

Public Comments Deadline: 3/14/2022

ASB Std 145, Standard for Consultation during Friction Ridge Examination

#	Section	Updated Section	Type of Comment (E-)	Comments	Proposed Resolution	Final Resolution
46		3.4		Definition for "consultation" is not in alphabetical order Definition for examiner is missing three words after competent refers to a "competent friction ridge examiner" and not a "trainee."		Accept
23	3.1	3.4	T	The definition of consultation should include a description of the type of individual who may be consulted. For example, a detective should not be someone with whom the examiner consults.	Add "with another examiner."	Reject: Section 4.3 specifies with another examiner.
36	3.1	3.2	E	This language: "for the purpose of interpreting an image or comparison" should be tweaked because an examiner does not interpret a comparison.	Change to: "...for the purpose of interpreting an image <b>or comparing images.</b> "	Reject: The dictionary definition of "interpret" is used in this definition of consultation From the Oxford dictionary: Interpret - "explain the meaning of (information, words, or actions). "the evidence is difficult to interpret"". This definition applies to both images and comparison of images.
34	3.3	3.2	T	the term 'complexity (of a comparison)' does not appear in the standard so it is unclear whether this term should appear in 'Terms and Definitions'. The Standard does refer to 'high complexity, per FSP policy,...' at 4.3e and 4.7. If the term 'high complexity' is defined by FSP's does it make sense to also define complexity in this standard?	Suggest reconsidering whether the definition of 'complexity (of a comparison)' is needed here given the reference to external FSPs	Reject: This is a minimum standard and the term complexity is defined as a minimum. FSP policy can expand on this definition.
37	3.3	3.2	T	The phrase "may require additional consideration" is vague and uninformative. It does not reflect the important fact that difficulty increases with complexity and that this correspondingly increases the risk for error.	The recommendation for rating complexity and this rating triggering additional quality measures appear to come from the recognition that there is greater risk for error in more complex comparisons. To promote transparency on this point, and to more clearly set out the importance of the guidelines that follow, this definition should spell this out. Replace " may require additional consideration" with " render comparisons more difficult, increase the risk of error, and therefore require additional quality assurance measures."	Reject: This source of this definition is from ASB TR-16.
24	3.3 & 3.4	3.2 and 3.3	T	Additional consideration is vague.	Take out "considerations and" or provide a description of what is meant by additional considerations.	Reject: This source of this definition is from ASB TR-16.
35	3.4	3.3	T	the term 'complexity (of an impression)' does not appear in the standard so it is unclear whether this term should appear in 'Terms and Definitions'. The Standard does refer to 'high complexity, per FSP policy,...' at 4.3e and 4.7. If the term 'high complexity' is defined by FSP's does it make sense to also define complexity in this standard?	Suggest reconsidering whether the definition of 'complexity (of an impression)' is needed here given the reference to external FSPs	Reject: This is a minimum standard and the term complexity is defined as a minimum. FSP policy can expand on this definition.
38	3.4	3.3	T	Same problem identified above in 3.3	Same proposed resolution as identified above in 3.3.	Reject: This source of this definition is from ASB TR-16.
20	3-4	3.3	T	"Consultant" should be defined in section 3. To a general reader, the role of a consultant is unclear, especially in the context of 4.1 where a consultant seems distinct from an examiner. Likewise, verifier as used in 4.2 has unclear significance and could benefit from a definition.	Define and clarify the roles of consultant and verifier	Reject: Consultation is defined in Section 3, as well as defined by the body of the standard. Consultant is a derivative of Consultation and therefore unnecessary to define.
21	3.5		T	The last sentence of the definition ("Use of the term 'examiner' in these documents refers to a 'competent' and not a 'trainee'") seems confusing. Although "trainee" is self-explanatory, "competent" is not defined, and it is unclear who is considered a competent or if there is a missing word somewhere.	Clarify why "competent" is in definition	Accept: This was a cut and paste error. Competent has been changed to Competent Friction Ridge Examiner.
26	3.5		E	Stating it as "a competent" at the end of the definition does not make sense	Change it to be something like "Use of this term refers to a competent examiner and not a trainee"	Accept
30	3.5		E	The grammar in 3.5 could be further improved. A "competent" and a "trainee" what?	Suggest revising the final sentence to: "Use of the term "examiner" in these documents refers to someone who is "competent" and not a "trainee""	Accept with modification: Wording changed to "competent" friction ridge examiner" and not a "trainee."
31	3.5		T	The meaning of the terms 'competent' and 'trainee' are not clear.	Suggest providing definitions for 'Competent' and 'trainee' or refer to relevant standards where these terms are defined.	Accept with modification: "competent" friction ridge examiner" and not a "trainee."
39	3.5		E	Missing a word after "competent"	Change to: " <b>competent examiner.</b> "	Accept
9	4.1		E	This clause introduces the term "consultant" which is not defined in the standard and not a term typically used in routine examinations.	Please define "consultant" in section 3.	Reject: Consultation is defined and consultant is a derivative of that, and deemed self-evident by this working group.
12	4.1		E	The requirement is confusing.	Change "...until after they have completed their observations" to "until after the consultant has completed their observations".	Accept:
40	4.1		T	Typo in the note	Change to: Preliminary observations <b>refer</b> to the data. . . .	Reject: This section was reviewed during the previous comment period. Only new edits are open for commenting during this round.
41	4.1		T	The line between "consultation" and "conflict resolution" may blur and the less demanding procedures for consultations will therefore be susceptible to abuse in order to minimize the difficulty of a particular set of evidence or to avoid professional embarrassment if an examiner anticipates their work will be challenged or questioned. It is therefore critical to promote contemporaneous, linear, detailed documentation of the consultation process, beginning with documenting the question that gave rise to the need to consult.	Include the following language: A consultation shall only occur after the examiner has recorded their preliminary observation <b>and noted the question or difficulty that gives rise to the need for consultation</b> in the case record.	Reject: Section 4.6b requires that the topic of the consultation be documented.

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32	4.1 NOTE		E	A definition is provided outside the definition section.	Suggest adding a definition of 'Preliminary observations' to Section 3, Terms and Definitions.	Reject: This section was reviewed during the previous comment period. Only new edits are open for commenting during this round.
1	4.2		T	small agencies may not have the luxury of having 3 or more examiners for consultations and verifications. Or in some cases even at larger agencies there are only 2 examiners present	change shall to should not be used as the verifier	Reject: This section was reviewed during the previous comment period. Only new edits are open for commenting during this round.
11	4.2		T	Placing 'shall' in this section creates a requirement that is restricting and difficult to meet in certain situations, particularly for smaller agencies with a limited number of examiners available	Change 'shall' to 'should'	Reject: This section was reviewed during the previous comment period. Only new edits are open for commenting during this round.
13	4.2		T	This requirement places undue burden on smaller FSPs.	Change "shall" to "should".	Reject: This section was reviewed during the previous comment period. Only new edits are open for commenting during this round.
16	4.2		T	By stating "shall not" in this standard, small sections/units may not be able to comply with this standard. It also does not allow for one-off situations or for staffing concerns (vacations competency, etc).	Make this a "should not"	Reject: This section was reviewed during the previous comment period. Only new edits are open for commenting during this round.
27	4.2		T	I do not agree that this be listed as a "shall". In places with small sections, or times when only two examiners are available, it's impossible to have a 3rd person around to be the verifier. It's terribly limiting to make this a "shall".	Change "shall" to "should" to provide for times when it's impossible to get a verifier who did not do the consult in these instances. Perhaps just require more documentation or state that the consult should be blind.	Reject: This section was reviewed during the previous comment period. Only new edits are open for commenting during this round.
28	4.2		T	Use of shall is restrictive in this instance, especially in urgent situations or with limited staff	change shall to should	Reject: This section was reviewed during the previous comment period. Only new edits are open for commenting during this round.
33	4.2		T	What does it mean to be a "verifier for that examination."?	Suggest adding a definition of 'verifier' to Section 3 or refer to relevant standards where this term is defined.	Reject: The term verifier is a self evident dictionary definition.
45	4.2		T	The comment resolution on "should" v. "shall" has me concerned. In comment 44, the resolution states: "It is up to the FSP/agency to decide how and if they want to comply with this as a voluntary standard". OSAC is now designating labs as "OSAC Implementers", so they have to comply with every standard published. You have multiple commenters stating that requiring the consultant not to be the verifier is very difficult in smaller labs, so it seems inappropriate not to consider those concerns when combined with the implementer program. While I realize implementer status is also voluntary, it locks FSPs into agreeing to future standards they haven't seen.	Remove "shall" from 4.2. Change to "when practical/possible, the consultant...should not be used as the verifier." Add a note that the intention of the standard is to ensure documentation and transparency, so the case documentation will make clear who performed both tasks and when.	Reject: This section was reviewed during the previous comment period. Only new edits are open for commenting during this round.
2	4.3		E	The statement "Not all discussions rise to the level of consultation that requires documentation." is unneeded because after that every possible decision is listed as instances when consultation shall be documented. Many of these instances needing consultation were not considered to be consultations.	Remove the statement "Not all discussions rise to the level of consultation that requires documentation." - it is useless	Reject: This section was reviewed during the previous comment period. Only new edits are open for commenting during this round.
3	4.3		T	Six instances that need to be documented as consultations are listed as a-f. What was always considered a consultation - independent comparison by a qualified examiner or discussion while looking at known and questioned impression is not listed as a consultation.	Add independent comparison done by a second qualified examiner. Add conversation with a second qualified examiner while viewing the known and the questioned print.	Reject: This section was reviewed during the previous comment period. Only new edits are open for commenting during this round.
29	4.3		T	I dont agree automated search consultation being included as a shall. Searchability is more subjective than value determination and sometimes needs to meet state requirements.	Move bullet b) requiring documentation of consult for an automated search to 4.4	Reject: This section was reviewed during the previous comment period. Only new edits are open for commenting during this round.
42	4.3		T	Consistent with the comment to 4.1 above, generalized language like "Not all discussions rise to the level of consultation that requires documentation" is uninformative and risks encouraging the misuse of this standard and the consultation process. It is important that the standard provide detailed, unambiguous guidance about when documentation and disclosure of a consultation must occur.	Define the types of discussions that need not be documented. Provide concrete examples of when an informal, no-need-to-document discussion may become a must-document consultation.	Reject: This standard sets the minimum requirements for consultations section 4.3. Forensic Service Providers can write more stringent SOPs if they deem necessary. Additionally, this section was reviewed during the previous comment period. Only new edits are open for commenting during this round.
4	4.3 a)		T	I do not believe that utility decisions need a documented consult. ASB Best practice recommendation 165 4.7 states "The utility of an impression is an operational one, not a scientific one." That statement makes sense - it is an operational decision so why would we need to document a consult on that? People should be encouraged to have discussions about policy without having to document every conversation. If people have to document every little conversation, no one will want to initiate discussion.	Remove 4.3 a) or make this optional	Reject: This section was reviewed during the previous comment period. Only new edits are open for commenting during this round.
19	4.3 (b)		E	missing a "the" in this statement	update this statement as "b) assessment of the utility of the friction ridge impression for an automated search;" to match the statement in a)	Accept with modification: Section 4.3 b has been amended.
17	4.3 b		T	Not sure if utility for an automated search needs to rise to the level of a documented consultation. This seems secondary to utility for comparison value (similar to orientation or anatomical position).	Move to Section 4.4	Reject: This section was reviewed during the previous comment period. Only new edits are open for commenting during this round.
18	4.3 b		E	an article is needed between 'of' and 'friction ridge impression'	insert an "a" between 'of' and 'friction'	Accept: Section 4.3 b has been amended.
5	4.3 b)		T	I do not believe that utility for database search should require a consult. That decision would still go through tech review so I don't see the need to document it as a consult.	Remove 4.3 b) or make this optional	Reject: This section was reviewed during the previous comment period. Only new edits are open for commenting during this round.
15	4.3 d)		T	Why are we adding "per Forensic Service Provider (FPS) policy"? Does it mean that simultaneous impressions are determined by FSP policy? What if the FSP does not define simultaneous impressions? Not sure why discussions on simultaneous prints requires documentation.	Delete from 4.3 and place as a recommendation in 4.4.	Reject with modification: The work group believes that interpreting simultaneity of impressions has risk involved and consultations must be documented. Removed per FSP policy.

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6	4.4		T	Regarding a - d - none of these seem like consultations. These are decisions that should be reviewed in technical review. Documentation of every conversation is going to lead to very few discussions.	Remove 4.4 or make this optional. The words "should be considered" adds ambiguity here. If it should be done then why not list in 4.3? It seems like this list is seen as less important for documentation. Maybe say "Additional examples of in-depth conversations that may be considered for documentation are listed below:" My personal preference would be to remove 4.4 because even if an examiner discusses this prior to tech review, the case still needs to go through tech review and that should be part of the review. Personally, I would rather have these conversations take place between examiners but I don't think they will with these documentation requirements.	Reject: This section was reviewed during the previous comment period. Only new edits are open for commenting during this round.
43	4.4		T	The use of non-mandatory language is problematic. The factors listed here clearly affect the suitability and complexity of the impression, which in turn increases difficulty and makes errors more likely. And once again, in creating a dichotomy where conflict resolution and consultation are treated differently, there will be incentive to minimize conflicts as mere consults, and to minimize consults as mere discussions. We have seen this type of perverse incentive structure play out in alarming and disastrous ways within the quality system at the DC Department of Forensic Sciences. To promote adherence to this standard as well as the conflict resolution standard, it is vital to make this language mandatory.	Make the following changes: If there is doubt whether an interaction has risen to the level requiring documentation, it <b>must</b> be documented. Documentation of in-depth interactions involving the following <b>must</b> be considered . . . .	Reject: Consultations and Conflict Resolution are different, and happen at different points of the ACE-V process. Workgroup consensus has determined that specifications under 4.4 are non-mandatory but suggested as "should" statement.
7	4.5		E	4.5 needs to be moved up to where 4.4 is stricken out	Move 4.5 up to strikeout of 4.4	Accept
10	4.5		E	This clause requires that documentation of consultations be maintained in the case record. This is an important statement and should be strengthened with the inclusion of a statement that the consultation should be notes in the case record. In many jurisdictions, defense attorneys may not receive the case file and a notation in the test report will provide them with the ability to seek the case file through discovery.	Amend 4.5 to add the following sentence: <i>The case record shall indicate that a consultation was performed and that more information can be found in the case file.</i>	Accept with modification: 4.5 has been amended to "technical case record".
22	4.6		T	As in § 4.4.d., disclosure or documentation of any identified limitations.	Add required documentation of limitations in image quality to § 4.6	Reject: 4.6b includes includes topics from 4.3 and 4.5
8	4.6 c)		E	"usable personal identifiers"	Change to "personal identifiers"	Accept
14	4.7		E	Badly written and confusing. Does this mean that additional notes should be part of FSP policy, or does it mean that high complexity is determined by FSP policy?	Re-write to clear up ambiguity.	Accept
25	4.7		T	Consultations should always be clearly documented and available.	Delete "where there is high complexity, per FSP policy"	Reject: Section 4.3 specifies the mandatory examples of when a consultation should be documented and this includes when there is high complexity.
44	4.7		T	The FSP is under a legal obligation to preserve and disclose the work product of the consultant, regardless of the complexity of the impression about which they are consulting. If the substance of the consultation is not Brady (which it probably is), it is nevertheless material to the court case and therefore must be disclosed under the jurisdiction's statutory discovery scheme.	Make the following changes: In consultations, all notes, annotations, images, and other documents generated by the consultant shall be included in the case record.	Accept with modification: Sections 4.5 and 4.6 set the minimum requirements for routine consultations. Additional requirements were added to 4.7 for comparisons of high complexity. "in the case record" was added to section 4.7.