

Deadline of Submission of Comments:

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Document Number:

ANSI/ASB Std 167

Document Title:

Standard for Reporting Results from Friction Ridge Examinations

| # | Section | Type of Comment | Comments | Proposed Resolution | Final Resolution |
|----|-------------------------|-----------------|---|--|--|
| 6 | all | T | We noted on the previous draft (and haven't seen the adjudication so don't know the response) that the standard as written is missing a requirement that "Disagreements between examiners occurring during verification (however named) and review regarding the reported conclusion(s) should be noted in the report. Disagreements that end in a "no resolution" should be detailed in the report. Disagreements that end in a "resolution" should be noted in the report and documented in the case record (e.g., disagreement resolved, disagreement resolved after arbitration, unresolved disagreement over whether there are sufficient points of comparison of sufficient quality to allow for a comparison between the known and the latent print)." | Include these requirements for reports. | Reject Commentor's suggestion is addressed by 4.4.1 h) Conflicts resolved by conflict resolution shall be reported. Any situation that is handled by an FSP conflict resolution policy would come to a "resolution". 4.4.1 h) is in alignment with this text from BPR 142: 4.4 Reporting and Tracking 4.4.1 The issued report should disclose that the reported finding was result of a conflict resolution. 4.4.2 FSP management should have processes in place to track the causes and frequency of conflicts between examiners. |
| 27 | Throughout | T/E | Other recent documents from ASB seems to be moving away from "utility decisions", should this standard be updated to assess for the use of "utility"? | If ASB is moving away from the use of "utility" then make necessary changes throughout document. | Reject The text is in alignment with TR 016 and BPR 165. |
| 16 | 1 | E | Comma after paranthesis is not needed. | "... reported elements (e.g., case notes, custody documents) or testimony." | Accept Delete extraneous comma |
| 17 | 3 (3.1) | T | A definition for administrative information is provided, but not for technical information. This could be beneficial to clarify what is meant by technical information. | Add a term and definition for technical information. | Reject The dictionary definition of technical (adj) is sufficient to STD 167's needs. Also, 4.3.1 provides an extensive definition of "technical information" required for STD 167. |
| 7 | 4.1 | | Unnecessary verbiage: The requirements outlined below represent what shall be included. The recommendations outlined below represent what should be included. | Remove statement. | Reject This statement was removed from an older version of STD 167. |
| 8 | 4.1 | | The information provided within a written report should be articulated so that all stakeholders can understand what is being communicated. | Change to a shall statement otherwise it's saying this isn't required. | Accept Change "should" to "shall" |
| 18 | 4.2.1 o now 4.2.1 n) | T | Why/how is this statement ("statement that additional materials are available upon request where applicable") beneficial in a report? Should it not be understood by the customer that this is a report that summarizes the results of the examination, and more information is available upon request. | Remove statement, as it is not necessary. | Reject It is important to notify the stakeholder that *where applicable* additional information is available upon request. |
| 9 | 4.2.2 | | a glossary of terms should be required not simply recommended | Move to the area with requirements. | Accept Move 4.2.2 b) to 4.2.1 and renumber accordingly |
| 19 | 4.3.1 c | T | The addition of the footnote still does not aid in understanding what ASB/OSAC is referring to for "Assumptions and generally accepted or known limitation of any forensic process or procedures utilized...". If it is not ACE-V, and it is not latent print processing, then what is this referring to? Can someone provide an explanation or example? | Remove statement if not clarification can be given to the discipline, or clarify what is intended for this clause? | Reject From a previous comment round, the footnote clarifies the separation of forensic process/procedure and latent print processing. When reporting results, it is always good scientific practice to include any assumptions or known limitation. |
| 20 | 4.3.1 h | T | What does "statement describing" mean? What does "conducted" mean? What benefit is there is saying comparisons were conducted but no conclusions were reached? | Make statement a suggested statement. Better define this statement to make it clear what the intent is. | Accept Modify 4.3.1 h) to read: 4.3.1 h) Statement describing comparisons that were conducted and conclusions that were reached |

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| 10 | 4.3.1- h | | What is including in describing the comparison? Is this meant to say Statement 'indicating' comparisons that were conducted. | No recommendation because I don't understand the goal, so I suggest clarification. | Accept Modify 4.3.1 h) to read: 4.3.1 h) Statement describing comparisons that were conducted and conclusions that were reached |
| 21 | 4.3.1 k | T | This requirement seems excessive. It seems illogical to be reporting on work that was not conducted. Typically reports require to report out what work was conducted, not work that was not conducted. Some agencies have access to several databases, or work cases with lots of latent prints in a case, and not all latents are needed to be searched in a database because the examiner has selected the best impressions to start with, and may then finish out comparisons from any knowns generated from other searches. It's not that the other prints couldn't be searched, they just were not searched, because there were other prints that would allow for a more meaningful search. This seems like it would be sufficient to be in the notes for the exam, and made available upon request. | Either remove this requirement, or make it a suggested statement. | Reject This requirement can be met in a simple, concise statement, e.g., Latent prints that did not meet ABIS image quality requirements were not searched." |
| 22 | 4.3.1 l | T | What is being referred to unidentified impressions being retained in a tenprint database (can a latent print be retained in a tenprint database?)? Why is a palm print database also not included? Should it just be an unsolved latent database? | Either remove tenprint, or add palm print to be inclusive. | Accept with modification. Section was reworded for clarification. |
| 3 | 4.4.1 | T | Our previous suggestion was to note whether the "verification" was open or blind. The current draft indicates only that if BLIND verification was used that should be noted. We think that implies that blind verification is the departure from scientific norms when it should be the other way around. In other words, given what we know about bias, blind verification should be the go-to (as other standards note). Thus reports should be noting that a verification was NOT Blind, if that is the case. I think the identity of the verifier should also be included. | change to "If non-blind verification or consensus review verification was used, that should be indicated in the report." or "The report should indicate whether blind or non-blind verification was used." | Accept Modify 4.4.1 c) to read: "Whether or not conclusion(s) were verified and the type(s) of verification." The types of verification are enumerated in BPR 144 and are outside the scope of STD 167. |
| 23 | 4.4.1 b | T | Not sure what is being referred to here. Should this be conclusions reached (since this document doesn't have any specific requirement to report out the conclusions that were reached). | Clarify what is meant by this statement. Change to " All conclusions which have been reached." | Accept Modify 4.4.1 b) to read: 4.4.1 b) All comparisons which have been completed and conclusions which have been reached |
| 24 | 4.4.1 c | T | A majority of the conclusions are required to be verified, so this statement feels unnecessary to be reported to the customer. Could this affect admissibility if the report is referring to work done by another examiner? | Change to "If conclusions were not verified, it shall be clearly stated". | Reject It is important to report that conclusions were verified and which type of verification was used. |
| 12 | 4.4.1-c | | I do not believe customers want this in a report, it could easily be in the notes: "Whether or not conclusion(s) were verified. If blind verification or consensus review verification was used, that should be indicated in the report." | Change to a should. | Reject It is important to report that conclusions were verified and which type of verification was used. |
| 13 | 4.4.1 - h | | I do not believe customers want this in a report, it could easily be in the notes: "Statement when a reported conclusion was the result of a conflict resolution process or consensus review and FSP policy (e.g., FSP policy dictates the most conservative conclusion is reported out)." | Change to a should. | Reject There are customers beyond LE that have made clear this is a mandatory requirement. |

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| 4 | 4.4.2(a) | T | The previous version had suggested that statistical models must be validated but that subjective methods need not. This version deals with that concern by eliminating the word "validated" from the statistical model provisions. But what is left doesn't make clear that any method needs to be validated, which seems to violate the spirit of the previous draft. | Add back the word "validated" and put it in (a) as well, to say "validated method based on knowledge, training, experience, skill, and education." | <p>Reject</p> <p>The scope of this standard is "the minimum administrative and technical information ... required to be included in friction ridge examination reports." Whether methods or statistical models are validated is beyond the scope of this standard.</p> <p>Reword 4.4.2:</p> <p>The basis of the conclusion resulting from the examination of observed data within friction ridge impressions shall be reported (i.e., based on the application of an examiner's knowledge, training, and experience; based on a statistical model; or a combination of both).</p> <p>Delete 4.4.2 a) - c)</p> |
| 14 | 4.4.2 - a | | This may not be acceptable when FRE 702 changes this year. a) Conclusions expressed as an expert opinion utilizing knowledge, training, and experience, skill, and education. | Perhaps change to: a) According to local requirements (e.g., Frye, Daubert, FRE 702, etc.) | <p>Reject</p> <p>This is an industry standard, not a legal document. Out of scope, FRE 702 applies to expert testimony.</p> |
| 1 | 4.4.2b | technical | The word "validated" was removed. If we are using a statistical model to express an expert opinion with quantitative support, the statistical model should be validated. | Add back in the word validated. | <p>Reject</p> <p>The scope of this standard is "the minimum administrative and technical information ... required to be included in friction ridge examination reports." Whether methods or statistical models are validated is beyond the scope of this standard.</p> <p>Reword 4.4.2:</p> <p>The basis of the conclusion resulting from the examination of observed data within friction ridge impressions shall be reported (i.e., based on the application of an examiner's knowledge, training, and experience; based on a statistical model; or a combination of both).</p> <p>Delete 4.4.2 a) - c)</p> |
| 2 | 4.4.2c | technical | The word "validated" was removed. If we are using a statistical model to derive an conclusion, the statistical model should be validated. | Add back in the word validated. | <p>Reject</p> <p>The scope of this standard is "the minimum administrative and technical information ... required to be included in friction ridge examination reports." Whether methods or statistical models are validated is beyond the scope of this standard.</p> <p>Reword 4.4.2:</p> <p>The basis of the conclusion resulting from the examination of observed data within friction ridge impressions shall be reported (i.e., based on the application of an examiner's knowledge, training, and experience; based on a statistical model; or a combination of both).</p> <p>Delete 4.4.2 a) - c)</p> |
| 5 | 4.4.3 | T | Section 4.4.3 rightly requires that if a conclusion is based on an examiner's subjective opinion a statement sort of to that effect be included. We think it should be beefed up to highlight that the examiner's judgment is subjective based on knowledge, experience, training, skill and education, and not based on any specific statistical or numerical system or confidence level. | Change to: "the opinions and interpretations are based upon the subjective judgement of the examiner, based on their training, skill, judgment, experience, and education rather than statistical model or other objective method," shall be included in the report. | <p>Reject</p> <p>This comment is overtaken by the disposition of comments 1, 2, and 4.</p> <p>Reword 4.4.3:</p> <p>When reporting source conclusions, a statement that the opinions and interpretations are based upon professional judgement of the examiner shall be included in the report.</p> |
| 15 | 4.4.3 | | The current statement will likely not be sufficient under the new FRE 702. | This needs to be expanded to follow current legal requirements. | <p>Reject</p> <p>This is an industry standard, not a legal document. Out of scope, FRE 702 applies to expert testimony.</p> |

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| 25 | 4.4.4 a | T | The inclusion of specific finger, palm or toe compared/identified seems excessive and unnecessary for the report. The terminology for specific finger, palm, toe is not standard so how will they be referred to (finger number, finger name, area of palm or just left vs. right palm). This seems more appropriate for the notes, and can be provided later if asked for. It should be enough to report what latent (having already said if it was finger, palm, toe, foot, partial, unknown) was identified to which person. | Remove the "including specific finger, palm or tow compared". | <p>Reject</p> <p>Reporting the anatomical origin is a commonly accepted industry standard. Additionally, as a "should" statement it is a best practice recommendation.</p> |
| 26 | 4.4.4 b | E | Statement c does not seem to fit as a sub section of 4.4.4 (statement related to examination conclusions). Should this be a different section? If there is new work being completed, would a new report not be needed, not an amended report? How does changes in technology justify amending a report? - If technology has changed, then new work would need to be done under that new technology. | Make statement 'b' a different section or subsection. Or if unnecessary, then remove the statement as it does not seem to fit with the rest of this standard. | <p>Accept</p> <p>Create new section, 4.5 Amended Reports Move 4.4.4 b) to new section 4.5 Amended Reports, 4.5.1 Move 4.2.1 n) to 4.5.2</p> |
| 11 | footnote | | The footnote of 'The forensic process or procedures are not to be confused with latent print processing. Consult STD 015 Standard for Examining Friction Ridge Impressions.' should not be included since 015 is not published | Remove footer. | <p>Partial accept</p> <p>From a previous comment round, the footnote clarifies the separation of forensic process/procedure and latent print processing.</p> <p>Delete "Consult Std 015..."</p> |