

Deadline of Submission of Comments: 15-Jan-24

Document Number: ANSI/ASB Std 175

Document Title: Standard for Interpreting and Reporting DNA Test Results Associated with Failed Controls and Contamination Events

Comment #	Document Section	Type of Comment	Current Document Wording	Proposed Revision	Revision Justification	Final Resolution
		E-Editorial T-Technical				
1	Foreword	E	When a control, mandated by laboratory or discipline policy, incorporated during forensic DNA testing fails or profile data indicates a handling error or the presence of contaminating DNA, it may be possible to interpret, compare, and report data without any re-testing of the sample or DNA extract in some situations.	Add comma after "testing fails" and remove "or".	Comma is grammatically needed	Accept with modification. The comma was added, but the "or" was not deleted as it would change the meaning of the phrase. In addition, the word "the" was added, and a grammatical error was corrected ("indicates" was changed to "indicate").
2	Foreword	E	It is also intended that the laboratory performs the requirements of this standard using documented protocols for data interpretation, comparison and reporting with appropriate accompanying validation and protocol verification studies developed with adherence to other available standards for forensic DNA testing (e.g., FBI Quality Assurance Standards for DNA Testing Laboratories, ANSI/ASB Standards 018, 020, 040, and 139; see Bibliography) and with decision-makers shielded from irrelevant information to avoid bias; this is critical for evaluating the quality of the DNA profile to determine if it can be interpreted and compared given the root cause of the event.	Place period after "Bibliography)" and then start new sentence, "The decision-makers should be shielded from...".	Way too long a sentence.	Reject. We agree the sentence is quite long. However, retaining this sentence as is is necessary to maintain the intent and correlation of concepts. Many attempts have been made both at OSAC and at ASB to shorten this sentence while maintaining the concepts unsuccessfully. The suggested resolution would change the intended meaning of the sentence.
3	Headers	E			On page 2 the "ASB Standard 175, 1st Ed. XXXX" reverts to 2023 rather than the 2024 on the first pages.	Accept.
4	4.2	T	4.2 is circular: It purports to tell the lab to do something, and then notes that the lab should do it "in conjunction with" the lab's QA program	Delete the note		Reject. This note reinforces that the QA/QC program is a critical part of the scientific review process involved.
5	4.2.1	T	The note tells the lab when it can justify overriding 4.2.1, which will undermine the point of 4.2.1	Delete the note		Reject. This note was added in response to prior comments requesting more specificity. The language in the note does not provide a mechanism to override the requirement.
6	4.2.3 NOTE	T	"it may be necessary to report results"	"it is still necessary to report results"		Reject. This is a note, not a requirement that the prior testing must be reported. Furthermore, the laboratory may only be relying on the re-testing results so it would be inappropriate to report prior unsupported findings. All of this information should be available in the case file.
7	General	T	The Foreword and the Appendices are much, much longer than the Standard itself; why, if this is to be a mandatory "Standard," or the permissive, discretionary, explanatory sections so much longer; seems it indicates a problem intrinsic to the idea of the Standard	This Standard should be re-thought		Reject. No specific resolution was provided. The prior draft of this standard did not include the Foreword and Annex information and it was not approved by the ASB Consensus Body. These sections were specifically added back in in response to the many previous comments.
8	Foreword, para.2	Editorial	The words at "as needed" that have been added at the end of a sentence are not needed and should be cut since earlier it says that these actions should be taken as appropriate and if not appropriate then it will not be needed. At the end of the same paragraph the word "to" should be inserted after "nor" and before "support."	The words at "as needed" that have been added at the end of a sentence are not needed and should be cut. At the end of the same paragraph the word "to" should be inserted after "nor" and before "support."		Comment 1) - reject. This addresses two related concepts. Appropriate corrective actions should be taken only if needed. Comment 2) accept.
9	Whole document/gener al	Technical	The standard outlines a variety of different reasons why one would still be able to interpret a test despite the failed control, but I see little rigor in outlining and documenting that decision-making process	I would like to see some more language added throughout the document about explicitly documenting the decision-making processes when moving forward with a DNA test interpretation despite a failed control.		Reject. No specific recommendations were provided. The steps involved in the process are delineated in the requirements (e.g., 4.2) with representative examples provided in the Annex. The laboratory must follow documented procedures in both their technical protocols and QA/QC protocols.
10	Whole document/gener al	Technical	In the spirit of creating more reliability across laboratories, I also struggled with the added language around "some labs do X, other labs do Y and yet others do Z", increasing or allowing for a lot of variability in decision making.	Minimize possible variability in the application of the standard by altering vague language.		Reject. No specific recommendations were provided. The steps involved in the process are delineated in the requirements with representative examples provided in the Annex.

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11	3.4	Ballot comment	3.4 should be moved up to be associated with "forensic sample"			Accept. Apparently this was misaligned on the redlined version, but correct in the final pdf.
12	Annex A	Ballot comment	Suggestion: On line 150 of Annex A, change the word "insufficient" to "unsuitable". Insufficient implies "not enough". Not an issue at all if you do not feel this suggestion is needed.			Accept with modification. Unsuitable was added.
13		Ballot comment	The concerns articulated by the two above ballot comments should be strongly considered.			Accept. This is referring to comments 7 & 9 above. Please see the responses to those comments.
14	4.2.1	T	NOTE Re-testing the forensic sample prior to the step in which the problem was identified may be performed; however, there are circumstances where this may not be feasible or necessary. Reasons for not conducting retesting include, but are not limited to: the sample was consumed during the initial analysis so re-testing is not possible; additional testing would exhaust the remaining portion of the sample or DNA extract eliminating the possibility of future testing; re-testing will likely not generate a different DNA profile; or the associated profile(s) would not be suitable for comparison even if the controls produced the expected results. Some questions that might be asked to determine whether the data should be reported without re-testing include: 1) would retesting consume or limit the sample such that it would preclude any future testing with another current or future method? 2) based on the profile observed, is there an expectation that the concern will be resolved with re-testing or would similar results be expected (e.g., same number of contributors, contamination still would be present)?	Delete	If analysts are permitted to proceed to interpretation of a sample involving contamination or failed controls, these circumstances should be fully and completely delineated. The standard as written leaves too much discretion to the laboratory to serve its generally laudable purpose.	Reject. This note was added in response to prior comments requesting more specificity. The language in the note does not provide a mechanism to override the requirement.
15	4.2.3	T	If the DNA test results are determined to be unsuitable for interpretation/comparison and retesting is not conducted, the results shall be reported as not suitable for interpretation/comparison according to laboratory policy	If the DNA test results are determined to be unsuitable for interpretation/comparison and retesting is not conducted, the results and an explanation of why the results are unsuitable for comparison shall be reported as not suitable for interpretation/comparison according to laboratory policy	Under the current version, there is no requirement that information warranting further investigation be reported to legal stakeholders. I believe this approach is more likely to lead to misreliance on problematic evidence. A lawyer should not have to review the laboratory casefile to know a documented issue occurred in a case	Reject. The proposed revision is already a requirement in ANS/ASB Standard 139. This recommendation is outside the scope of this standard.