

Deadline of Submission of Comments: 20-Mar-23

Document Number: ANSI/ASB Std 162

Document Title: 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 latest 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: 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. 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 second redlined version of this "standard" still provides no guidance on what is necessary to properly document an examination (as we commented the last 2 rounds).</p>	<p>List what must be documented in each case file. See also comments re: 4.7.1 and 4.7.2</p>	<p>Reject: Section 4.4 provides sufficient information on how to document and sections 4.7.1 and 4.7.2 provide what information to document; based on the 1st round of public comments, these sections were changed to use shall. Non-firearm tools and toolmarks is a broad category and therefore requires flexibility for examination and documentation based on what the item is. This document is not a procedure; it is an outline of how laboratories can direct the writing of their policies and procedures.</p>
3	4.8	T	<p>The second redlined version still provides no guidance on what should be included in a report, what conclusions may be reached, or what is the basis for the underlying conclusions, other than the addition in this version of the examiner's determination as to whether further examination is possible.</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: This standard is about documenting the initial examination and does not involve conclusions. Section 4.8 delineates the requirements for item description to be included on the report.</p>