

Deadline for Public Comments: September 12, 2022

ASB Standard 162, Standard for the Forensic Examination and Documentation of Non-firearm Tools and Non-firearm Toolmarks

	Section	Type of Comment (E-Editorial, T-Technical)	Comments	Proposed Resolution	Final Resolution
1	all	T	<p>The Foreword and Scope of the redlined version suggest that this standard is designed to provide standards for the examination of non-firearm tools and toolmarks, and provide guidance about the procedures that should be used when examining such materials and reporting the results of those examinations. However, the document as it is currently written does not provide the information necessary for an examiner to do this without other training and/or standard operating procedures from another institution. Several+ members of the LTG (like the HFTG) consider this standard to be of insufficient specificity (see LTG views document on specificity).</p> <p>Hallmarks of an overly vague standard include limited guidance in the form of generic statements that do not provide any meaningful guidance on how to conduct, document, or report an examination, and could be satisfied by almost any process or procedure undertaken by an examiner. For instance, 4.7.1 lists features and information that must be documented, but does not specify how examiners should document the information. For instance, should this be done in writing only or are drawings, diagrams, and photographs permitted or encouraged? Should these records be stored electronically? How should they be organized? Furthermore the language is permissive, using "should" and only asking that this information be documented "if known" meaning that any number of these could go undocumented and the standard would still be satisfied so long as the examiner says that they didn't know that information at the time.</p> <p>These types of standards can mislead legal actors into thinking an FSP/FSSP is doing reliable work so long as they have a standard/procedure. In reality, the standard provides no specific criteria that could show the examiner or someone reviewing their work whether a particular examination was performed reliably or not. In addition, a standard with little to no concrete guidance like this will justify the use of a variety of procedures and methods, and so this type of document can exacerbate the lack of standardization between laboratories and between examiners. Like the HFTG, we would advise the subcommittee to rethink their approach to this document and think about whether there are procedures and methods they think should be performed in the same way across laboratories and between analysts. The document could then be re-drafted in a way that offers concrete guidance so that those procedures and methods could be implemented in a reasonably uniform manner simply by reading this standard document.</p>		<p>Reject with modification: Section 4.4 describes how to document. The "should" in sections 4.7.1 and 4.7.2 were changed to "shall" based on the 1st round of public comments and captured in the redline document for the 2nd round of public comment. "if known" in 4.7.1 and 4.7.2 was removed, section 4.7.3 was added to state "The examiner shall document when items listed in 4.7.1 and 4.7.2 cannot be determined." The remaining concerns are outside the scope of this document. This document is not a procedure; it is an outline of how laboratories can direct the writing of their policies and procedures.</p>
2	4.4	T	<p>The redlined version of this "standard" still provides no guidance on what is necessary to properly document an examination (as we commented last round).</p>	<p>List what must be documented in each case file. See also comments re: 4.7.1 and 4.7.2</p>	<p>Accept with modification: "if known" in 4.7.1 and 4.7.2 was removed, section 4.7.3 was added to state "The examiner shall document when items listed in 4.7.1 and 4.7.2 cannot be determined."</p>
3	4.6.1	T	<p>The redlined version of this section still provides no guidance regarding how to determine if an item is too damaged to conduct the examination.</p>	<p>Describe what is meant by "severe" damage and describe how an examiner should determine that a bullet is too damage to proceed.</p>	<p>Accept with modification: The sentence about severe damage was removed and replaced with "If the condition of the item precludes further examination, the observations and rationale used to reach that conclusion shall be documented."</p>
4	4.8	T	<p>The redlined version still provides no guidance on what should be included in a report, what conclusions may be reached, what is the basis for the underlying conclusions.</p>	<p>Specify what must be included in a report and how it may be worded as well as the basis of how it may be worded and any limitations.</p>	<p>Reject with modification: This standard is about documenting the initial examination. Section 4.8 delineates the requirements for item description to be included on the report. The following sentence was added to include whether further examinations could be conducted: "The report shall include a statement specifying whether, given the condition of the item, further examinations have been ruled out or remain possible."</p>