

Public Comment Deadline: June 27, 2022

ASB Standard 159, *Standard for Scene Investigation and Reconstruction—Foundational Principles*

#	Section	Comment Type	Comments	Proposed Resolution	Final Resolution
1	4.2	T	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 Brady 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."	Accept with modification. Search and seizure was eliminated from 4.2.
2	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.
3	4.8	E & T	(T)To manage bias, it is useful to document initial information provided. (E) If approved, proposed revision incorporates suggestion and cleans up and simplifies 4.8 language. Paragraph 1 appears in cell E12. Paragraph 2 appears in cell E13	Scene analysts are uniquely positioned at the intersection of law enforcement and scientific investigations. Information provided to the scene analyst during an investigation should be documented and continuously evaluated within the context of the evidence.	Accept with modification. Section 4.8 was modified to incorporate the suggested language.
4	4.8	E	see above (ASB Note: See Comment #3)	The scene analyst should remain open to all hypotheses and potential evidence regardless of their working hypotheses or those of others involved since influences from internal and external sources may affect objectivity (e.g., time constraints, personal beliefs, contextual information about scene, suspect/victim).	Accept with modification. Section 4.8 was modified to incorporate the suggested language.
5	4.8	T	The revisions to section 4.8 strengthen the proposed standard by emphasizing the central scientific principles of hypothesis testing and critical evaluation of alternative hypotheses. The current language illustrates some factors that can lead to bias, but does not say explicitly what steps an analyst should take in order to mitigate those biases. This section would be further strengthened by adding a sentence explaining the principle of critical hypothesis testing as the core scientific method for ensuring that the analyst continues to evaluate all plausible hypotheses throughout an investigation.	Add an explicit statement summarizing the principle of active hypothesis testing, for example, "For any working hypothesis, the analyst should look specifically for evidence that could refute the working hypothesis or differentiate between the working hypothesis and plausible alternatives."	Reject. Language in 4.8 was modified to recommend that analysts remain open to all potential evidence and hypotheses.