

Public Comments
Deadline 19-Nov-18

Document Number: ANSI/ASB 040

Document Title: ASB Standard 040, First Edition 2018 Standard for Forensic DNA Interpretation and Comparison Protocols

Note: a specific Proposed Resolution must accompany each comment or it cannot be considered.

#	Section	Type of Comment	Comments	Proposed Resolution	Final Resolution
2	4.2.4	T	The edits to 4.2.4 do not provide sufficient specificity to ensure the goal that the protocols reflect the limitations established by validation studies. For instance, establishing the maximum number of contributors to be interpreted is specified, but then the list gets vague: "issues associated with low-level data...".	Add phrase "and limited by the range of casework type samples tested during internal validation and verification" under Requirement 4.1. OR possibly, state under 4.2.4 "The limitations of the interpretation methods used as established by the range and complexity of samples used in validation and verification."	Reject. Section 4.1 clearly states that the protocols must be supported by validation studies. Note: See References within this document for Std 020 in reference to validation requirements.
5	4.2.4	T	The edits to 4.2.4 do not provide sufficient specificity to ensure the goal that the protocols reflect the limitations established by validation studies. The section should provide more specificity to the terms "low-level data" and "low-level contributors."	Refer back to Sec 3.6 for specific issues with low-level samples and to sec 4.1 as it relates to the internal validation.	Reject. No proposed resolution was provided. Section 4.1 clearly states that the protocols must be supported by validation studies. Note: See References within this document for Std 020 in reference to validation requirements.
3	4.3.2	T	The deletion of "independent" allows for cognitive bias to infect the interpretation because the same analyst involved in interpretation and comparison of original evidentiary and/or reference data would be involved in subsequent interpretation of evidentiary data.	Add back in "and be independent of" and define independent (different analyst)	Reject. The intention of 4.3.2 is for subsequent interpretations to be completed without reference to previously generated data. The subsequent interpretation can be completed by the same analyst so the inclusion of the word "independent" with the suggested definition is not accepted.
6	4.3.2	T	The phrase "independent of" is an essential requirement of this standard. This standard will not do away with the type of analysis that it seeks to prevent which is making decisions of inclusion that are based on the consideration of reference profiles and not the data itself.	Add back in "and be independent of" and define independent.	Reject. The intention of 4.3.2 is for subsequent interpretations to be completed without reference to previously generated data. The subsequent interpretation can be completed by the same analyst so the inclusion of the word "independent" with the suggested definition is not accepted.
1	4.4.1	T	Section 4.4.1 States: 4.4.1 Laboratory protocols shall describe the criteria used for concluding that the source of the reference data is included, excluded, or inconclusive when compared to evidentiary data when those terms are used by the laboratory. The use of the words included, excluded and inconclusive are not consistent with the words used in Annex B section : When comparisons are made between sets of data, one of three conclusions may be drawn: ' (1) The DNA may have originated from the same source of the reference data; (2) The DNA did not originate from the same source; or (3) no conclusion can be drawn ((i.e., the comparison is inconclusive due to insufficient criteria to either include or exclude).	Use the same words in both sections with the Annex B language.	Reject. Section 4.4.1 is specific to laboratories that are using the terms "included, excluded, and inconclusive". The Annex is providing more general information to all labs, some of which do not use those terms (e.g. likelihood ratios with probabilistic genotyping).
4	4.4.2	T	Should be some requirement to avoid suspect-centric interpretation and some requirements for the content for the protocols addressing evidentiary re-interpretation; i.e. similar to recommended change to 4.3.2, add requirement of independence; add requirement to state justification for reinterpretation. Might also be worth breaking 2 sentences in 4.4.2 into 2 requirements.	Add requirement of independence; add requirement to state justification for reinterpretation.	Reject. Section 4.4.2 requires all re-evaluations to be "thoroughly documented". The subsequent evaluation can be completed by the original analyst so the inclusion of a requirement of independence (different analyst) is not accepted. Also, Appendix B further clarifies that this should include the reason for re-evaluation.
7	4.4.2	T	This standard is too vague. There needs to be more specific instruction as to when re-evaluation can occur. Does this mean the application of changed protocols or the re-evaluation of the data in order to include an individual, for instance, by changing what had once been called as stutter as non-stutter since only then can you include the suspect? The requirement in Annex B is too general.	Clearly define under what circumstance this would occur in order to avoid biasing interpretation of data once the reference samples are known	Reject. Section 4.4.2 requires the laboratory to have a protocol to address the re-evaluation of data. It is not the intent of this standard to specify the scenarios under which re-interpretations may occur because this is covered in the laboratory's protocol. Several examples are provided in Appendix B. Additionally, Section 4.4.2 requires all re-evaluations to be "thoroughly documented".