30-Dec-19

ASB Std 093, Standard Test Method for Examination and Testing Firearms

#	Section	Type of Comment (E-Editorial, T-Technical)	Comments	Proposed Resolution	Final Resolution
7			1. While the definitions don't obviously conflict, having differing definitions for the same thing in different documents might not be for the best. (i.e. "dummy cartridge" here and Best Practice Recommendation 068). Also, there are terms defined here that are also used in other documents without definition. It would probably be better to have a single definitions document for all other documents to refer to. Having already passed other standards, it is probably too late this time, but should be considered for subsequent revisions of the standards. 2. It might also be problematic to have a definition of "trigger pull" that includes how it is measured when the standard for trigger pull measurement is still forthcoming. 3. Using both footnotes and endnotes with numerical superscript notation might prove confusing to readers, particularly when the notations on page 2 seem to be referencing a footnote on page 1. I'd suggest using a dagger for the footnote, and the footnote probably needs to be on both page 1 and 2. The square brackets can then be removed from the endnote citations. 4. "Camera" on page 2 appears to be a different font or size.		1. Accept with modification the "dummy cartridge" terms was revised to match BPR 068. The remaining definitions will stay in this document. 2. Accept 3. Accept with modification for clarification: Footnotes revised to a, b, c format 4. Accept
18	4.7		Given the capriciousness of accreditation bodies on matters of this sort, stating when uncertainty of measurement is/is not required may risk bringing this standard into conflict with future accreditation requirements. Specifying that you have to follow lab policy when measuring for statutory requirement seems odd- I'm pretty sure your lab will want you to follow lab policy in all circumstances. It's also odd to make this the one place to specify following accreditation requirements, if applicable.		Reject: This document is not in conflict with current known accreditation standards. It is likely accrediting bodies will look at this standard for future policy decisions.
29	4.9		"Trigger pull weight" should be changed to "trigger pull" throughout the document, because the latter is the glossary term and the former risks exacerbating confusion related to weight as a measure of force vs mass as well as conflation of the thing measured with the thing commonly used to measure it.		Accept
30			Sub-section numbering is applied inconsistently throughout the document and differs from the way it is done in other standards documents. Not sure what is the official format.		Reject. Formatting falls under ASB style Manual
31			Suggest either replacing all instances of "and/or" with "or," as it might incorrectly imply that other instances of "or" are necessarily exclusive, or replacing all instances of "or" that lack an "either" with "and/or".		Reject: The concern is noted but it is not specific to a section of this document. All the "and/or" occurrences in this document are appropriate.
8	4.2		4.2 This might be a good place to add a warning that clearing operations and function testing might eliminate evidence of a firearm having jammed during a crime. (Though clearing by collection personnel usually renders this moot).		Reject: 4.2.2 refers to the document BPR that best handles this situation and 4.5.1 refers to documenting the condition a firearm is received.
5	4.2.3		4.2.3 seems a little out of place as a test preparation, given that sections 4.5, 4.6, and 4.8 are addressing the same types of issues.		Reject: The preparation section is meant as it is titled intending to bring focus to everything that will be done with the firearm.
9	4.4.1		4.4.1 – It might also be acceptable to document packaging condition only in the circumstance that it is received unsealed, damaged, etc., otherwise accepting that it was received in normal, sealed condition. Also, might change "as received" to something like "as it was received" so it doesn't imply that you have to make this documentation right as it is being received.		Reject: Alternative language considered, current language found to be sufficient.
10	4.4.2		4.4.2 – Suggest changing "mark the evidence for identification" with "mark the evidence with identifying information". It might be confusing, since "identification" has traditionally been a term of art in pattern comparison analysis.		Accept
11	4.5.1		4.5.1 -- Comma after "as received" due to being parenthetical information. "Note any pertinent observations such as…" to "Note any pertinent observations, which may include…" The original sentence needs a comma" and implies that accessories are always pertinent. As a counterexample, not every Picatinny rail on firearms that come in only for basic affirmation that they are a firearm or a serial number restoration is going to be relevant.		Reject: The word "pertinent" defines the circumstantial relevance and wording was reviewed and two sentences are appropriate for this section.
12	4.5.2		4.5.2 – The language would be better broadened to reflect that there may be some instances where trace material might be better left in place rather than collected, or might be collected by another section of the laboratory. Say a shooter was seen accidentally bumping their gun into a painted object and a gun is submitted with a streak of paint on it. Unless it's pretty thick, and maybe not even then, I probably don't have what I need to remove it effectively. And, if a trace analyst tells me that though it's visible, it doesn't have enough present to analyze effectively with their methods, it may well be best to leave it alone, since it probably isn't really going to go anywhere, anyway, and its presence is as much evidentiary value as we can hope to get.		Reject: Laboratory policy governs this issue as stated in this section.

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13	4.6.3		4.6.3— It has not been stated what action the “additional actions” are in addition to. I guess looking at the marks on the gun, or already having that knowledge?		Reject: The working group is of the opinion that this sentence/this section is very clear. Section 4.6.3 is the next steps one can take after the steps of sections 4.6.1 and 4.6.2.
14	4.6.4		Much of the physical exam information mandated by 4.6.4 may be unnecessary if the firearm is solely received for a serial number restoration or the like.		Reject: The 1st paragraph in the Foreword addresses this issue. Also, not every item receives the same analysis or equivalent treatment.
15	4.6.5		4.6.5: Should be worded to reflect that rifled firearms are not always rifled well enough to determine number of lands and grooves, etc.		Reject: Documenting rifling characteristics implies alternate documentation when the characteristics can not be determined.
1	4.6.5	T	The items required for documentation in this section should be optional because it is not necessary for every examination.	Add "The documentation of the following features may not be necessary for every firearm. "	Reject: The 1st paragraph in the Foreword addresses this issue. Also, not every item receives the same analysis or equivalent treatment.
2	4.6.6	T	The items required for documentation in this section should be optional because it is not necessary for every examination.	Add "The documentation of the following features may not be necessary for every firearm. "	Reject: The 1st paragraph in the Foreword addresses this issue. Also, not every item receives the same analysis or equivalent treatment.
3	4.6.7	T	The items required for documentation in this section should be optional because it is not necessary for every examination.	Add "The documentation of the following features may not be necessary for every firearm. "	Reject: The 1st paragraph in the Foreword addresses this issue. Also, not every item receives the same analysis or equivalent treatment.
16	4.6.8		4.6.8 I assume “position(s)” is meant to address whether any manual safeties are on or off, but it is an ambiguous term, particularly as it is also used in 4.6.2-h more to denote location.		Reject: The definition of position is contextual.
33	4.6.10		(1) Magazine capacity should be documented, so 4.6.10 ought to be mandatory and not permissive. Information about capacity is often highly relevant to the defense and prosecution alike, and figuring it out should not require further investigation beyond reading an examiner's reports. 		Accept: "May" revised to "should"
6	4.6.10		4.6.10, it is probably best to clarify that capacity of "intact and operational magazines" shall be documented. Magazines are not always in a condition to properly address capacity.		Reject: Magazine capacity is not always relevant. Laboratories and/or examiners should retain discretion to document as needed. This includes if the condition does not allow for a magazine capacity check.
4	4.7	T	The items required for documentation in this section should be optional because it is not necessary for every examination.	Add "Laboratory policy may dictate when this measurement is required."	Reject: The 1st paragraph in the Foreword addresses this issue. Also, not every item receives the same analysis or equivalent treatment.
17	4.7		4.7 This exam should be optional, it very frequently is not relevant to a case.		Reject: The 1st paragraph in the Foreword addresses this issue. Also, not every item receives the same analysis or equivalent treatment.
19	4.7.1/4.7.1.1/4.7.1.2/4.7.2		Suggest something like: “4.7.1 Barrel and/or overall length of the firearm may be measured and recorded. 4.7.1.1 Often, barrel and/or overall length is used simply as a descriptor of the firearm. In these instances, it is appropriate to hold measurements to a less stringent standard (e.g., estimation of uncertainty of measurement or measurement traceability is not required). 4.7.1.2 However, in cases where measurements of barrel and/or overall length are for the purpose of assessment of conformance with a statutory requirement, more stringent standards, such as those laid out in accreditation requirements, may be necessarily, particularly if the lengths are close to the statutory limit. 4.7.2 A detailed procedure for measuring barrel and overall length is found in the Standard for Barrel and Overall Length Measurements for Firearms [2].”		Reject: Alternative language considered, current language found to be sufficient.
35	4.8		I would add that 4.8 should delete the word "consider" re: test firing before disassembling and add a documentation requirement, so that it reads "Examiners and/or technicians should test fire prior to any disassembly, so as not to alter the as-received condition of the firearm. If test fires are not conducted before disassembly, this fact should be documented."		Reject: The design/condition of the firearm and safety considerations will dictate how and when a firearm is test fired and documented.
20	4.8		4.8 Testing in all applicable modes could be optional. While the most basic assessment doesn’t typically take much time, if the case only demands determination of basic firing capability or IBIS entry, it is still potentially time spent discerning irrelevant information. Same for full-auto testing. You might make the case for it being a safety check, but if the lab has a policy of only loading one cartridge at a time for test firing, this is moot. Same for safety mechanisms in part d.		Reject: The 1st paragraph in the Foreword addresses this issue. Also, not every item receives the same analysis or equivalent treatment.
21	4.8-C		4.8-c Suggest adding something like, “It may also be advisable to minimize dry firing and test firing in firearms where the marking surface of the firing pin may make significant contact with other components, e.g. the firing pin aperture in some models of shotgun.”		Reject: Alternative language considered, current language found to be sufficient.
22	4.9		4.9 Change “Measure and record the trigger pull weight(s) of the firearm. Laboratory policy may dictate when this measurement is required.” To something like “Measure and record the trigger pull of the firearm, if relevant to the circumstances of the case.” Or “Trigger pull of the firearm may be measured.” Otherwise, you’ve got the standard deferring to the authority of a document that is supposed to adhere to the contents of the standard (if adopted), and the standard just said, without qualification, that you have to do it.		Reject: The 1st paragraph in the Foreword addresses this issue. Also, not every item receives the same analysis or equivalent treatment.
23	4.10.1		4.10.1 It might be more appropriate to make “This may include installing the barrel, bolt, or other component of the submitted firearm into a reference firearm.” part of 4.10.2, since it isn’t so much making a non-functional firearm functional.		Reject: Current language covers the contingencies as intended.

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34	4.11		(2) Section 4.11 suffers from a lack of mandatory documentation requirments. The types of ammunition used should be documented. The number of test fires should be documented. Any comparison between test fires (to check for the consistency of particular markings should be documented (with images of the compared areas. And, (although this may belong in a comparison standard) the reason an analyst chose a particular test fire over others should be documented.		Reject: Documentation is covered in section 4.3. Extent of documentation can be variable based on the case scenario and examiner's discretion.
24	4.11.1		4.11.1 “Based on examinations listed above” rather than “Based on the above examinations,” since the latter makes it sound like you have to use everything listed.		
25	4.11.2		4.11.2 Change “Use appropriate ammunition for the firearm.” to “Use appropriate ammunition for the firearm, unless counter-indicated by the circumstances of the case.” since it is immediately followed by acknowledgement that you might need to use ammunition not normally considered appropriate for the firearm (incorrect calibers or loadings).		Accept with modification: The first sentence of section 4.11.2 was edited to read: 4.11.2 Use appropriate ammunition for case circumstances.
26	4.11.3		4.11.3 Seems like the first sentence is unnecessarily doubling down on the admonition to use “appropriate” ammo. Suggest “When producing test specimens for subsequent comparative analysis, select ammunition and recovery device(s) that will facilitate the analysis.” Unless this is where “appropriate” is defined, in which case put the last sentence in 4.11.2 here and delete the remainder of 4.11.2.		Reject: Please refer to the revised (based on Comment #25) section 4.11.2.
27	4.12.2		4.12.2 Could make the argument that for IBIS-only cases, you don’t need this, or only need to report on this matter if the firearm had an issue (perhaps also in other cases where the assessment was only for the purposes of safety).		Reject: "If" at the beginning of the sentence conveys that certain situations do not have full mechanical function assessment.
28	4.12.2.1		4.12.2.1 I’m not sure I have a good remedy, but I expect this will result in a lot of reports that say something along the lines of, “This firearm failed to eject once during test firing because that is a thing that can happen sometimes for a number of different reasons. The condition was corrected by clearing the firearm”.		Accept with modification: The first sentence of section 4.12.2.1 was edited to read: "4.12.2.1 For a relevant malfunction of the firearm based on the case circumstances, ..."