



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

**139 A Technology Drive Garner, NC 27529**

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June 20, 2016

Attn: Proposed Uniform Language for Testimony and Reports for the  
Forensic Toxicology 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 Toxicology 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,



# The American Society of Crime Laboratory Directors

**"Excellence Through Leadership in Forensic Science Management"**

ASCLD Board of Directors

## 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:

The ASCLD Board of Directors generally supports the statements with some clarification needed:

1. No changes
2. No Changes
3. Who will be responsible for determining the "other authoritative sources" that can be used by the examiners?



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4. The examiner should not need the facts of the case to render an opinion on the average human regarding effects. It is agreed that the opinion should be based on current published studies, and/or examiner's training in the fields of pharmacology, physiology, pathology, clinical chemistry, and/or toxicology.
5. No comment
6. Again, what source is going to be acceptable in which to report this information?
7. No comment
8. Not approved - This statement should be eliminated and not allowed. Too many assumptions have to be made in order to state these results.
9. No comment
10. No approved - This statement should be eliminated and not allowed. Too many assumptions have to be made in order to state these results.

## Statements Not Approved:

The ASCLD Board of Directors generally supports the statements that are not approved. However, it is not clear if alcohol is defined in this document as a drug. If alcohol is defined as a drug then Statement #4 not approved should be carefully considered. In some states per se urine alcohol analysis is permissible. Labs that perform such analysis should provide qualifying language regarding the validity of such a result, but if a jurisdiction has a per se law then the laboratory may be asked to perform the testing and provide expert testimony.

## General:

In general, the document offers good, practical statements that can be used by a forensic toxicologist. More of the statements apply to testimony and we suggest that the document separate out testimonial statements from written report statements.

The terms drug, drug metabolite, or poison should be defined in the document and alcohol should likely be added to the definition of a "drug" for clarity in this document. Many labs work alcohol cases in the toxicology discipline.