

Date of Submission of Comments: 2/1/2021

Document: ASB Standard 158, Standard for a Developing Standard Operating Procedures in Bloodstain Pattern Analysis

| # | Section | Type of Comme | Comments | Proposed Resolution | Final Resolution |
|----|-----------|---------------|--|---|--|
| 1 | Foreword | E | While this standard fills a valuable gap in terms of assisting deficient laboratories to improve their procedures, its language is nowhere near strong enough. First, it suggests that sops are merely an important as opposed to an essential component of quality assurance. Even more important, however, it at no point makes clear that is scientifically unacceptable for fsp to remain unaccredited. The NCFCS has recommended that all fsp be accredited, and while that applies only to federal labs, its reasoning stretches to all fsp. This document, in accordance with the recommendations of NCFCS and a host of other organizations (NAS, Human Factors Working Group, etc...) should make clear that unaccredited labs should not be practicing at all. | Change the first sentence to read: "Standard operating procedures are an essential component of a quality assurance program." Remove the first sentence of the second paragraph. Instead state that While bloodstained pattern analysis is practiced by individuals employed at a variety of agencies, only analysis performed at accredited laboratories conforms to minimum scientific standards. | Accept: We concur with the first portion of the recommendation and have made the changes (important changed to essential). Reject: The second part of the recommendation we do not agree with and did not make the change. Making the change would not account for independent practitioners. |
| 2 | Scope | E | This standard nowhere addressing two vital topics: (1) preservation of evidence, and (2) testimony. Both are vital to ensuring fairness and constitutional rights of defendants. Standard should specify that sops on preserving evidence in original form and for other types of analysis (dna) must be addressed. It should also address conduct during testimony, meeting with counsel, handling requests for discovery, and testimony reviews. | Add sections addressing the preservation of evidence, providing testimony, and reviewing testimony. | Reject: 1. Preservation of evidence should be dealt with in a crime scene standard/guideline and by the agencies polices/precedures. 2. Courtroom testimony/review of testimony is addressed in another standard/guideline (report writing?). |
| 3 | 3.1 | E | This standard uses the term agency where most OSAC / ASB standards instead use the terminology of forensic service provider (fsp). | To conform to other osac / asb standards change the term agency to fsp. | Accept |
| 4 | 3.1 | T | Use terminology already published in OSAC Lexicon for continuity - A forensic science agency or forensic science practitioner providing forensic science services | delete "agency" insert Forensic Science Service Provider (FSSP) | Accept |
| 5 | 3.2 | T | Use reagent definition already published in OSAC Lexicon for continuity | replace definition with OSAC Lexicon definition for continuity | Accept |
| 6 | 4.1 | E | Use OSAC Lexicon terminology | Delete "agency" insert FSSP | Accept |
| 7 | 4.2.1 | E | When using an initialism "BPA" you should first define it and put the initialism in parentheses | insert Bloodstain Pattern Analysis (before BPA then close) | Accept: No change was made - this was already done in 4.1. |
| 8 | 4.2.2 | E | Use OSAC Lexicon terminology | delete agency insert "FSSP" | Accept |
| 9 | 4.3.2 | T | Use OSAC Lexicon terminology | delete agency insert "FSSP" | Accept |
| 10 | 4.3.2 f | T | Define previously observed condition of bloodstain. If they were observed they should have been documented therefore the condition can be accounted for | Delete "f" | Reject with modification: An example was added for clarification. |
| 11 | 4.3.2 g | T | Victim could have been stabbed multiple times not fatal but one gunshot to the head which was fatal therefore both conditions must be known | New 3 injury and weapons involved, if known renumber 3 to 4, 4 to, 5 | Accept with modification: 4.3.2g2 was clarified to include death and/or injury. |
| 12 | 4.3.2.h | T | Same as "e" | Delete "H" | Reject with modification: "Animals" has been listed as an example to clarify the meaning of H. |
| 13 | 4.3.2 i.4 | T | Use OSAC Lexicon terminology | delete agency insert "FSSP" | Accept |
| 14 | 4.3.3.2.C | T | Add available resource | Insert ", Crime Scene Reconstructionist" after Additional BPA | Accept: CSR was added to 4.3.3.2.b |

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| 15 | 4.3.4.2.1.a | T | Complete description, "Image capture " is incomplete | Insert "system" after" Image Capturing" | Reject: Adding the "system" does not provide any clarification. |
| 16 | 4.3.4.2.1.b | T | Continuity with above Image capture system 4.3.4.2.1 a | Delete "Capture" replace with" Capturing" | Accept: The change was made. In addition, in b, collection was also changed to capturing. |
| 17 | 4.3.4.2.2 | T | Wording is prescriptive and should allow for latitude | Delete "outline the process" replace with "shall provide guidelines" | Accept: the change was made. |
| 18 | 4.3.4.2.2 | T | situations such as biohazards may make it difficult to measure. Shall mandates in all instances | delete "shall" and replace with "relevant measurements should be collected" | Accept with modification: We feel the suggestion as stated creates a potential loophole for not collecting measurements. However, we did see value in the suggestion. "Failure to collect relevant measurements due to scene conditions shall be documented" was added to the paragraph. |
| 19 | 4.3.4.2.3 b | E | the word "will" should be replaced with "shall" | Delete "will" and replace with "shall" - Comprehensive detail which shall allow | Reject with modification: We feel the sentence was misinterpreted - the wording was changed to clarify ("which will" changed to "to"). |
| 20 | 4.3.4.2.3 c 6 | E | can has meant "to be able" and may has meant "to be permitted" | delete "can" should read "scene that may have affected" | Accept: The change was made. |
| 21 | 4.3.4.2.3 c 7 | E | need to add reagent lot #'s | Add reagent lot #'s should read "controls, reagent lot numbers, and the" | Accept: The change was made. |
| 22 | 4.3.4.3 | E | need to add reagent lot #'s | Add reagent lot #'s should read "testing controls, reagent lot numbers, and" | Accept: The change was made. |
| 23 | 4.3.5.2 e | T | images are the same as photographs | delete "images" in "e" and replace with video(s) | Accept with modification: Photographs was removed. "images" is more inclusive and covers photographic images and scene mapping data. Video is already covered by using the word .recordings'. |
| 24 | 4.3.5.2 f | T | Define "recordings" what type | insert video, audio, before "recordings" | Accept: Video and audio were added as examples. |
| 25 | 4.3.5.3 | T | Terminology is not a factor it is a definition | Delete "e terminology" | Reject: No changes were made. Not everyone uses the same terminology and the author's use needs to be understood. |
| 26 | 5.2 c | E | Use OSAC Lexicon terminology | delete agency insert "FSSP" | Accept: The change was made. |
| 27 | 7 | T | Need to include post event activity considerations | Add "k post event activity" | Accept: The change was made. |