

Public Comments Deadline: June 6, 2022

ASB Std 167, Standard for Reporting Written Results from Friction Ridge Examinations

#	Section	Type of Comment (E-Editorial, T-Technical)	Comments	Proposed Resolution	Final Resolution
24	all	T	missing from the requirements is a requirement that "Disagreements between examiners occurring during verification (however named) and review regarding the reported conclusion(s) should be noted in the report. Disagreements that end in a "no resolution" should be detailed in the report. Disagreements that end in a "resolution" should be noted in the report and documented in the case record (e.g., disagreement resolved, disagreement resolved after arbitration, unresolved disagreement over whether there are sufficient points of comparison of sufficient quality to allow for a comparison between the known and the latent print)."	Include these requirements for reports.	Reject Conflict resolution is addressed in 4.4.1 h).
41		T	FSPs sometimes release preliminary results (as referenced in the document) which is not defined in the document	add definition for preliminary report/results: "report of partial findings written in a non-standardized format prior to a full examination of a case" "Note: generally done when communicating some completed findings within a case when requested by a customer."	Reject FSPs should have policies to address preliminary results.
42		T	there are different types of reports/results released to customers: preliminary results typically done on expedited requests and final examination reports	add definition for preliminary report/results (see above for wording suggestion) and add a definition for examination report: "final report summarizing findings of a completed case examination"	Reject FSPs should have policies to address preliminary results.
43		T	investigative leads is referenced within document but not defined; this is not a standard phrase and needs to be defined if it will be referenced within document	add a definition for investigative leads	Reject FSPs should have policies to address investigative leads.
49			The document can be improved		Noted.
11	3.12	T	not clear what "other information" would be considered	Define or give examples of what "other information" would be relevant other than observations, data, etc.	Reject This is an OSAC Preferred Term defined in TR 016.
2	3.18	E	Per vote of the FRCB, the term "process" is favored over "method" and definitions across documents were revised to use "process"	Please update the definition for Verification to state "Verification (phase of the examination process)" ... Also remove the extra "." at the end of the definition	Accept
12	3.18	T	not clear what "independent" verification means	Define what "independent" means (presumably it means that the person doing the review doesn't know the original examiner's conclusion, at a minimum)	Reject See NOTE 3 The use of the term "independent" indicates an autonomous examination but not necessarily one without knowledge of a prior decision, conclusion or opinion.
13	4.1		Not clear why "and should" is added after "shall," given that this is a requirement	Remove "and should"	Accept with Modification Final sentence removed as the requirements and recommendations are outlined separately in each sub-section.
48			Overall, document is acceptable but I prefer the removal of the words "clear" or "clearly" used in 4.1, 4.3.1(m), 4.4.1, 4.4.3, and 4.4.4.		Accept

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14	4.2.1		Not clear who the FSP(s) are who contributed to the analysis	Include names of all people who examined the evidence or conclusions.	Accept with Modification Will reword to "name and signature of the examiner(s) who authored the report"
30	4.2.1 e		FSP's may not assign a unique identifier, they may use the requestors identifier.	Add 'if applicable'	Accept with Modification Will delete "assigned by the FSP"
3	4.2.1 h)	T	In many cases, the name appearing on a set of exemplars is either not available (e.g., not recorded), not known (e.g., John Doe), or not able to be reported (e.g., juvenile or confidential sources). The spirit of the requirement should be fully met by the provision of the unique identifier alone (as is required in parts e) and f))	Update the requirement to read "unique identifier of the exemplars used for comparison (e.g., name and date of birth, universal control number, state identification number, local reference)"	Accept with Modification Revise text to "Unique identifier of exemplars ... (... local reference) and name, if available"
31	4.2.1 i		There is no justification to show the origin of the exemplar is valuable or necessary.	Move to section on items that should be in a report (move to section 4.2.2)	Accept By moving 4.2.1 i) to 4.2.2, FSPs that wish to require the origin of exemplars will be able to do so in policy.
15	4.2.2		Not clear why these are "should" rather than shall and, if the latter, why not included in the requirements in 4.2.1.	Include these in 4.2.1	Reject These are recommended for all FSPs. However, FSPs that wish to make make these recommendations mandatory may do so in policy.
32	4.2.2 b		A glossary is highly necessary and should be included in the items required.	Move to section on items that shall be in a report (to 4.2.1)	Reject These are recommended for all FSPs. However, FSPs that wish to make make these recommendations mandatory may do so in policy.
16	4.3.1(a)		"unless previously reported to stakeholders" - Not clear whether this means, e.g., that FSPs don't have to put this in writing so long as they spoke, e.g., to the prosecutor or a particular defense attorney on the phone and told them.	Change to "unless reported in writing to stakeholders"	Accept with Modification Revise text to "unless communicated separately to stakeholders in writing (i.e., memorandum).
4	4.3.1 a) - c)	E	Per vote of the FRCB, the term "process" is favored over "method"	To be consistent with other documents and definitions, replace "methodologies" and "methods" with "processes"	Accept TR 016 defines "forensic process" which is inclusive of methods and methodologies.
46	4.3.1.a	t	this statement implies that every processing technique used on physical evidence would need to be included on the report which is not necessary	reword to either distinguish between comparison and processing or move to section 4.3.2 and make a "should"	Reject Authors didn't intend to include processing methodologies. Item 4.3.1 d) refers to that.
25	4.3.1a	T	We are no longer stating that ACE-V is a methodology. It is simply a way to describe the process of our examination. By requiring that we list our 'methodology' in our report, we now have to go back to calling ACE-V a methodology and must testify to it that way. The purpose of a methodology is to prove validity, reliability, and credibility - ACE-V cannot do that for us in our work, nor can we test the methodology itself (we test the individual examiner's application of ACE-V). ACE-V is simply a way to describe how we go about the process.	Either make it a 'should' rather than a 'shall' or call it a 'method' or 'process' rather than 'methodology'	Accept TR 016 defines "forensic process" which is inclusive of methods and methodologies.

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33	4.3.1 c		Known limitations of the method are not stated in the ASB method documents. If the ASB is not stating limitations, how can they require FSP to do so?	Remove this section until the ASB provides the limitations within their documents, or add the example of 'e.g., method is not validated' to 4.3.1.c	Reject As in 4.3.1 a), which refers to methods in general and is not specific to ACE-V, 4.3.1 c) refers to limitations in general. So, limitations stated in the report should be specific to the methods reported in 4.3.1 a).
26	4.3.1 (c)	T	It is good to include in reports a statement regarding the assumptions and generally accepted or known limits of the methods or procedures used in the examination. We commend the subcommittee on including this requirement. However, this document would benefit from a clearer and more detailed specification on what those assumptions and limits are for commonly used methods.	As most examiners are using "ACE-V" without support of quantitative algorithms, it would make sense for the FR subcommittee of OSAC to draft a statement that could be used by practitioners to satisfy the requirement of 4.3.1 (c) for that method. Alternatively, this standard might reference a statement that might be considered acceptable for that purpose, such as the statement of limitations listed in the DOJ-ULTRA on latent prints or the limitations/caveats detailed in the AAAS report on latent print analysis.	Reject As in 4.3.1 a), which refers to methods in general and is not specific to ACE-V, 4.3.1 c) refers to limitations in general. So, limitations stated in the report should be specific to the methods reported in 4.3.1 a).
38	4.3.1 (c)	T	"Assumptions and generally accepted or known limitations of any methods or procedures utilized to produce the examination results."	This statement seems overly broad and ambiguous. It could be interpreted to mean limitations of any and all processing methods utilized or error rate studies? Which seems more appropriate to an procedure/analytical method not report writing. Please provide notes or clarification	Accept with Modification Will add a footnote that examination method is not to be confused with latent print processing and the reader should consult STD 015 for the examination method.
47	4.3.1.c	t	statement is vague in what would be considered an assumption	either remove completely or include an example of an applicable assumption for clarity	Accept with Modification Will add a footnote that examination method is not to be confused with latent print processing and the reader should consult STD 015 for the examination method.
39	4.3.1 (d)	T	"Statement describing the latent print processing that was conducted."	Please consider changing this to "Statement describing that latent print processing was conducted." Having to put a <i>description</i> of "the processing that was conducted" is overly onerous when there are large numbers of items, many of which involve complex surfaces and average 3-6 processing techniques each. Many agencies have transitioned to simplified reporting and the information is available in another location (notes packet) so need not be detailed in the report.	Accept Change "describing the latent" to "that latent" and second "that" was removed for clarification. Will move 4.2.2 c) to 4.2.1 p) to require that additional materials available upon request, e.g., latent print processing, shall be included in the written report
17	4.3.1(j)		Consider including the full list of candidates. This list might be considered Brady material, or the Jencks material (prior statements) of the automated system.	Include the full list of candidates in the report.	Reject This standards dictates minimum requirements. FSPs with more stringent requirements may include additional information in their reports.
5	4.3.1 k)	T	This requirement is difficult to understand. I agree that the report should state which detail was searched in a database and which detail was not. However, the requirement for the reason seems overly broad and burdensome. As written there would need to be an explanation for every "designated" ridge detail not searched including those not searched because another higher quality print from the same area was already searched as well as when a print was manually identified (and therefore not searched).	Clarify when a "why" must be provided. Make clear what "designated" friction detail is. Or Remove the "why" requirement.	Accept Removed "designated ridge detail"

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27	4.3.1 (m)	T	The term "utility decisions" is not defined in this document. Some readers will not know what this term means.	Include a definition of "utility decision" in the Terms and Definitions	Reject Utility decision is defined in the proposed TR 016 2.83 suitability decision utility decision A decision made by an examiner in accordance with FSP policy and/or procedure as to whether or not an impression will proceed to the next step in the examination process. CB is attempting to retain consistency by keeping this document consistent with the proposed TR 016 Terms document.
18	4.3.2		Not clear why these are "should" rather than shall and, if the latter, why not included in the requirements in 4.2.1.	Include these in 4.2.1	Reject The recommendation is case relevant, so it is unnecessary to require this statement if the item of evidence does not have friction ridge detail.
40	4.3.2	T	"Statement detailing that the presence of friction ridge detail on an item of evidence does not indicate the significance or time frame in which the print was deposited."	This statement seems overly specific - and more inline with testimony guidelines then a general statement to be included in all reports?	Reject The commentor provided no actionable text for the Editor. See Comment 18.
6	4.3.2 a)	T	The proposed statement is technically already a requirement in 4.3.1 c)	Either delete this recommendation or add to existing requirement for 4.3.1 c)	Reject 4.3.1 c) relates to "methods or procedures utilized to produce the examination results". 4.3.2 a) is a limitation of the science and does not relate to a "method or procedure" specifically.
28	4.4.1	T	The examination conclusions should also include a statement whenever the results of the examination depend on information beyond that obtained by an examination and comparison of the print impressions. For example, any time the examiner relies on inferences about a "closed set" or limited set of potential contributors in reaching a conclusion.	Add the following as 4.4.1 (i): Statement when a reported conclusion depends on information beyond that obtained by examining and comparing the print impressions, such as information about the number or identity of potential contributors of the questioned print.	Reject "Closed set" identification is outside the normal practice of latent print examination and beyond the scope of this standard.
7	4.4.1 a)	T	In many cases, the name appearing on a set of exemplars is either not available (e.g., not recorded), not known (e.g., John Doe), or not able to be reported (e.g., juvenile or confidential sources).	Update the requirement to read "unique identifier on exemplar used for the reported conclusion"	Accept with Modification See Comment #3 a) unique identifier of exemplars used for report conclusion (e.g., date of birth, universal control number, state identification number, local reference) and name, if available;
20	4.4.1.(c)	T	not clear whether verification is blind/truly independent or not.	Have the report note if the verification is non-blind (e.g. the verifier knows the original examiner's conclusion)	Accept Add text "If blind verification or consensus review verification was used, that should be indicated in the report."
8	4.4.1 f)	E		Add "i.e.," to parenthetical statement	Accept
35	4.4.2		It's interesting that conclusions utilizing statistical methods need to be validated yet the ASB recommendations for conclusions are not validated. Why the double standard?	Remove the requirement for validation of statistical methods since the ASB recommendations are not validated.	Accept Removed "validated" from b) and c)
34	4.4.2 a		Frye and Daubert require more than training, knowledge and experience. This is why the federal rules of evidence are being modified.	Use the requirements in the new Frye standard.	Accept Revised to read: "... utilizing knowledge, training, experience, skill, and education."

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21	4.4.2(a)	T	As written, suggests that a non-quantitative opinion need not be based on a validated method. Even qualitative methods based on "knowledge, training and expertise" can be tested through black box validation studies and give rise to quantified error rate estimates that can be used to determine if the method is sufficiently reliable.	Add to the end of (a): The fact that an opinion is based on knowledge, experience, and expertise instead of a statistical model does not obviate the need for validation of the method through studies. The method must be sufficiently validated whether "qualitative" or "quantitative." If the standard drafters intend to permit opinions in the absence of a generally accepted empirical estimate of error rates, that fact should be disclosed along with the opinion. This is consistent with recommendation 6 from the ASA: "6. Currently, not all forensic disciplines can support statistical statements. The trier of fact (or other interested parties) may still find value in knowing what comparisons were made by forensic science practitioners, what they concluded from them and how they reached their conclusions. The ASA recommends that the absence of models and empirical evidence be acknowledged both in testimony and in written reports."	Reject See Comment #35 4.4.2 speaks to the selection of frameworks from which an examiner may choose to report conclusions. How those frameworks are validated is beyond the scope of the standard.
45	4.4.2.a	t	conclusions are not based on knowledge, training, and experience; conclusions are based on observations of data between an unknown impression and a known impression; if trying to distinguish between conclusions made based on visual observations vs. a statistical model it should be stated as such	reword to state that conclusions expressed as an expert opinion of data visually observed between an unknown and known impression	Accept with Modification Revised to read: "Conclusions resulting from the examination of observed data within friction ridge impressions may be reported utilizing one of the three following frameworks."
1	4.4.4		In section 4.4.4, a comma is needed between "examination" and "that".		Accept with modification Deleted 4.4.4 per comment #9
9	4.4.4	T	Confusing requirement and grammatically obtuse.	Need to clarify the requirement. Need to add an example here as it is not clear when there would be such a scenario.	Accept with modification Deleted 4.4.4
19	4.4.4		We assume this is talking about contextual bias. The case file for each examination must include all information that was received by the examiner about the case from any source.		Noted See Comment #9 Deleted section The commentor provided no actionable text for the Editor.
29	4.4.4	T	Examiners may have different opinions about what information is "directly related to the examination."	Change the language to read: "...directly related to the examination of the print impressions..."	Reject with Modification See Comment #9 Deleted section The scope of the standard is friction ridge examination.
36	4.4.4		States 'If a source conclusion is based on information not directly related to...' This is saying to state if there is a potential for bias. The potential for bias is unknown. If conclusions must result in direct observation, as stated in other documents, then this section is redundant, unnecessary, and usually unknown.	Remove this section since conclusions must result from direct observation (as stated in other documents).	Accept See Comment #9 Deleted section
44	4.4.4	t	this statement makes no sense; conclusions should never be based on information unrelated to a comparison/observation directly related to an examination	remove statement	Accept See Comment #9 Deleted section
22	4.4.4.	T	Unclear why a source conclusion would be based on such outside information and if so, what it would be.	Make clearer what sort of outside information you're thinking of here, and require the FSP to describe that information in the report.	Reject with Modification See Comment #9 Deleted section

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37	4.4.5 b		This seems to conflict with 4.4.1 c. (is stating which conclusions have been verified a shall or a should?). If the intent of 4.4.5.c is different from 4.4.1 c, please clarify the meaning.	Remove 4.4.5 b as stating which conclusions were verified is already stated as a shall statement in 4.4.1 c. or If the intent of 4.4.5.c is different from 4.4.1 c, please clarify the meaning.	Accept Deleted 4.4.5 b) (now 4.4.4)
10	4.4.5 b)	E		Change to "verification(s)"	Reject with modification Deleted Section 4.4.5 b) (now 4.4.4)
23	4.4.5(b)	T	not clear whether this 'verification' is blind/independent	require report to note whether verification is non-blind	Reject with modification Deleted Section 4.4.5 b) (now 4.4.4)