

This document has been accepted by the **Academy Standards Board (ASB)** for development as an American National Standard (ANS). For information about ASB and their process please refer to asb.aafs.org. This document is being made available at this stage of the process so that the forensic science community and interested stakeholders can be more fully aware of the efforts and work products of the Organization of Scientific Area Committees for Forensic Science (OSAC). The documents were prepared with input from OSAC Legal Resource Committee, Quality Infrastructure Committee, and Human Factors Committees, as well as the relevant Scientific Area Committee. The content of the documents listed below is subject to change during the standards development process within ASB and may not represent the contents of the final published standard. All stakeholder groups or individuals are strongly encouraged to submit technical comments on this draft document during the ASB's open comment period. Technical comments will not be accepted if submitted to the OSAC Scientific Area Committee or Subcommittees.

Best Practice Recommendations for the Resolution of Conflicts in the Course of Friction Ridge Examination

Keywords: conflict, conflict resolution, suitability decisions, source conclusions, documentation

Abstract: This document addresses several important topics associated with the resolution of conflict within friction ridge examinations. Recommendations are offered regarding the scope, type of conflict and associated documentation.

DRAFT

Best Practice Recommendations for the Resolution of Conflicts in the Course of Friction Ridge Examination

1 Scope

This document describes the best practice recommendations for how to resolve conflicts between examiners at any point in the technical review or verification process. This document specifies and provides examples for addressing the following:

- Conflicting suitability decisions
- Conflicting source conclusions
- Documentation of Conflict Resolution

This document does not address differences of opinion that occur at the consultation level or any organizational response once an error is discovered or the conflict(s) are resolved.

2 Normative References

3 Terms and Definitions

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

3.1

Blind Verification

A type of verification in which the subsequent examiner(s) has no knowledge of the original examiner's decisions, conclusions or observed data used to support the conclusion.

3.2

Conflict

A condition in which two or more examiners disagree on a suitability decision or source conclusion.

3.3

Consensus Review (Consensus Opinion)

A type of examination in which a reported decision or conclusion is determined that reflects the collective judgement (e.g. majority) of a group of examiners.

3.4

Forensic Service Provider (FSP)

An organization or individual that conducts and/or supplies forensic services.

3.5

Observed Data

Any demonstrable information seen within an impression that an examiner relies upon to reach a decision, conclusion or opinion. This has historically been expressed as "features" or "minutiae," but the use of the broader term "observed data" is inclusive of other types of data that may be considered beyond minutiae, such as quality, scars, creases, edge shapes, pore structure, and other friction ridge features.

3.6

Source Conclusions: Findings or statements expressed as opinion and made by an examiner after interpretation of observed data. They may offer support for one proposition over another. One of the five following conclusions: Source Exclusion (EXC), Support for Different Source (SDS), Inconclusive/Lacking Support (INC), Support for Same Source (SSS), or Source Identification (ID).

3.7

Suitability for Comparison Decision (Suitability for Source Conclusions): A decision made by an examiner in accordance with FSP policy and/or procedure, that a friction ridge impression contains sufficient observed data to be utilized for comparison and a Source Conclusion can potentially be reached. This designation is often referred to as “suitable for comparison” or “of value for comparison”.

3.8

Suitability Decisions (Utility Decisions)

A decision made by an examiner in accordance with FSP policy and/or procedure as to whether or not an impression will proceed to the next step in the examination process. Examples of these decisions may include “Suitability for ABIS/AFIS Searching Decisions”, “Suitability for Comparison Decisions” or other utility decisions.

3.9

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.

3.10

Verification

Confirmation, through either re-examination or review of documented data by another examiner, that a conclusion or opinion conforms to specified requirements and is reproducible. NOTE: “Specified requirements” are the FSP’s policies and procedures relating to Analysis, Comparison and Evaluation of friction ridge impressions.

4 Introduction

The potential for differing suitability decisions or source conclusions is an inevitable result of the subjective interpretation of friction ridge impressions, particularly for those impressions where the quantity and quality of observed data are low and require more subjective interpretation.

For the purposes of this document, it is assumed that the examiner assigned to the case has completed their friction ridge examinations (Analysis, Comparison, and Evaluations) and has submitted the impression(s) to a second examiner for review/verification. Please note Forensic Service Provider (FSP) policy dictates which suitability decisions and source conclusions are verified and whether or not verification takes place in conjunction with technical review.

When a conflict with a suitability decision or source conclusion occurs, the conflict must be documented and examiners should have clear procedures to follow in order to ascertain whether

the conflict can be resolved. Under no circumstances shall any examiner be forced or coerced into agreeing with, or writing a technical report in support of, a source conclusion with which they do not agree.

Additionally, FSP management should have processes in place to track the causes and frequency of conflicts between examiners. The types of conflict, root causes of conflicts, or frequency of conflicts may illuminate the need for: supplemental training, additional mentoring, policy and procedure updates, or enhanced monitoring of case work.

5 Recommendations

5.1 Options of Conflict Resolution

A conflict may be resolved through a consultation among the conflicting examiners, or it may escalate to requiring blind verification, consensus opinion, or an outside agency review. These escalated options should include the oversight of the responsible management.

5.2 Conflicting Suitability Decisions (Value/No Value) or Source Conclusions

Conflict resolution is required when examiners disagree on a suitability decision or a source conclusion. The following scenarios are simplified, and it is recognized that cases often have numerous friction ridge impressions and could involve more than one conflict and resolution process. When conflicting suitability decisions (value/no value) or source conclusions occur, one of the following steps is recommended to resolve the conflict.

5.2.1 Remediating Interaction

The original examiner and the second examiner (verifier) should attempt to resolve the conflicting suitability decisions or source conclusions via consultation with an attempt to arrive at a mutually agreed upon decision or conclusion that is best supported by the observed data. If agreement is achieved, the conflict resolution process concludes and is documented in the case file. If agreement is not achieved, the disagreements shall be noted in the case record and the conflict resolution process should proceed to the responsible manager to determine and utilize the most appropriate option(s) to resolve the conflict (i.e. option(s) that is(are) available to the FSP).

5.2.1.1 Impact of Suitability Changes on Source Conclusions

If the conflict resolution process results in the original examiner changing a “no value” decision to a “value” decision, it shall be left up to the FSP to determine if there is a consequence (e.g. removed from casework, corrective action, etc.) to the original examiner for not rendering a source conclusion.

If the conflict resolution process results in the original examiner changing a “value” decision (and resulting conclusion) to a “no value” decision, the original examiner’s source conclusion shall be kept in the case record.

5.2.2 Managerial Options

When agreement between two examiners cannot be reached, the conflict resolution should elevate to Managerial Review. A supervisor/manager, technical lead, or other designee shall determine the

next steps to resolve the conflict. Options for the resolution may include Blind Verification, Consensus Review(Consensus Opinion) and/or Outside Agency Examination:

5.2.3 Blind Verification

A third examiner (who may be a bench-level examiner, technical lead or technical supervisor/manager) shall compare the friction ridge impressions in question and document their source conclusion in the case record. This shall be done blindly, i.e. the third examiner should be shielded from the decisions, conclusions and documented data of the other two examiners. The three source conclusions (original examiner, second examiner, and third examiner) shall be reviewed to determine if two of the source conclusions agree and how the case should proceed. If the third examiner wishes to consult with either the original or second examiner, they shall have their source conclusion documented first and that interaction shall be recorded in the case file.

If the third examiner agrees with the suitability decisions or source conclusions of the original examiner, the original examiner should retain the case.

If the third examiner agrees with the suitability decisions or source conclusions of the second examiner, the case should be transferred to the second examiner and this transfer shall be documented in the case record.

5.2.4 Consensus Review (Consensus Opinion)

It shall be up to the FSP to determine the appropriate number of examiners necessary for a consensus panel. At a minimum, the source conclusions of all examiners on the consensus panel shall be recorded in the case file and the collective majority opinion shall be reported. The FSP shall have a policy to determine how that collective opinion is reported.

5.2.5 Outside Agency Examination

Friction ridge evidence should be submitted to an outside FSP without providing the results of the conflicting examiners. The results of the outside agency examination should be forwarded to the FSP manager or representative for review. The FSP shall have a policy to determine how that outside agency examination result is reported.

5.3 No Consensus Source Conclusion Reached

If the above methods do not resolve conflicting source conclusions, all source conclusions shall be recorded in the case record. The FSP shall report that a consensus source conclusion could not be reached and shall determine how the results of the examination are reported.

5.4 Documentation

The level of documentation needed for conflict resolution will vary according to the nature of the conflict and according to FSP policy.

5.4.1 Minimum Documentation

For all conflict resolutions, the minimum documentation shall include:

- All examiner suitability decisions and source conclusions
- Image mark-ups of the observed data used to support the suitability decision(s) and/or source conclusion(s)
- Personal identifier and date of all examiner suitability decisions and source conclusions
- Dates and outcomes of consultations between examiners
- Any changes in the suitability decisions and source conclusions, whose decision or conclusions changed, and the date the decision or conclusion changed
- If a case is reassigned: the date the case was reassigned, the reason the case was reassigned, to whom it was reassigned, and the original examiner(s) notes shall be retained

DRAFT