



## **Standard Test Method for the Forensic Examination and Testing of Firearms Interpretation**

### Request for Interpretation:

ANSI/ASB Standard 093, *Standard Test Method for the Forensic Examination and Testing of Firearms*, First Edition, 2020" contains a number of plain English imperatives that are not apparently intended to define requirements. These include the following:

- 4.6.4 Inspect the bore(s) of the firearm for general condition, obstructions, or defects.
- 4.6.5 Document the following for rifled barrels: ...
- 4.6.6 Document the following for revolvers: ...
- 4.6.7 Document the following for shotguns: ...
- 4.6.8 Document safety mechanism(s) of the firearm and their location(s) and/or position(s), as appropriate.
- 4.6.9 Document the presence/absence of a magazine and ammunition.

### 4.7 Barrel and/or Overall Length

Measure and record the barrel and/or overall length of the firearm.

### 4.8 Mechanical Function Testing

Conduct an examination of the working mechanisms of the firearm. ...

- a) Test the mechanical function in all applicable modes of fire (e.g., semiautomatic and automatic, single and double action, etc.). Field test semiautomatic firearms to determine if they are capable of fully automatic fire.
- b) Inspect the firearm for any conditions which have the potential to cause slam firing. ...
- d) Individually check the operability of the safety mechanisms of the firearm. ...

### 4.9 Trigger Pull

Measure and record the trigger pull of the firearm. ...

Based on examinations listed above, determine if the firearm is suitable for test firing .

Not all of the above-mentioned examinations are relevant in all cases, and to require them to be performed in all cases would, industry-wide, not only result in a significant misallocation of resources to non-probative ends, but also serve as a distraction from relevant tasks.

The "ASB Guide 001, *Manual and Style Guide for ASB Standards, Guidelines, Best Practice Recommendations, and Technical Reports*, Third Edition," seems to indicate that "shall," a list of synonyms for "shall," and plain English imperative statements (e.g. ["You," implied] do this thing.) are all indicators of a requirement. Additionally, ISO, to whose standards most laboratories are

accredited, also appears to treat imperative language (or, "imperative mood") in effectively the same way (see ISO/IEC Guide 2 Standardization and related activities -- General vocabulary, 7.1; and ISO/IEC Directives, Part 2 – Principles and rules for the structure and drafting of ISO and IEC documents). Both of which stand to create expectations of plain-language imperatives establishing requirements in ASB documents.

Notations in the comment resolution documents and comments made during this statement in the Foreword: "Depending on the intended use of the information provided by the examination, differing levels of examination may be required," is meant to be the overarching sentiment. It is, however, reasonable to suspect that a user that is, for example, attempting to find out what is required for a firearm length measurement by using the document's table of contents and describing heading in the typical manner is most likely going to go the section headed, "4.7 Barrel and/or Overall Length," read the statement, "Measure and record the barrel and/or overall length of the firearm," and perhaps come away with the idea that length measurements must be in all cases, regardless of circumstances. The fact that the heading of the Foreword is not descriptive of its contents and that it is not listed in the table of contents diminishes the ability to use this section in the manner that is typical of reference documents. Additionally, since ISO specifies that a foreword in an ISO document is informative and not normative (see: ISO/IEC Directives, Part 2, section 12.2) and there is some precedent for a similar regard under ANSI (ANSI Style Guide-sheet – 2003, section B2), it may be unclear to users if a statement in this section can modify statements made in the manifestly normative sections of the document.

It has been stated that since Standard 93 was passed by the ASB prior to the July 2021 ASB Style Guide being approved, the language is "grandfathered" in. This idea may present some difficulties in that the concept of "grandfathering" is only meaningful if applied to a normative document, while the Style Guide's status may be unclear to users, and the lack of supercedence information in the guides and the lack of readily-accessible archives of prior versions does not lend itself to cross-referencing which version of the ASB Standards Guide was in force at the time.

#### Response:

The following paragraph is the opening paragraph of the document's Foreword: Depending on the intended use of the information provided by the examination, differing levels of examination may be required. Laboratory policy may inform examiners/technicians as to which steps in the process are appropriate, such as when testing firearms for the sole purpose of function, or when producing samples for individual characteristic database entry. This document is intended to provide procedures for the examination and testing of firearms by forensic firearm and toolmark examiners or technicians.

The document is intended to provide a generalized map to examine and test firearms. It is not intended to require each specific procedure. Depending on why a firearm has been submitted to a laboratory and what information is relevant to the case, each of the steps found in Standard 093 may not be needed. For example, the barrel and overall length of a firearm may not need to be measured when the firearm has not been altered or has only been submitted for test firing purposes.