



**AMERICAN SOCIETY OF
CRIME LABORATORY DIRECTORS, INC.**

139 A Technology Drive Garner, NC 27529

June 20, 2016

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Attn: Proposed Uniform Language for Testimony and Reports for the
Forensic Latent Print Discipline

The American Society of Crime Laboratory Directors represents more than 600 members of crime laboratory directors and forensic science managers dedicated to providing excellence in forensic science through leadership and innovation. The membership represents both private and public institutions from all 50 states in the U.S. and eighteen countries from across the globe. Our mission is to promote the effectiveness of crime laboratory leaders throughout the world by facilitating communication among members, sharing critical information, providing relevant training, promoting crime laboratory accreditation, and encouraging scientific and managerial excellence in the global forensic science community.

ASCLD is dedicated to advancing forensic science through a multitude of initiatives including partnering and offering comments to the Department of Justice. The forensic laboratories of the DOJ share the same goals as their state and local counterparts in constantly advancing forensic science. What transpires at the DOJ laboratories has significant implications for the entire criminal justice community. As a result, the ASCLD Board of Directors offers the following comments, recommendations, and impact statements for consideration by the DOJ pertaining to the document *“Proposed Uniform Language for Testimony and Reports for the Forensic Latent Print Discipline”*.

ASCLD remains ready to be a continuing resource to assist the Department of Justice in the development of these important work products for the forensic science community so that a broader based acceptance and implementation of these products may be realized.

Regards,
ASCLD Board of Directors



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ASCLD Board Comments

The ASCLD Board of Directors supports the development of uniform language for testimony and reports for all forensic science disciplines utilizing a consensus development, review, and approval process.

The current ULTRs are based on work conducted by the FBI in the creation of the ASSTRs. The ASCLD Board of Directors recognizes and applauds the work and efforts of the professionals within the FBI and the DOJ in developing the ULTRs. However, this effort is primarily the result of one forensic science service provider and must be reviewed in a structured consensus driven manner led by industry experts before they become a requirement for the forensic science community and the criminal justice system.

The ASCLD Board of Directors respectfully requests the UTLRs be submitted to the appropriate forensic Standards Development Organization (SDO) such as the AAFS Standards Board (ASB), ASTM, or another equivalent forensic SDO. Until such time as these can be vetted through an organization such as these, the ASCLD Board of Directors recommends the ULTRs be published as recommended guidelines only after the transparent adjudication of the public comments provided during this initial public offering of the UTLRs. The ASCLD Board of directors also submits the following modifications to language as potential improvements to the proposed wording:

Statements approved for use

A. Identification

By being allowed to state or imply *"...that the examiner would not expect to see that same arrangement of features repeated in another source."*, how does the examiner reconcile the restriction of *"...it is inappropriate for an examiner to state or imply that an identification conclusion would absolutely exclude the possibility that another source could have left a similar looking latent print."*? The examiner's authorized statement seems to be implying an expected exclusion to any other source.

B. Inconclusive



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For Inconclusive findings, it is generally advisable to state or relay the reason it is inconclusive. It would complement this authorized language to make sure this documents states that the reason for an inconclusive also be given in both reports and testimony.

C. Exclusion

No comments

Statements not approved for use

A. Exclusion of all others

No comments other than what was included in section A – Identification. There seems to be circular logic.

B. Absolute or Numerical Certainty

No comments

C. Zero Error Rate

No comments

In general, this document does not touch upon the close relation of ten prints to latent prints. While it may be possible for a latent print analyst, or unit, to never write reports or testify to ten prints, the reality is that many are called upon in some facet of their casework to do this. Most commonly, this occurs on the witness stand. The same issues that apply to latent prints also apply to ten prints and ten prints should be included in this document.