



NATIONAL COMMISSION ON FORENSIC SCIENCE



Technical Merit Evaluation of Forensic Science Methods and Practices

Type of Work Product:

Adjudication of Public Comments on Draft Document

Public Comment Summary:

Technical Merit Evaluation of Forensic Science Methods and Practices

Adjudication Process Used by Subcommittee: Co-chairs draft and subcommittee review

Itemized Issues and Adjudication Summary: Comments were received from two individuals. The second was not a comment directed to the document and thus was not addressed. The first comment is discussed in detail. Overall, these comments focused on definitions and the need for consistency and detail. However, the subcommittee believes that the terms have been sufficiently defined and are sufficiently internally consistent to convey the intent of the document to the National Institutes of Standards and Technology (NIST), the entity that would ultimately be responsible for responding to this Recommendation and executing the particulars. It was also the opinion of the subcommittee that having overly restrictive definitions would be counterproductive in that the clarifications would come at the expense of artificially limiting the scope of the recommendation when implemented by NIST, a trusted and respected scientific entity. Because a variety of terms are used in reference documents (test standards, studies, test practices, etc.) and because the state of each forensic discipline varies, this flexibility is vital. In addition, the OSAC process is still evolving. The subcommittee believes the intent of the Recommendation is clear and trusts NIST to implement it within the ASTM/OSAC/Scientific method/metrology context.

The submitter raised concerns regarding the state of the science vs. the state of the forensic discipline as a whole. The subcommittee believes that it is impossible to define a line that separates these two concepts that is universally applicable to all forensic practices and disciplines and therefore kept both of these terms in the text of the document. We concur that these concepts will overlap and we have no concerns that reasonable, knowledgeable, and independent scientific reviews and reviewers will have no difficulty in defining those differences and determining when such distinctions are relevant and when they are not. Again, the subcommittee believes it is important to afford NIST the flexibility necessary to facilitate reasonable, knowledgeable, and independent scientific reviews.

The submitter also addressed what the final form of the review will take (book chapter, etc.). The subcommittee did not feel that the form should be dictated to NIST as that would depend on many

factors.

Finally, we understand the MOU limitations and deliberately worded the Recommendation with that in mind. NIST has expressed willingness to address the Recommendation as feasible and appropriate, thus it make sense for this Recommendation to be addressed to NIST. It will be up to NIJ and NIST to take the next steps. The subcommittee intended this Recommendation to provide the framework for those steps.