16-Nov-20
ASB Std 146, Standard for Resolving Commingled Remains in Forensic Anthropology, First Edition

#	Section	Тур	Comments	Proposed Resolution	Final Resolution
5	Keywor ds	E	should "minimum number of individuals" be capitalized like Most Likely Number of Individuals (it is capitalized elsewhere in the doc)	change "minimum number of individuals" to "Minimum Number of Individuals"	Accept
22	Scope	Т	Needs to provide more context and a more detailed explanation of what the basic methods are, cite to error rates and accuracy studies and justifications for using different methods.	The standard may be straightforward to the forensic anthropologist but should provide greater explanation of what the basic methods are, what they are based on, and why a given method should or should not be applied such that a non-practitioner could understand what methods were available and why a given method was employed. The standard should also address the fact that the selection of methods is context specific, and go into greater detail of when you cannot use each method or technique and the reasons why. The standard should also acknowledge which techniques are subjective and cite to error rates or accuracy rate studies where known and require a statement of acknowledgement that no known data or objective criterion exists where applicable. This should be acknowledged in the standard itself as well as reporting requirements. Many of the techniques rely on pattern recognition or recognition of characteristic features, without acknowledging such. The standard needs to explicitly state where techniques rely on feature recognition, data for the rarity of each characteristic, the objective criterion for making any determination based on feature recognition, and any known error rate for anthropologist accuracy in making these determinations. Where unknown, the standard should acknowledge such.	Reject: Scope is meant to be a broad summary of the document. The document itself provides requirements but specific method recommendations are outside the scope of this document.
9	1	Т	Scope should include discussion of field work as well, since much of the body of the document includes field work.	Add statements on field work/provenience as can be used to resolve commingling.	Accept with modification: First sentence of the scope was updated for clarity.
1	3.7	Т	It doesn't seem like cartilage should be included in the definition of "skeletal"	remove "cartilaginous"	Reject: This is a definition used in several documents ASB's Anthropology CB is working on. This definition is appropriate for this document.
10	4.1/4.2	Т	Second paragraph of 4.1 states that "during field recovery, practitioners "shall" documentThis statement presumes that the anthropologist has control of the field situation/jurisdiction. There are many scenarios where this is not possible.	First, replace "shall" with "should." Second, acknowledge jurisdictional problems in this section, and propose language with ways forward. "In such instances where the forensic anthropologist cannot control the site, efforts to collect and retain provenience information should be made. All impediments to this effort shall be acknowledged and documented in daily notes."	Accept with modification: "to the extent possible" was added to account for contingencies in section 4.1 and 4.2. Suggested sentence was modified and was added to section 5.
11	4.1/4.2	Т	Third paragraph. This statement appears to make evidence recovery, collection, and transport encumbent on the FA. Again, could be outside of their control.	Again, change "shall to should" and acknowldege that this could be outside of the FA's realm/responsibility. But when the FA has direct control, this guidance shall be followed. Also, make a statement that if the FA lacks control, it shall be documented in notes. Make a statement that the FA observes any potential problems, it should also be documented.	Accept with modification: "to the extent possible" was added to third paragraph in section 4.1. and an additional sentence (1st paragraph) was added to section 5. Section 4.2 was updated: "shall" replaced by "should" in second and third sentence.
12	4.1/4.2	Т	For this whole section, what if the FA is not on site? What if the FA does not set up a grid/spatial control? What happens if the FA shows up on day 3, after evidence has been moved/collected/recovered?	Suggest that this section be revised with the notion that the FA might not be on site when the site is first processed, but may come onto the site later. Would recommend that the FA's documentation includes background and methods used for these difficult situations, as well as possible consequences for prior actions.	Accept with modification: "to the extent possible" was added to third paragraph in section 4.1. and an additional sentence (1st paragraph) was added to section 5. Section 4.2 was updated: "shall" replaced by "should" in second and third sentence.
2	4.2	Ε	the word "diagram" should be plural like "maps"	change "diagram" to "diagrams" in 2nd sentence	Accept
6	4.2	Ε	diagram should be plural	add "s" to "diagram"	Accept
13	4.2	Т	Again, this is only pertanent if the FA has control of the site for these purposes. I think that limitation needs to be acknowledged.	Start the section with a statement on the FA's ability to impliment the procedures, and what needs to be done if not allowed to do some/all procedures (and where that is documented).	Accept with modification: "to the extent possible" was added to the first sentence in section 4.2.
7	4.3.1	Ε	Comma needed between words "(e.g., DNA)" and "and"	insert necessary comma	Reject: The sentence discussing DNA was substantively edited and no longer presents a list; as such, the comma is unecessary.
	4.3.1		Workign group edit	Remove ,Etc. from the first E.g.	Accept
14	4.3.1/4. 3.2	Т	No discussion how provenience may be used to sort remains (e.g. items/remains found in closer proximity to each other have a higher likelihood of going together). Given how much effort is made for detailing field work, this should be included in the sorting effort.	Add this into the sections below (e.g. make a section on how this applies, much like inventory and reconstruction is done).	Accept with modification: Second sentence updated for clarity. Also, the first sentence in section 4.3.2 was updated. (NOTE For ASB: "shall be completed" appeared twice and it was edited for accuracy)
15	4.3.2	Т	Inventory of remains shall be completed. This does not specify if by incident, location, or individual.	This could be fairly impossible to do for a large incident. Limitations should be acknowledged here. For example, is there a "complete inventory" for the 911 remains, particularly when some are eventually determined to be animal? Specify how the inventory should be completed (perhaps by size of incident).	Accept with modification: reference was added to the scale of the incident.
23	4.3.3	Т	Requires more explanation of what contexts in which the standard should be applied.	The standard should describe in greater detail the contexts in which you cannot use this technique and the reasons why. Should include acknowledgement that this is a subjective determination and include objective criterion where it exists and error rates or accuracy rates of forensic anthropologists if known, and acknowledge the lack of this data if unknown.	Reject with modification: The document itself provides requirements but specific method recommendations are outside the scope of this document. Also, see the updated section 6 which specifies the consideration of method error and subjectivity.

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24	4.3.4	T	Requires more explanation of what contexts in which the standard should be applied.	The standard should describe in greater detail about the exceptions of when you cannot use articulation. The standard should address the fact that some bones are better than others to use for articulation and cite to the applicable research. Should include acknowledgement that this is a subjective determination and include objective criterion where it exists and error rates or accuracy rates of forensic anthropologists if known, and acknowledge the lack of this data if unknown.	Reject with modification: The document itself provides requirements but specific method recommendations are outside the scope of this document. Also, see the updated section 6 which specifies the consideration of method error and subjectivity.
25	4.3.5	Т	Acknowledge that it is a preferential method	Should acknowledge it is the most objective method because it is dependent on measurements and is the only technique that uses statistics. Needs to address the exceptions of when you cannot use this technique and the reasons why.	Reject: Method utility is contingent on the scale and nature of the commingling event.
16	4.3.6	Т	This section waffles back and forth between using taphonomy and not using it. The language should indicate how taphonomy should be used in these instances more clearly.	Switch sentence two for sentence one, and tone down sentence one. The third sentence should give for instances when taphonomy is appropriate to use. A fourth sentence should be included about documentation of these patterns.	Accept
26	4.3.6	Т	Explain in what context this standard should be used.	The standard should describe in greater detail the contexts in which you cannot use this technique and the reasons why. Should include acknowledgement that this is a subjective determination and include objective criterion for making judgments and determinations where it exists and error rates or accuracy rates of forensic anthropologists if known, and acknowledge the lack of objective criterion or this data if unknown.	Reject with modification: The document itself provides requirements but specific method recommendations are outside the scope of this document. Also, see the updated section 6 which specifies the consideration of method error and subjectivity.
17	4.3.7	Т	Why does process of elimination only consider articulation and pair matching, instead of all process that might be used (especially things like DNA/isotopes/etc).	Add the other processes into this section, prior to using process of elimination. This should be the last step.	Accept with modification: All other methods are acknowledged with the phrase "after other sorting methods are completed". This section was updated.
18		Т	There is no section for Chemistry, and that should be called out separately as 4.3.8 and maybe 4.3.9 (DNA/Isotopes/etc)	Add these sections, particularly for DNA matching (should mtDNA be used based on size of problem), etc. Isotopes also can be used in this process.	Accept with modification: While chemistry and biology are outside the scope of this document, section 4.3.1 was updated to provide further clarity on this topic.
3	4.4.1	Е	the abbreviation "MNLI" should be "MLNI"	change "(MNLI)" to "(MLNI)"	Accept
19	4.4.1 4.4.2	T E	This does not account for differnces in age and should. Paragraph 3, "MNLI" should be "MLNI"	Add language that includes age for this sction., under this "general" category. change "(MNLI)" to "(MLNI)"	Accept: Added last sentence. Accept
27		т	Fails to explain limitations	This section does not explain the limitations with using the MNI or how the MNLI is more complex and removes some of the issues with the MNI. This section should includes a discussion of what those issues are and how they are removed by the MNLI. This section should also explain when and why an anthropologist would use one instead of the other, especially when choosing to use the less robust approach of the MNI.	Reject: The document itself provides requirements but specific method recommendations are outside the scope of this document. However, the fact that MLNI is typically preferable is addressed in 4.4.2.
8	5	Е	"white" is used here as a racial category, not a color	capitalize the "W" in "white"	Reject with modification: "white" was deleted.
28	5	Т	Fails to provides additional important considerations.	The standard acknowledges the benefits of chemical and biological analyses but should also mention that if employed, this form of analysis must be used on every single bone. The fact that this method is expensive should be included in the considerations.	Reject: This document acknowledges the importance of these but does not detail chemical and biological analyses. See also section 4.3.1.
20	6	Т	The Reporting section is problematic. There are no directions on how and where things are reported, who keeps the raw notes/data, how long these things are kept, whether or not it should be digital or hard copy, how things are authenticated, etc. It should indicate the process of identifying the repository of record/agency of record, and that should be decided in advance of closing the process.	This section really needs to be fleshed out appropriately, OR it needs to call to another Standard on "Reporting Requirements" for Anthropology. Since this has no teeth, there is nothing anyone can say if they didn't retain notes, file notes, etc. In general, the reporting section needs work, and I think the WG should examine this in detail.	Accept with modification: Section 6 was updated for further clarity while keeping with the commitment to providing broad guidelines.
29	6	E and T	Should reflect that there is no objective criterion to determine certainty and include reporting requirements consistent with NFS recommendations.	Remove "degree of certainty should be expressed." There is no objective criterion to determine certainty nor are these techniques are based on statistical analysis. Therefore, any expression of a statement of certainty is vague and misleading. This section should require anthropologists to record and document how they did the sorting and what their rationale was behind it in such detail that a non-practitioner could understand every step taken, the criterion or factors considered, which technique was employed and why, the reasons why they made each decision and documentation of the factors upon which the decision was based, including all observations and measurements. This section should include a requirement that anthropologist's report that it is currently unknown how accurate anthropologists are at performing the tasks required by each technique. Anthropologists must report error rates for a given method or technique, where known, and acknowledge where there are no known error rates. Interobserver and intraobserver error rates must be reported with citations to applicable studies. A statement of acknowledgement must be reported where the error rates are unknown. Records should be created contemporaneous with the examination of evidence and the technical review that, along with the FSSPs' [Forensic Science Service Provider] quality management system documents relating to the forensic work performed, would allow another analyst or scientist, with proper training and experience, to understand and evaluate all the work performed and independently analyze and interpret the data and draw conclusions. See National Commission on Forensic Science, Recommendation to the Attorney General, Documentation, Case Record and Report Contents. Adopted 2016. Reference the ASTM E620 report on Standard Practice for Reporting Opinions of Scientific or Technical Experts. See ASTM Committee Report E620-18, Published April 2018	Reject: These comments should be incorporated in a reporting document. The ASB Anthropology CB will discuss this recommendation further and assess the need for a reporting document. Section 6 was updated for clarity.

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2	1 Annex A	A T	This focuses mostly on Anthropology stuff, but likely should include a reference or two regarding sorting via DNA and potentially istotopes. Not certain that both recent Lynch papers need to be there (as this is informative, since there could be a bunch there as well looks like a plug for certain papers at this point).	Re-examine the list and be a bit more general than specific.	Accept with modification: One of the Lynch papers has been removed. Additional references dealing with DNA and isotopes were not added.