

25-Jan-21

ASB BPR 143, Standard for Technical Review in Friction Ridge Examination

| # | Section | Type of Comment (E-Editorial, T-Technical) | Comments | Proposed Resolution | Final Resolutions |
|----|---------|--|---|--|--|
| 13 | Title | T/E | | Is there are reason this document is a best practice document and not a standard? The majority of the statements use shall and technical review is a mandatory process. This document should be a standard and not a best practice document. | Accept: Draft changed to a standard. |
| 14 | Scope | E | | "This document does not address administrative review, verification, or testimony monitoring" should be changed to "This document does not explain administrative review, verification, or testimony monitoring" since verification is mentioned in statement 4.2. | Reject: The term "address" is appropriate to convey the message that this BPR does not tell the reader how to conduct administrative review, verification, or testimony monitoring. These topics are addressed in other documents. |
| 1 | 1 | T | While this document is designed to provide "best practice recommendations," it also provides a few minimum requirements (identified by the word "shall") that all labs are expected to meet. Perhaps it should therefore be titled "best practice recommendations and minimal requirements for technical review." The danger of focusing solely on the "best practice" aspect is that labs can claim they are following "best practices" by merely complying with the minimal requirements set forth. | Consider revising the title and text of this document in order to clarify which recommendations are aspirational "best practices" (that may not always be achievable in practice) and which are minimal requirements that all FSPs must meet. | Accept with modification: Draft changed to a standard. The term "shall" indicates a requirement and "should" indicates best practice. |
| 18 | 1 | T | This standard's stated objective is to improve the quality and consistency of friction ridge examinations. This objective would be better served by making these provisions requirements instead of recommendations. | Change these from best practice recommendations to mandatory standards that implicate accreditation. This change would make these provisions more impactful by ensuring that FSPs adhere to sound practices. | Accept: Draft changed to a standard. |
| 2 | 3.4 | E | The current language of Sections 3.4 and 3.5 does not make it sufficiently clear what the difference is between technical review and verification. The distinction may be clear to subject matter experts, but not to readers from the broader community of lawyers, academics and others who will rely on these standards. We suggest some possible language to clarify the distinction (as we understand it). | Revise Section 3.4 as follows: "A qualified second party's evaluation of reports, notes, data, and other documentation to ensure that appropriate and sufficient procedures have been followed." | Reject with modification: Current language is the OSAC Preferred Term. Added footnote indicating OSAC Preferred Term. |
| 19 | 3.4 | T | Given that a technical reviewer is not called upon to conduct a second examination of the evidence, the technical reviewer is not in a position to ensure "sufficient support for the... conclusions..." and this overly expansive definition risks confusion between the technical review and verification roles. | Include language that clearly cabins the technical review to a review of the case file to check that the documentation adheres with FSP SOPs as opposed to a review of the ultimate suitability or feature comparison decision. | Reject with modification: Current language is the OSAC Preferred Term. Added footnote indicating OSAC Preferred Term. |
| 3 | 3.5 | E | The current language of Sections 3.4 and 3.5 does not make it sufficiently clear what the difference is between technical review and verification. The distinction may be clear to subject matter experts, but not to readers from the broader community of lawyers, academics and others who will rely on these standards. We suggest some possible language to clarify the distinction (as we understand it). | Revise Section 3.5 as follows: "Re-examination of the same impressions evaluated by the initial examiner using the FSP's policies and procedures relating to analysis, comparison, and evaluation of friction ridge impressions. The goal is to compare the resulting decisions on suitability and source with the initial examiner's decisions in order to determine whether any substantial difference exists between them." | Reject with modification: Definition same as in TR 016 |
| 15 | 3.5 | T/E | This terminology and definition imply (or actually states explicitly) that the initial conclusion will be confirmed. | It would be more objective to define this term as "examination of observed data by another examiner to determine if a conclusion or opinion conforms to specified requirements and is reproducible. Similarly, the more neutral term "examiner" or "reviewer" would be preferred over "verifier" throughout the document. | Reject with modification: Definition same as in TR 016 |
| 20 | 3.5 | T | This definition allows for non-blind verification but instead should specify that all verification must be blind. Furthermore, this definition allows for a verifier to opt-out of a re-examination of the samples in lieu of documented data, which is undefined. | Define verification as a blind re-examination of the questioned and (if applicable) reference samples. | Reject with modification: Definition same as in TR 016 |
| 16 | 4 | T/E | | This document should be a standard which would change Recommendations to Requirements. | Accept: Draft changed to a standard. |
| 21 | 4.2 | T | Allowing the tech reviewer and the verifier to be the same person and conduct these tasks simultaneously enhances the risk of confirmation bias. | In order to minimize bias, the technical reviewer should be a different person from the verifier and all verifications must be blind. | Reject: There is no requirement for all verifications to be blind. Verification and technical review are separate tasks and may be performed by the same individual. |

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| 4 | 4.3 | T | This document requires FSPs to have a written policy defining what is required for technical review, but it does not go far enough in setting minimum standards for what is entailed by "best practices" for technical review. It provides a "sample check list" in Annex A, but explicitly notes that the elements of the check list are not required and are merely suggestions, leaving each agency to decide on its own what the minimal elements of technical review might be. Hence, individual labs will be able to claim that they are in compliance with these "best practice recommendations" even if they choose to ignore most or all of the elements in the checklist. We regard this as too permissive. We believe this standard should be more explicit in setting forth the necessary elements of a "best practices" technical review. We believe it should also identify which elements are necessary and which are merely aspirational and optional. | Consider saying that the elements of the checklist should be a mandatory part of technical review unless the laboratory has a good reason (documented in its QA/QC documents) for using a different list. In other words, think about moving some of the elements that are now merely recommendations into the "shall" category. | Accept with modification: Draft changed to a standard. The term "shall" indicates a requirement and "should" indicates best practice. |
| 17 | 4.3 | E | | The position of statement 4.1 and 4.3 should be switched. It makes more sense to state that a FSP is required to have a policy on technical review before stating who is qualified to perform a technical review. Being that this is also a best practice document, stating first that it is mandatory that a FSP has a technical review policy avoids any confusion with the title of the document. | Accept with modification: Moved 4.3 to 4.1 (former 4.1 became 4.2 and former 4.2 became 4.3). |
| 5 | 4.5 | T | For the same reasons set forth in our comments on Section 4.3, we believe the standard should be more specific and detailed here about the necessary elements of a policy on non-conforming work. Make more of the "mays" into "shalls" in order to assure that minimal requirements of sound practice are met. As currently written, a lab could meet the requirements of this standard by having a written policy on non-conforming work that says: "It is the policy of this lab to ignore and do nothing about non-conforming work." Surely we can do better than that when drafting standards for this field. | Consider recommending that labs adopt all of the helpful suggestions in Annex B unless they have good reasons (documented in QA/QC documents) for not doing so. | Reject: Annex B provides one example of how nonconforming work can be documented. It is not the only way, nor is it necessarily the best way for any given agency. Because it is just an example, changing the suggestions to recommendations is not warranted. |
| 7 | Annex A | T | Missing: are date and time noted? | add | Reject: Annex A provides one example of how technical reviews can be documented. Because it is just an example, an FSP can add or delete elements as needed. |
| 8 | Annex A | T | Missing: are pages signed | add | Reject: Annex A provides one example of how technical reviews can be documented. Because it is just an example, an FSP can add or delete elements as needed. |
| 9 | Annex A | T | Missing: if not according to the policy: justification noted? Explanation? | add | Reject: Annex A provides one example of how technical reviews can be documented. Because it is just an example, an FSP can add or delete elements as needed. |
| 10 | Annex A | T | always using the wording, not observed details/characteristics, but observed data | replace by 'observed data' | Reject: Annex A provides one example of how technical reviews can be documented. Because it is just an example, an FSP can add or delete elements as needed. |
| 11 | Annex A | T | indication of conflict resolution if present | add question | Reject: Annex A provides one example of how technical reviews can be documented. Because it is just an example, an FSP can add or delete elements as needed. |
| 22 | Annex A | T | "Are the notes legible and proper" is vague and compound. | Define "proper" and separate out from legible. | Reject: Annex A provides one example of how technical reviews can be documented. Because it is just an example, an FSP can add or delete elements as needed. |
| 23 | Annex A | T | "Are the conclusions appropriate based upon the data" is misplaced because this is the role of verification, which should always be blind. | Omit. | Reject: By definition, the role of the technical reviewer is to determine if the data support the conclusions reached. |
| 6 | Annex B | T | The annex makes reference to "root cause analysis" without providing a definition or any references that readers could rely upon in determining what is entailed in a root cause analysis. | We suggest citing the National Commission on Forensic Science's document on root cause analysis, which provides helpful guidance on the issue for forensic scientists. The document can be found here: https://www.justice.gov/archives/ncfs/file/786581/download | Reject with modification: Annex B deleted |
| 12 | Annex B | T | non-conformity: clerical error that's crazy to have a form for every clerical error. Modify the form to list all such errors to simplify the procedure | add that possibility | Reject with modification: Annex B deleted |