

Public Comment Deadline: September 19, 2022

ASB Best Practice Recommendation 166, Best Practice Recommendation for Comparison and Evaluation of Friction Ridge Impressions

#	Section	Type of Comment	Comments	Proposed Resolution	Final Resolution
4	Foreword	E	Second paragraph, first line: still refers to examination "methodology" instead of "process". (As long as they've made the decision to use process, they should be consistent.)	Change "methodology" to "process".	ACCEPT: will change to stay consistent throughout the document and in synch with other documents.
12	General	T	The standard offers no information to show that the comparison-evaluation process it recommends (or any parts of it) are reliable and accurate.	Summarize the findings of studies of the reliability and validity of the comparison-evaluation process recommended here. If no studies to enable estimates of error probabilities and the like are available, acknowledge that.	REJECT: this is a Best Practice Recommendation, not a standard and, as such, does not require any supporting studies re: the validity/reliability of the practice.
13	General	T	This best practices document appropriately requires specific contemporaneous documentation during the comparison phase and requires that post-comparison changes to interpretations be clearly identified. But the redlined Case record section does not explicitly require that all of this documentation be in the case record. What is meant by the "case record," as opposed to a "report" as opposed to a "case file"?	The document should define "case record" and make clear what should be in the case record and what should be in the report. All of the documentation identified in this document should be in the case record and any report should at a minimum note what is contained in the case file that is not in the report. For further guidance see forthcoming guidance from the Legal Task Group and NCFs, "Views of the Commission, Documentation, Case Record and Report Contents" at https://www.justice.gov/archives/ncfs/file/818191/download	ACCEPT: will change to stay consistent with other documents that have concluded this definition.
8	3.24	T	It would be better to avoid the term "identification" or "ID" in favor of a weaker phrase for the situation of "substantial support." It would also be better to avoid the term "substantially" without empirical support for such a high level of certainty (even though below "identification").	Use a term such as "source association," which could be defined as "an opinion based on the observed data that X cannot be excluded as a possible source."	REJECT: The definition of source identification has been extensively discussed and agreed upon within the consensus body. The proposed resolution is in conflict with this approved definition.
5	3.28	E	Still refers to examination "methodology" instead of "process".	Change "methodology" to "process".	ACCEPT
2	4.1.3	E	A number of grammatical errors are present in the second sentence. The meaning is clear but the wording is not.	Strike out either, "...a full analysis should be documented..." or "...the analysis should be documented...", preferably the first segment.	ACCEPT
7	4.1.3	E	Looks like a copy and paste error. Text reads "If poor quality is noted, or the exemplar impression has the potential for high complexity, a full analysis should be documented the analysis should be document per recommendations outlined in ASB BPR 165 (See section 2. Also posted for public comment) prior to comparison."	Delete "the analysis should be document"	ACCEPT
14	4.1.8.2		4.1.8.2 contemporaneous documentation is impossible, shows a lack of understanding in verbiage (remove this). 		REJECT: the intent is that documentation should be on-going (contemporaneous) during the examination.

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3	4.1.9.1.e), 4.1.9.3 e)	T	What does this sentence mean?	The meaning of this sentence is unclear either way its written. Does it mean features that were present in the exemplar but not documented during the analysis of the original impression? Does it mean that an examiner has changed his or her mind during the comparison? The whole sentence for both sections needs to be rewritten for clarity.	REJECT: The intention of these statements is clear in that if there are multiple instances of support for the evaluation decision differing substantively from analysis observations it should be accounted for in the assessment of the complexity of the comparison. The term "altered" was intentionally retained in these statements as a general expression of the concept of a "substantive difference". The FSP may further define what constitutes an alteration and what does not.
1	4.1.9.3		Section 4.1.9.3 - For a "High Complexity" situation I believe that the old b) now a) "at least one impression has been determined to be of low complexity during analysis;" should be deleted. It works in section 4.1.9.2 as it's dealing with low-complexity scenarios. Don't know how one of the impressions being "low complexity" helps meet the criteria for a "high complexity" situation.		REJECT: The inclusion of a "low complexity" criteria is appropriate within the assessment of "high complexity" as "high complexity" is based on a higher aggregation (i.e. "at least three of..." of criteria than the "low complexity" assessment (i.e. "one or two of..."). The document is appropriate as written to maintain clarity.
9	4.2.1.2	T	The redlined judgment " Inconclusive with dissimilarities" applies when " the observed data between the impressions needed to support the source conclusion display dissimilarities, but a more definitive determination of disagreement cannot be made due to limiting factors; the limiting factor(s) affecting a more definitive determination should be documented."	Are there any studies to show that examiners can reliably and validly make these judgments? If not, the standard should acknowledge this gap.	REJECT: This is outside the scope of this document
6	4.2.1.3 b	E	Formatting of paragraph is inconsistent with the rest of the document.	Change formatting of indents to be consistent throughout document.	ACCEPT
10	4.2.1.4	T	The judgment "Inconclusive with similarities" applies when "a) The observed data between the impressions appear to correspond, but a more definitive determination of correspondence cannot be made due to limiting factors, the limiting factor(s) affecting a more definitive determination should be documented."	Are there any studies to show that examiners can reliably and validly make these judgments? If not, the standard should acknowledge this gap.	REJECT: This is outside the scope of this document
11	4.2.1.5	T	The judgment "source identification " occurs when "a) the observed data in the relevant areas of both impressions are present and designated as Category 2 (yellow) quality or higher during analysis; b) the observed data between the impressions correspond; c) the corresponding data include at least 8 minutiae designated as Category 3 (green) quality or higher and documented during analysis. "	Are there any studies to show that examiners can reliably and validly make these judgments? If not, the standard should acknowledge this gap.	REJECT: This is outside the scope of this document
15	4.2.1.5		4.2.1.5 These recommendations are invalid, no scientific validity for an 8 point criteria. Mainstream scientific criteria should be mandated when peoples lives are on the line (add a criteria that is valid). several places, use of definitive is an overstatement.		REJECT: This document contains best practice recommendations not requirements, and is accepted by consensus. See section 4.2.1.5-C note added to provide clarity. Also section 4.2.2 describes how to handle exceptions.
16	4.2.5		"4.2.5 The case record should include documentation of the following: c) the complexity determination for each comparison." This seems a bit cumbersome to mark the complexity level of every comparison in a case. But it's a BPR and says "should" so it's not a requirement.		REJECT: A stated in the comment, this is a "Best Practice Recommendation".