

Public Comment Deadline December 20, 2021
ASB Standard 159, Standard for Scene Investigation

#	Section	Comment Type	Comments	Proposed Resolution	Final Resolution
1	1	t	you do not really have a scope as to who this applies to, or more importantly who it does not apply to. There has been no consultation with or consideration for MDI, yet they are not excluded in the scope of this document.	" This is not intended to apply to medicolegal death investigation as they have a different scope to their investigaiton".	Reject. This standards applies to all individuals involved in the scene investigation process. New definitions (3.4 and 3.5) and the second note were added to section 3.
3	3.2	E	Need to define what practices or steps or procedures constitute "the scientific method" in the context of crime scene investigation. What does this standard require an examiner to do or to consider when conducting an investigation? For example, "the" scientific method as generally understood includes a sequence of evidence collection, inductive reasoning to generate hypotheses, followed by critical testing of alternative hypotheses."	Insert a new definition of "the scientific method" as it is used here. For example, the scientific method as generally understood includes a sequence of evidence collection, inductive reasoning to generate hypotheses, followed by critical testing of alternative hypotheses. In this process, the goal of the initial scene investigation is to collect and preserve all evidence (to the extent possible) that could be useful in formulating and critically evaluating alternative hypotheses of what happened.	Reject with modification. See revised definition for 3.2 (scene investigation).
4	4.2	E	Given that the standard explicitly mentions search and seizure (to emphasize its importance, presumably), it should also mention another easily overlooked but critical rule: the <i>Brady</i> obligation.	Eliminate search and seizure, or add to the end of the sentence, "and the prosecutor's duty to disclose favorable evidence to the defense."	Reject. The "Brady obligation" falls under "applicable legal standards" in this paragraph.
2	4.3	E	spell out SDSs	safety data sheets (abbreviation not needed as it is not repeated in the document)	Accepted.
7	4.7	E	There is presumably no reason to limit to unintentional deviations.	Change "unintentional" to "intentional or unintentional"	Reject. 4.7c deals with documentation and justification of <i>intentional</i> deviations from this standard, while 4.7d deals with <i>unintentional</i> deviations.
5	4.8	E	From Prof. Andrea Roth: I agree with Pate Skene's concern in the next row. If this version will not include his suggestions, then the standard needs to at least, I think, have a disclaimer noting that it does not substitute for substantive standards on what steps are necessary to mitigate bias.	Either adopt Pate Skene's suggestions in the next row, or include a disclaimer such as: "This standard is not intended to substitute for more specific standards that set forth what is required for a method to be validated; or what steps must be taken to mitigate effects of contextual and other bias on forensic work." What about "This standard is not a substitute for more specific standards setting forth what is required to validate crime scene investigation methodologies and steps needed to mitigate contextual and other bias that impact crime scene investigation."	Accept with modification. See revised section 4.8. Suggested statement is included in the Foreword.
6	4.8	E	(from Prof. Pate Skene): The statement that scene investigators should take steps to mitigate the effects of biases is important, and including it here is commendable. However, it merely states an aspiration without offering any actionable guidance on the types of bias most relevant to scene investigation or specific steps investigators can take to mitigate the effects of those biases. It would be very valuable for the drafters to work with human factors experts to develop a short list of the biases of greatest concern in scene investigations and to enumerate the steps and principles investigators can apply to mitigate bias effects. For example (these are solely for illustration – scene investigation and human factors experts should work together to develop a more carefully considered list) - (See examples in next column).	4.8.1 Cognitive biases of particular relevance to scene investigation include: (1) Tunnel vision--a tendency to focus on one leading hypothesis of what happened, while failing to identify other possible explanations; (2)Sampling bias--a tendency to recognize and collect evidence that fits with a leading hypothesis while ignoring or discounting the value of evidence that could be significant for evaluating alternative hypotheses; (3) Confirmation bias--a tendency to discount evidence that conflicts with a leading hypothesis." and "4.8.2 Steps to mitigate the effects of these biases in scene investigation include: (1) Consciously list assumptions and hypotheses guiding evidence collection; (2) For any proposed hypothesis, search for evidence that would be inconsistent with that hypothesis; and (3) Document when each hypothesis was considered in the timeline of the scene investigation."	Reject with modification. See revised section 4.8. Specific guidelines for addressing biases are beyond the scope of this document. A guiding document on this topic is being considered.