

Deadline for Comments: 5/11/2020

ASB Standard 063: Implementation of 3D Technologies in Forensic Firearm and Toolmark Comparison Laboratories, First Edition

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

#	Section	Type of Comment (E-Editorial, T-Technical)	Comments	Proposed Resolution	Final Resolution
1			<p>My "No" vote is based on the following concerns regarding the revisions to Standard 63:</p> <ul style="list-style-type: none"> 4.1.3.4: This standard should not sanction presentations as an appropriate means of promulgating scientific literature. In fact, even the mere reference to peer-reviewed publications is insufficient. The AFTE Journal (supposedly peer-reviewed) has been heavily criticized by scientific bodies and the courts (one recent decision went so far as to basically discard it: <i>United States v. Tibbs</i>, No. 2016 CF1 019431 (D.C. Sup. Ct. Aug. 8, 2019)). Given issues of bias this section should require validation studies by groups independent of the original developers, but at minimum its requirement for publication should confirm to the National Commission of Forensic Science's two relevant documents: "Views of the Commission Regarding Identifying and Evaluating Literature that Supports the Basic Principles of a Forensic Science Method or Forensic Science Discipline" & Views of the Commission Scientific Literature in Support of Forensic Science and Practice". 		<p>Reject: For the first sentence of this comment, the WG feels that the edits made to this document during round 01 of comments address this concern. For the rest of the commenter's paragraph, per ASB instructions with a recirculation, comments on a recirculation are only accepted on revised text within the document, comments made to text not revised from the original public comment period will not be accepted. This specific comment is not on the redlined words/sentences of this document, therefore not open for comment. This item may be addressed in the future versions of the document.</p>
1			<ul style="list-style-type: none"> 4.6: Commentators have long complained that proficiency tests are simply too easy to tell us anything about the competence of experts. And recently literature has begun to emerge showing that samples on CTS proficiency tests are much easier than casework and simply don't distinguish between experts and novices. See Luby, A.S.; Kadane, J.B. Proficiency testing of fingerprint examiners with Bayesian Item Response Theory. <i>Law, Probability, & Risk</i> 2018, 17(2), 111-121; A.J. Koertner, A.J.; Swofford, H.J. Comparison of Latent Print Proficiency Tests with Latent Prints Obtained in Routine Casework Using Automated and Objective Quality Metrics. <i>Journal Forensic Identification</i> 2018, 68(3), 379-388; Max, B.; Cavise, J.; Gutierrez, R.E. Assessing Latent Print Proficiency Tests: Lofty Aims, Straightforward Samples, and the Implications of Nonexpert Performance. <i>Journal of Forensic Identification</i>, 69(3), 281-298. This standard should not enter into that fray so casually by adding the comment: "Proficiency testing shall be conducted in a manner consistent with laboratory policies." The best strategy would be to do an entire standard regarding requirements for proficiency testing (either to cover regular firearms examination and the use of 3D technology separately or together). But even absent such a standard this document should not leave it to labs to decide what manner to conduct tests in: they should be blind, mixed with casework, and involve a range of samples reflecting the difficulty of casework. 		<p>Reject: Describing laboratory policy for proficiency testing is outside the scope of this document. The second half of the comment points to the need for a new standard and this information is shared with the author of this document.</p>
2			<p>I agree with Richard Gutierrez's comments, some of which are consistent with (less articulate) comments I've made in the past. While I appreciate efforts to improve this standard and the other standards related to it, I am particularly concerned with the lack of rigor in the requirements for "peer-review" of developmental validation. As I've mentioned before, presentations cannot seriously be considered to take the place of traditional peer reviewed publication as a means of meaningful review by the scientific community at large. Simply adding the requirement that the presentations be "peer reviewed" does not fix this problem. If anything, it diminishes the meaning of peer-review generally to use it in this context. For example, for AFTE presentations, the submission process for a technical presentation simply involves submitting an abstract of 400-700 words that includes a short statement of methods, a summary of results, and a conclusion, but does not include any data or any information about the method's limitations. See http://afte.org/uploads/documents/AFTE_2019_Abs-tract_Form.pdf. This is not "peer review" of the validation study. Nor is the audience during the presentation "peer-reviewing" the validation data, both because the audience is likely not qualified to critically assess the study, and because the data presented at conferences is a small snapshot of the full set of data collected, often selected to highlight the most promising data. This is not meant to insult people who present at conferences; this is what EVERYONE does who presents at conferences, myself included.</p>		<p>Reject: The WG feels that the edits made to this document during round 01 of comments address this concern. The standards makes it clear that the strength of the validation study is affected by its size, scope, and technical review. We agree with the commenter that not all presentations should be considered peer reviewed.</p>
3			<p>I would join with Richard Gutierrez's comments. As discussed by him and others in the initial comments, this work is very important and makes significant strides in codifying scientific standards. I do not want to take away from the good work of the OSAC and this committee in that regard. However, I do agree that we should reaffirm our commitment to meaningful peer-review, validation studies and proficiency testing. For that reason, I will respectfully vote no.</p>		<p>Reject: The concerns about the peer-review documents are noted and addressed in the document.</p>
4					
5					