

Public Comment Deadline: February 21, 2022

ASB BPR 160, Best Practice Recommendation for Initial Response at Scenes by Law Enforcement Officers

#	Section	Updated Section	Type of Comment (E)	Comments	Proposed Resolution	Final Resolution
1	All		T	There continue to be many suggestions in this document instead of requirements. This may be due to concern about special circumstances where an officer may not be able to meet a requirement. Suggest considering a disclaimer at the beginning of the document that accounts for such conditions while allowing more definitive requirements.	"This document establishes requirements for the proper protection of a crime scene by law enforcement. The dynamics of real world scenes may require an officer to take actions related to safety and preservation or life that could violate some requirements herein. Such justifiable actions are always permissible, but require documentation and reporting to appropriate personnel to ensure they are considered during the scene investigation." Perhaps such an overarching disclaimer would alleviate the need to account for every possible scenario where an otherwise reasonable requirement might be violated and instead focus on how things we as crime scene investigators need to be done in order to make sure the scene investigation and all subsequent examinations of the evidence are valid.	Reject: This document is a Best Practice Recommendation and does not provide recommendations not requirements. For definitions of the types of ASB documents see ASB's Style Guide: <a href="https://www.aafs.org/sites/default/files/media/documents/ASB-Manual-2021%20%281%29.pdf">https://www.aafs.org/sites/default/files/media/documents/ASB-Manual-2021%20%281%29.pdf</a>
33				I had brought up how some cases I have were saved by a first responder taking photos immediately upon arrival (they were not authorized to perform CPR) thus preserving vital BPA evidence and mitigating first responder interference. During that meeting, I was told we'd get back to that later, but we never did. There are plenty of instructions to "document" however nothing about capturing photos. Besides medical intervention, in situations that are not exigent where something has to be moved, a photo can be a major asset to a crime scene reconstructionist. I would like to see that included in this BPR.		Reject: This comment goes beyond the scope of this document.
7	3		E	ASB has removed the terms for crime scene investigator/investigation. We see that you have added a note at the beginning of section 3, but frankly it is easy to overlook. As we did initially. The CSI terms were retained originally because it was felt that they are such commonly used terms, and even actual job titles for many of the future users of this document, that it was felt they needed to be retained.	Suggest moving the note to the actual definitions of scene investigation and investigator to make them a bit more obvious.	Reject: The note is appropriate as it pertains to sections 3.7 - 3.9.
2	3.1		T	Definition does not account for passive changes.	"The result of something being changed."	Reject: Does not exclude passive changes.
3	3.2		E	Definition of contamination limits it to just "during a scene investigation". Why wouldn't it apply at any time?	Remove "during a scene investigation"	Accept with modification. Definition modified to fully match the definition from ISO 21043-1 which indicates that it can occur at any point in the forensic process.
4	3.2		t	Is removal of a substance a contamination? Standard definitions for contamination involve the addition of an impurity, pollutant, or poison that makes something spoiled, corrupted, infected, or unclean. None of these standard definitions include removal of material. Removal of evidentiary material would be covered by the term "alteration" or could also be considered as a loss of evidence.	Remove "removal" from definition.	Accept with modification. Definition modified to fully match the definition from ISO 21043-1, which does not include the word "removal"

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23	3.2 and 3.8		E	This document was released for comment around the same time as the OSAC 2022-N-0025 (initial response by scene investigators) - definitions are slightly different, should this be consistent across the board and where does the consistency occur?		3.2 Reject with modification, Definition modified to fully match the definition from ISO 21043-1. 3.8 Reject with modification, Definition was revised to be in line with Draft ASB Std 159, and is appropriate as written for this document.
24	3.4		T	Definition states that LEOs primary duties are to enforce or investigation of laws. However, LEOs do not investigate law, they enforce that law and investigate crimes		Accept with modification: this definitions was updated to read "Any public employee whose duties primarily involve the enforcement or investigation of alleged or suspected violations of law. "
25	3.5		T	Should the definition include that PPE prevents the contamination of the scene/evidence		Reject: The definition is appropriate as is. The note provides an OSHA accepted definition.
5	3.6 (should be 3.7)		T	"Person or animal" both fall under an "object" that might be a scene. By moving them from the note to the main definition, it might draw more attention to those specific types of objects. But, what about other common objects that can be scenes or uncommon objects that can be scenes that are not specifically listed. By keeping person and animal in the note, it makes a special note of a couple object types that could be overlooked while not making them so special they are individually called out in the main definition. (As I write this it occurs to be that there is also a distinction between a person and human remains.)	Move "person or animal" back to note. Simplify scene to be a "location or object". Consider it "human remains" would also be appropriate to highlight in the note. Maybe "...A scene can include a person, animal, or the remains of either."	Reject: The definition is appropriate as is. This is the ISO accepted definition.
30	3.7		E T	Section 3.7 now reads "scene: A place, an object, a person, or an animal that is subject to and/or requires forensic examination. NOTE A crime scene is a common description of a scene where a presumed crime has been committed. The scene can be a person or an animal. (ISO 21043-1:2018[E])" The new note suggests that the standard uses the word "scene" to refer to a crime scene. But the two definitions are inconsistent. For example, the definition of "scene" includes a cellphone—"an object subject to ... forensic examination" even when the cellphone is not "where a presumed crime has been committed."	Instead of adding a note to the problematic definition of "scene," delete the entire definition and add the following definition of "crime scene" in §3: "A location, or body at or on which a possible crime has been committed. In this standard, 'scene' is used as shorthand for 'crime scene.'" Alternatively, leave both "scene" and "crime scene" undefined, for they are not really technical terms that require definitions.	Reject: The definition is appropriate as is. The note provides an ISO accepted definition.
26	3 NOTE		E	Should apply to 3.7 through 3.9, not applicable to 3.1 through 3.5		Accept
6	3.8		E	"Application of scientific methods" may open up more than intended. This now requires an explanation of how the scientific method is used in all scene investigations. In many cases an investigator may be documenting and processing a scene using a scientifically founded protocol, but that is not necessarily the same thing as using the scientific method. The scientific method may have been used in the development of the techniques, but that does not mean you have to use the scientific method to perform them. For example, a radiology technician taking an x-ray is performing a defined protocol developed through extensive experimentation, but that tech is not actively using the scientific method while taking an x-ray. They are just following a series of steps that should result is a scientifically valid result. This is not to say that CSIs never use the scientific method, but this definition requires it use in order for something to be a scene investigation.	Remove "scientific method". Perhaps replace with "The scientific examination" which requires scientifically valid techniques, but not necessarily the use of the scientific method.	Accept with modification: this definitions was updated to read "An examination of a scene to locate, document, process, collect, and preserve items of potential evidentiary value."

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31	3.8		T	The section defines "scene investigation" as the "Application of the scientific method to the examination of a scene to locate, document, collect, and preserve items of potential evidentiary value." But this standard on scene investigation is not limited to applications of scientific methods.	Delete the term (readers will know what an investigation is)	Accept with modification: this definitions was updated to read "An examination of a scene to locate, document, process, collect, and preserve items of potential evidentiary value."
32	3.8		T	The revised definition of "scene investigation" is helpful, but omits important aspects of scene investigation. The procedures and protocols that affect the reliability of evidence collected at a crime scene include not only scientific methods but other standardized procedures for preserving the scene, locating, documenting, collecting, and preserving evidence. It is important for a comprehensive definition of scene investigation to encompass all of the aspects of scene investigation.	Amend to: "Application of standardized methods and best practices reflecting expert judgments and experience to the examination of a scene..."	Reject with modification: this definitions was updated to read "An examination of a scene to locate, document, process, collect, and preserve items of potential evidentiary value."
8	4.1.2		E	States that an exchange of information "should" take place. But, this should not be optional. It is vital that there is an exchange of information when the scene is handed off from the initial LEO.	Change to shall.	Reject: This document is a Best Practice Recommendation and does provide recommendations not requirements. For definitions of the types of ASB documents see ASB's Style Guide: <a href="https://www.aafs.org/sites/default/files/media/documents/ASB-Manual-2021%20%281%29.pdf">https://www.aafs.org/sites/default/files/media/documents/ASB-Manual-2021%20%281%29.pdf</a>
9	4.1.2		E	"...between the officer and the scene investigator or designated person."	"...between the officer and other appropriate person..." To account for officer handing off the scene to another officer or supervisor prior to arrival of CSI.	Reject: This section is appropriate as written.
10	4.1.3		T	Should be documented, but shall be relayed. This seems to be inconsistent instructions. If a LEO has personal knowledge of alterations to the scene, they need to be required to both document that (because if not them, then who) and to communicate that when passing off the scene. Failure to do either could be damaging to the results or validity of the scene examination.	Make these things requirements.	Reject: This document is a Best Practice Recommendation and does provide recommendations not requirements. For definitions of the types of ASB documents see ASB's Style Guide: <a href="https://www.aafs.org/sites/default/files/media/documents/ASB-Manual-2021%20%281%29.pdf">https://www.aafs.org/sites/default/files/media/documents/ASB-Manual-2021%20%281%29.pdf</a>
27	4.1.3		T	Change "relayed during the course of the scene investigation" to " <i>relayed at the time the scene is relinquished</i> ". This change will also fall more in line with section 4.8 and the detailed scene briefing that should be provided.		Reject: This section is appropriate as written because it is appropriate to transfer this information during the investigation rather than at a specific time.
11	4.3		T	"minimizing containinating" But, not all changes to the scene are contaminations.	Include alteration.	Reject: See definition in section 3.2.
28	4.3		E	Change "minimizing contaminating the scene" to " <i>minimizing contamination of the scene.</i> "		Accept
12	4.3, d		E	...as is practical	change to "...as deemed appropriate." Gives officer more discretion to decide what is needed by the circumstances.	Reject: This section is appropriate as is.
13	4.4		E	Second sentence implies that an officer should be assisting with medical treatment. Probably not what was intended.	Delete second sentence.	Reject with modification: Section revised for clarification.
14	4.6		E	Last sentence in introductory paragraph needs to be rewritten.	Remove second "only".	Accept
15	4.6		E	"which may pose safety hazards..." makes it sound like the perimeter is creating a hazard.	"...to restrlct access to areas that may pose safety hazards..."	Reject with modification: Section revised for clarification.
16	4.6		E	Following above sentence change, also need to change end of sentence from "...have the potential of altering a scene."	to "...have the potential of containing evidence."	Reject with modification: Section revised for clarification.

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18	4.6		T	Removed the requirement for a physical barrier that was in the OSAC standard, but describes establishing boundaries. Physical barriers can be any of a wide spectrum of things from existing structures to crime scene tape to placement of a police vehicle and turning on emergency lights to an officer physically/verbally controlling access. But, if there is not some attempt to physically delineate a boundary, then there is no way to control access.	Return requirement for physical barriers to define a scene boundary and control access.	Reject: This sentence is appropriate as written.
17	4.6, b		E	Suggested they identify those present, but doesn't say to record it.	Identify and record...	Accept
19	4.7.2		T	If we are not going to require LEOs to preserve evidence, what is the point of this document? Acknowledging that there may be extenuating circumstances as detailed earlier in the document (medical, safety, etc), beyond that the LEO shall not alter the scene because it could directly impact the validity of the scene investigation and potentially taint the evidence and the ability of the lab or prosecutors to seek justice in the case. This is not optional for the officer.	Change to shall. Perhaps modify to account for necessary disturbances during reponse due to safety or medical considerations.	Reject: This document is a Best Practice Recommendation and does provide recommendations not requirements. For definitions of the types of ASB documents see ASB's Style Guide: <a href="https://www.aafs.org/sites/default/files/media/documents/ASB-Manual-2021%20%281%29.pdf">https://www.aafs.org/sites/default/files/media/documents/ASB-Manual-2021%20%281%29.pdf</a>
20	4.8		E	Last sentence is way too specific. Why are we instructing the LEO on where they are supposed to write reports?	Delete last sentence.	Accept: The second sentence in Section 4.8 was deleted from this section.
29	4.8		E	Is the last sentence detailing what the LEO should do after the scene has been relinquished appropriate for this document? At that point the scene has been turned over and it would be up to their agency procedures to dictate their next responsibilities.		Accept: The second sentence in Section 4.8 was deleted from this section.
22	4.8, d	Commenter meant 4.9.D	E	repetitive	remove	Reject: This section is appropriate as is.
21	4.8, e	Commenter meant 4.9. E	T	In what circumstance is it acceptable for a LEO to know about a scene alteration and not report it? This needs to be a shall. Having that kind of information and withholding it would be irresponsible and potentially damaging to the investigation.	Make it a shall statement.	Reject: This document is a Best Practice Recommendation and does provide recommendations not requirements. For definitions of the types of ASB documents see ASB's Style Guide: <a href="https://www.aafs.org/sites/default/files/media/documents/ASB-Manual-2021%20%281%29.pdf">https://www.aafs.org/sites/default/files/media/documents/ASB-Manual-2021%20%281%29.pdf</a>  NOTE: modification made to the Foreword to clarify the intent of the document.