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Best Practice Recommendations for the Resolution of Conflicts in Friction Ridge Examination



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Best Practice Recommendations for the Resolution of Conflicts in Friction Ridge Examination

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Foreword

This document has been developed with the objective of improving the quality and consistency of friction ridge examination practices.

The potential for differing suitability decisions or source conclusions is an inevitable result of the subjective interpretation of friction ridge impressions, particularly for those impressions where the quantity and quality of observed data are low and require more subjective interpretation.

The American Academy of Forensic Sciences established the Academy Standards Board (ASB) in 2015 with a vision of safeguarding Justice, Integrity and Fairness through Consensus Based American National Standards. To that end, the ASB develops consensus based forensic standards within a framework accredited by the American National Standards Institute (ANSI), and provides training to support those standards. ASB values integrity, scientific rigor, openness, due process, collaboration, excellence, diversity and inclusion. ASB is dedicated to developing and making freely accessible the highest quality documentary forensic science consensus Standards, Guidelines, Best Practices, and Technical Reports in a wide range of forensic science disciplines as a service to forensic practitioners and the legal system.

This document was revised, prepared, and finalized as a standard by the Friction Ridge Consensus Body of the AAFS Standards Board. The draft of this standard was developed by the Friction Ridge Subcommittee of the Organization of Scientific Area Committees (OSAC) for Forensic Science.

Questions, comments, and suggestions for the improvement of this document can be sent to AAFS-ASB Secretariat, asb@aafs.org or 401 N 21st Street, Colorado Springs, CO 80904.

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Table of Contents

1	Scope.....	1
2	Normative References	1
3	Terms and Definitions	1
4	Recommendations.....	2
4.1	Policy.....	2
4.2	No Consensus Source Conclusion Reached.....	4
4.3	Documentation	4
4.4	Reporting and Tracking	5

Best Practice Recommendations for the Resolution of Conflicts in Friction Ridge Examination

1 Scope

This document provides the best practice recommendations for how to resolve conflicts between examiners at any point during the technical review or verification process of conflicting suitability decisions, conflicting source conclusions, and documentation of conflict resolution.

This document does not address differences of opinion that occur at the consultation level or any organizational response once an error is discovered or the conflict(s) are resolved.

2 Normative References

There are no normative reference documents.

3 Terms and Definitions

For purposes of this document, the following terms and definitions apply.

3.1

blind verification

A type of verification in which the subsequent examiner(s) has no knowledge of any other examiner's decisions, conclusions or observed data used to support the conclusion.

3.2

conclusion

source conclusion

Opinion stated by an examiner after interpretation of observed data. The opinion is the personal judgement that the observed data can offer support for one proposition over another. A conclusion is distinct from a "*proposition*."

3.3

conflict

A condition in which two or more examiners disagree on a suitability decision or source conclusion.

3.4

consensus review

A type of examination in which a reported decision or conclusion is determined that reflects the collective judgement of a group of examiners.

3.5

forensic service provider

FSP

Organization or individual that conducts and/or supplies forensic services

3.6**observed data**

Any information seen within an impression that an examiner relies upon to reach a decision, conclusion, or opinion. This not only includes minutiae, but attributes such as clarity, scars, creases, edge shapes, pore structure, and other friction ridge features.

3.7**suitability decision****utility decision**

A decision made by an examiner in accordance with FSP policy and/or procedure as to whether or not an impression will proceed to the next step in the examination process.

3.8**technical review**

A qualified second party's evaluation of reports, notes, data, and other documentation to ensure there is appropriate and sufficient support for the actions, results, conclusions, opinions, and interpretations.

3.9**verification (phase of examination method)**

Independent examination by one or more examiners to ascertain if a decision, conclusion, or opinion is reproduced or is in conflict with the decision, conclusion, or opinion of another examiner.

NOTE 1 Verification may be implemented in multiple ways including blind, open, and consensus. The general term verification is inclusive of these various types.

NOTE 2 Verification is a quality assurance measure for friction ridge examination.

NOTE 3 The use of the term “independent” indicates an autonomous examination but not necessarily one without knowledge of a prior decision, conclusion or opinion.

4 Recommendations**4.1 Policy****4.1.1 General**

Forensic Service Providers (FSPs) should have a policy for conflict resolution.

NOTE For the purposes of this document, it is assumed that the examiner assigned to the case has completed their friction ridge examination and has submitted the impression(s) to a second examiner for verification. FSP policy dictates which suitability decisions and source conclusions are verified and whether or not verification takes place in conjunction with technical review.

4.1.2 Options for Conflict Resolution

A conflict may be resolved through a substantive discussion of the support for decisions or conclusions among the conflicting examiners, or it may escalate to requiring blind verification, consensus opinion, or an outside agency review. These escalated options should include the oversight of the responsible management.

4.1.3 Conflicting Suitability Decisions (Value/No Value) or Source Conclusions

4.1.3.1 General

Examiners or the FSP should initiate conflict resolution when examiners disagree on a suitability decision or a source conclusion. When conflicting suitability decisions (value/no value) or source conclusions occur, the FSP should take one of the following steps to resolve the conflict.

NOTE The following scenarios are simplified, and it is recognized that cases often have numerous friction ridge impressions and could involve more than one conflict and resolution process.

4.1.3.2 Remediating Interaction

The original examiner and the second examiner (verifier) should attempt to resolve the conflicting suitability decisions or source conclusions via substantive discussion with an attempt to arrive at a mutually agreed upon decision or conclusion that is best supported by the observed data. If agreement is achieved, the conflict resolution process concludes and should be documented in the case file. If agreement is not achieved, the disagreements should be noted in the case record, and the conflict resolution process should proceed to the responsible manager to determine and utilize the most appropriate option(s) to resolve the conflict (i.e., option(s) that is (are) available to the FSP).

4.1.3.3 Managerial Options

4.1.3.3.1 General

If agreement between two examiners cannot be reached through remediating interactions, the conflict resolution should elevate to managerial review. A supervisor/manager, technical lead, or other designee should determine the next steps to resolve the conflict. Options for the resolution may include blind verification, consensus review (consensus opinion), and/or outside agency examination.

No examiner should be forced or coerced into agreeing with, or writing a technical report in support of, any conclusion or opinion with which they do not agree.

4.1.3.3.2 Blind Verification

4.1.3.3.2.1 A third examiner (who may be a bench-level examiner, technical lead or technical supervisor/manager) should examine the friction ridge impressions in question and document their decision and conclusion in the case record. In blind verification, the third examiner should be shielded from the decisions, conclusions and documented data of the other two examiners and from any other task-irrelevant information (information that is not needed to interpret the impressions). The three decisions or conclusions (original examiner, second examiner, and third examiner) should be reviewed to determine if two agree and how the case should proceed. If the third examiner wishes to confer with either the original or second examiner, they should have their decisions or conclusion documented first and that interaction should be recorded in the case file.

4.1.3.3.2.2 If the third examiner agrees with the suitability decision or source conclusion of the original examiner, the original examiner should retain the case.

4.1.3.3.2.3 If the third examiner agrees with the suitability decision or source conclusions of the second examiner, the relevant examination should be transferred to the second examiner and this transfer should be documented in the case record. The FSP should have a policy to determine how transferred examinations are reported.

4.1.3.3.3 Consensus Review

The FSP should determine the appropriate number of examiners necessary for a consensus panel. At a minimum, the decisions or conclusions of all examiners on the consensus panel should be recorded in the case file, and the consensus opinion should be reported and described as such. The FSP should have a policy to determine how consensus opinion is reported.

4.1.3.3.4 Outside Agency Examination

Friction ridge evidence should be submitted to an outside FSP without providing the results of the conflicting examiners. The results of the outside agency examination should be forwarded to the FSP manager or representative for review. All information received from the outside agency should be retained in the case record. The FSP should have a policy to determine how that outside agency examination result is reported.

4.2 No Consensus Source Conclusion Reached

If the above methods have not resolved the conflict, all source conclusions should be recorded in the case record, and the report should state that a consensus source conclusion could not be reached.

4.3 Documentation

When a conflict with a suitability decision or source conclusion occurs, the conflict should be documented. The level of documentation needed for conflict resolution will vary according to the nature of the conflict and according to FSP policy. For all conflict resolutions, the documentation should include the following:

- a) all examiner suitability decisions and source conclusions (both original and those generated as a result of the conflict resolution process);
- b) all image mark-ups of the observed data used to support the suitability decisions and/or source conclusions (both original and those generated as a result of the conflict resolution process);
- c) personal identifiers and dates of all examiner suitability decisions and source conclusions;
- d) dates and outcomes of discussions between examiners;
- e) any changes in the suitability decisions and source conclusions, whose decision or conclusion changed, and the date the decision or conclusion changed; and
- f) if a case is reassigned: the date the case was reassigned, the reason the case was reassigned, to whom it was reassigned, and the original examiner's notes.

4.4 Reporting and Tracking

4.4.1 The issued report should disclose that the reported finding was result of a conflict resolution.

4.4.2 FSP management should have processes in place to track the causes and frequency of conflicts between examiners.



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