants in research studies, and researchers that it is not a federal regulation (in the United States) that approval by an Institutional Review Board (IRB) be obtained for all manuscripts regarding research with human subjects that are to be published in the *JFI*. Most researchers and authors in academic environments have an IRB available for their use and are encouraged to use those IRBs. Researchers and authors in law enforcement agencies may not have one available and their budgets may not provide adequate resources for a commercial IRB to be used. For those researchers, the *JFI* policy does allow for alternative methods of compliance with our policy. All researchers and authors should be familiar with our policies if they intend to publish in the *JFI*. This policy and additional information (see the FAQs) is available on the *JFI* Submission page on the IAI website.

***Alan McRoberts, Editor***  
***Journal of Forensic Identification***

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