

ASB Standard 168, First Edition

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Standard for Testimony Monitoring in Friction Ridge Examination



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Standard for Testimony Monitoring in Friction Ridge Examination

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410 North 21st Street
Colorado Springs, CO 80904

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Foreword

This document has been developed with the objective of improving the quality and consistency of friction ridge examination practices. Testimony Monitoring evaluates the performance of the examiner in legal proceedings.

The American Academy of Forensic Sciences established the Academy Standards Board (ASB) in 2015 with a vision of safeguarding Justice, Integrity and Fairness through Consensus Based American National Standards. To that end, the ASB develops consensus based forensic standards within a framework accredited by the American National Standards Institute (ANSI), and provides training to support those standards. ASB values integrity, scientific rigor, openness, due process, collaboration, excellence, diversity and inclusion. ASB is dedicated to developing and making freely accessible the highest quality documentary forensic science consensus Standards, Guidelines, Best Practices, and Technical Reports in a wide range of forensic science disciplines as a service to forensic practitioners and the legal system.

This document was revised, prepared, and finalized as a standard by the Friction Ridge Consensus Body of the AAFS Standards Board. The draft of this standard was developed by the Friction Ridge subcommittee of the Organization of Scientific Area Committees (OSAC) for Forensic Science.

Questions, comments, and suggestions for the improvement of this document can be sent to AAFS-ASB Secretariat, asb@aafs.org or 401 N 21st Street, Colorado Springs, CO 80904.

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Keywords:

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Standard for Testimony Monitoring in Friction Ridge Examination

1 Scope

This document sets requirements for Forensic Service Providers (FSP) to review the appropriateness of testimony provided by its personnel related to friction ridge examination. This document specifies how to review testimony and assess whether methods, limitations, and interpretations of work performed were conveyed in accordance with established best practices.

This document does not address the Technical Review of case files or results of friction ridge examinations.

2 Normative References

There are no normative references.

3 Terms and Definitions

For purposes of this document, the following terms and definitions apply.

3.1

competency

Possessing and demonstrating the requisite knowledge, skills and abilities to successfully perform a specific task.

3.2

corrective action

Action to eliminate or mitigate the cause of a non-conformity and to prevent recurrence.

NOTE A corrective action is taken to prevent recurrence whereas a preventive action is taken to prevent occurrence.

3.3

examiner (friction ridge) competent friction ridge examiner

An individual authorized to conduct independent friction ridge examinations for the forensic service provider by observing and interpreting data, making decisions, forming conclusions and opinions, issuing reports and/or providing testimony. Use of the term "examiner" in this document refers to a "competent friction ridge examiner" and not a "trainee."

3.4

Forensic Service Provider FSP

Organization or individual that conducts and/or supplies forensic services.

3.5

nonconforming work

Work that does not comply with FSP policies and procedures.

3.6 preventive action

Action to eliminate the cause of a potential non-conformity or other potential undesirable situation.

NOTE A preventive action is taken to prevent occurrence whereas a corrective action is taken to prevent recurrence.

3.7 technical review

A qualified second party's evaluation of reports, notes, data, and other documentation to ensure there is appropriate and sufficient support for the actions, results, conclusions, opinions and interpretations.

4 Requirements for Testimony Review

4.1 Testimony review mechanisms may consist of either or both of the following:

- a) direct observation of testimony;
- b) review of written transcript, video, or audio recording of testimony.

4.2 ~~Testimony reviews shall be completed by~~An FSP-authorized ~~individuals~~individual who ~~have~~has been competency tested in the discipline of the subject matter being testified to ~~category of testing~~ ~~shall complete the testimony review~~. Examiners ~~shall~~may not ~~conduct the official~~ review ~~for~~ their own testimony(ies).

4.3 Documentation of testimony monitoring shall be completed and retained (sample form in Appendix A) according to FSP policy.

4.4 The following criteria shall be considered during testimony review, as applicable.

- a) Did the examiner accurately describe their qualifications, duties, and examinations ~~per FSP policy~~?
- b) Did the examiner accurately convey ~~their~~the results of the examination, to include their, opinions, and/or interpretations of the evidence, within the limits of their expertise?
- c) Did the examiner convey appropriate, scientifically supportable results and/or other limitations? (e.g., court imposed limitations)?
- d) Did the examiner testify in an impartial manner?

e) Did the examiner convey information in words understandable to a layman?

e)f) If questioned about relevant literature and published research relating to friction ridge examination, did the examiner show appropriate knowledge and understanding of these references and provide accurate answers to the questions about them?

4.5 The following criteria ~~should~~shall be considered during direct observation or video review of testimony (given that these criteria cannot be monitored by reading a transcript).

- a) Did the examiner exhibit professional demeanor and appearance?
- b) Did the examiner demonstrate appropriate verbal and non-verbal communication?
- c) ~~Did~~If the examiner ~~present appropriate~~used demonstrative ~~exhibits, if applicable~~evidence (e.g., ~~charts or photographs~~) to explain methods or results, ~~were they accurately conveyed~~?

4.6 The testimony review shall be discussed with the examiner ~~and, if a non-conformance has occurred, the discussion shall be~~ documented according to FSP policy. ~~The witness may produce a written response to the statements of the reviewer. The response shall be retained with the testimony review.~~

4.7 The FSP shall have a written policy that prescribes the ~~appropriate action (preventive or corrective)~~ action to be taken if a non-conformance has occurred.

~~This~~The FSP policy shall include when it is appropriate to further notify any court official(s).

~~1.1—The FSP should have a policy that prescribes how often testimony monitoring occurs (e.g., annually).~~

4.8 Testimony monitoring shall occur at least once per year. The FSP shall document if an examiner does not testify in a given year.

Annex A
(informative)

Sample Testimony ~~Technical Review~~ Monitoring Form

Examiner: _____ Date of Testimony: _____
 Discipline: _____ Laboratory Control #: _____
~~Technical Testimony~~ Date ~~case records were~~ reviewed of Review: _____
 Reviewer: _____
 Judge or Courtroom #: _____

Sub-disciplines/ types or methods of analysis or inspection that was testified to: _____

Did the examiner ~~have accurately describe their qualifications, duties, and examinations?~~ Yes No

~~Did the examiner accurately convey the results of the examination, to include their results, opinions, and/or interpretations of the evidence, within the limits of their expertise?~~

~~Did the examiner convey appropriate, scientifically supportable results and/or other limitations (e.g., court imposed limitations)?~~

~~Did the examiner testify in an impartial manner?~~

~~Did the examiner convey information in words understandable to a layman?~~

~~If questioned about relevant literature and published research relating to friction ridge examination, did the examiner show appropriate knowledge and understanding of these references and provide accurate answers to the questions about them?~~

~~Did the examiner exhibit professional demeanor and appearance?~~

~~Did the examiner demonstrate appropriate verbal and non-verbal communication?~~

~~If the examiner used demonstrative evidence (e.g., charts or photographs) to explain methods or results, were they accurately conveyed?~~

Comments: _____

~~Was the examiner well prepared for their testimony?~~ Yes No

Comments: _____

~~Did the examiner accurately describe their qualifications and duties?~~ Yes No

Comments: _____

~~Did the examiner accurately present the evidence?~~ Yes No

Comments: _____

~~Were the results, opinions, and/or facts presented accurately?~~ Yes No

Comments: _____

~~Were the testing or inspection methods accurately explained?~~ Yes No

Comments: _____

~~Was it clearly indicated when information presented was interpretation or opinion and any relevant limitations?~~ Yes No

Comments: _____

Was there any information conveyed that was not accurate? Yes No

~~If yes, did the inaccuracy fundamentally impact the perception of the information that was presented?~~ Yes No

Comments: _____

Are there any indications of Nonconformance? Yes No

~~If yes, Nonconformance workflow ID #Date testimony review was discussed with examiner:~~
Technical _____

Testimony

Reviewer: _____ Date: _____

Quality Assurance Manager: _____ Date: _____

Examiner: _____ Date: _____

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