

2-Nov-20

ASB Std 137, ASB Standard 137, Standard for Examination and Documentation of Footwear and Tire Impression Evidence, First Edition

#	Section	Type of Comment (E-Editorial, T-Technical)	Comments	Proposed Resolution	Final Resolution
14	General		I anticipate that the public comments will focus on the lack of specific, detailed instructions in the document. Nevertheless, I do believe it is fit for its intended purpose.		This document is intended to be general to cover the needs of multiple organizations and the variety of cases.
7	General		Numbering	See ASB Manual for proper numbering Protocol Sections of the main body of the standard shall be designated by a number. Subsections of the main body of the standard shall be designated by a number, period, and another number, repeating as necessary to indicate the level of the subsection. (Examples are 3. and 3.1 and 3.1.8) Annexes shall be designated by letters and annex sections and subsections shall be designated by that letter followed by a period and a sequence of numbers and periods designating the level(s) of the subsection. (Examples are A.2 and A.2.5 and A.5.7.3)	Reject: The numbering in this document is consistent with the ASB Guidance.
5	Sec 2	ED	Should ASB 097 be included as a normative reference?		Reject with modification: TR 097 has been included as an informative reference to section 3 of this document.
6	Sec 2	Ed	Revises ISO terms and definition for format of the T and D section	Special note to 3.5 re the use of a question as a definition	Accept with modification: Definition 3.5 was updated for consistency with other definitions in section 3.
1	4.1	E	Should have a colon after "NOTE"	Insert necessary colon	Reject: The note is appropriately displayed based on ASB's formatting.
8	4.1	ed	Consideration shall be taken regarding the preservation of observed forensic evidence, other than footwear or tire impressions, on examined items.	Uncertain what "consideration" means	Accept with modification: Last sentence in section 4.1 was updated and the word consideration was deleted.
9	4.2	ed	The inventory of an unknown footwear or tire impression should be conducted prior to the inventory of a known footwear or tire.	Unclear what "inventory" means	Accept with modification: Section 4.2.2 was revised to provide further clarity for inventory requirements.
13	4.2.1		In 4.2.1, I don't think it matters which (known v unknown) you inventory first, as you are just checking to see that you have what you are supposed to. Either strike 4.2.1 or maybe say inventory in a manner which prevents potential cross contamination (especially since the last line of the previous section talks about other types of potential evidence).  For references to "characteristics of use" I think there needs to be a better distinction between wear and RACs. In re-reading this document, it almost appears that the same weight could potentially be given to both. Wear could be a class or individual characteristic.  Since "complexity" is mentioned, I think there needs to be some guidelines/definition. I just don't know if complexity should be mentioned if no metric is given. Maybe generically reference if terms of quality of impression or how much of an impression is present?		Reject (paragraph 1 of this comment): Best practice is to do an inventory for the unknown before the known.  Reject (paragraph 2 of this comment): See section 3.2 that defines "characteristics of use". The weight attributed to wear and RACs is outside the scope of this document.  Reject (paragraph 3 of this comment): The weight attributed to wear and RACs and "complexity" is outside the scope of this document. Also, it is unclear as to which "complexity" is mentioned in this document this comment is referring to. "complexity" is not mentioned in section 4.2.1.
10	4.3.1	ed	How does this differ from 4.2.1 and given that 4.2.1 and 4.2.1 is a should and 4.3.1 is a shall. It make sense that they read the same?	Discrepancy	Reject: 4.3.1 describes the analysis phase which shall be done with the unknown part to the known. 4.2.1 describes an inventory process where possible the unknown should be inventoried first.

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2	4.3.1	E	The drafters of this standard made admirably changes to address concerns regarding transparency and cognitive bias / circular reasoning. This section, however, could still benefit from additional clarity. Specifically, section 4.3.1 calls for analysis of an unknown impression before exposure to the known. And while it also appears to require documentation ahead of such exposure (via references to contemporaneous documentation and the like), it must go further. The Mayfield misidentification highlights the importance, not just of full and unbiased analysis pre exposure to a known, but of documentation that process as well. And advocates of systems like G.Y.R.O. in the latent print context have similarly noted the importance of analysis & documentation before exposure.	Change the first sentence of 4.3.1 to read: "The analysis and documentation of an unknown footwear or tire impression shall be conducted prior to the analysis of a known footwear or tire."	Accept
11	4.4.2	ed	non-correspondence	This term is not defined in 097 and exclusionin 097 uses the term "non-association"	Reject: "non-correspondence" is used as a standard term. "Non-association" is a specific conclusion term for this discipline.
12	4.4.3	ed	correspondence	This term is not defined in 097 and identification in 097 uses the term "association"	Reject: "correspondence" is used as a standard term. "association" is a specific conclusion term for this discipline.
3	4.6.1	E	This section rightly calls for examiners to employ procedures to minimize cognitive bias during verification, and yet it also advocates for just the opposite. There is no principled reason to make verifications of same source associations mandatory while leaving verification of other conclusions to the discretion of laboratories. An exclusion decision may be just as vital in particular cases as an association and should be treated with the same level of rigor and vetted by equally robust quality assurance measures. While doing more verifications may strain laboratory resources that is not a scientific reason to forgo important quality assurance steps. At least in cases of impressions deemed suitable, verifications of all conclusions should be mandatory. Given the success of labs like Houston, this standard should also make blind verifications mandatory in at least single impression cases.	Change 4.6.1 to read: "A verification shall be conducted for all evaluation conclusion/interpretations." Require labs to adopt a process for blind verifications in single impression cases.	Accept with modification: This section was updated by accepting the suggested statement. However, blind verifications in footwear impression cases is not addressed in this section, because it is not supported by any empirical studies.
4	4.6.3	E	No principled reason exists to require lesser documentation from verifiers as compared to initial examiners. In fact, given turnover at labs, the verifier may well end up testifying as the primary examiner at trial. The legal system therefore would require full documentation. Thus verifiers (like primary examiners) should be required to engage in a full analysis (with corresponding documentation of class characteristics and characteristics of use, and so on down the line through comparison and evaluation.	Change 4.6.3 to place documentation requirements on verifiers that are coequal with those of the primary examiner.	Reject: Section 4.6.3 lists the minimum documentation and it is appropriate as stated given the complexity. The verifier's notes should correspond to the complexity of the examination.