



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

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August 26, 2016

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Attn: Proposed Uniform Language for Testimony and Reports for the Y Chromosome and Mitochondrial DNA Typing Disciplines.

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 Y Chromosome and Mitochondrial DNA Typing Disciplines*".

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 ULTRs 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 ULTRs. The ASCLD Board of directors also submits the following modifications to language as potential improvements to the proposed wording:

Statements approved for use

1. Inclusion/Cannot Exclude/Match

It would be more consistent with the supporting documentation if the examples of the statistical estimate include match probability (the probability of observing a haplotype given that it has already been seen once in another individual of the same subpopulation) rather than likelihood ratio, in addition to the upper bound frequency estimate.

2. Level of Certainty

No comments



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3. Inconclusive

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 document states that the reason for an inconclusive also be given in both reports and testimony.

Also, the examples of inconclusive results as those that occur from the recovery of an insufficient quantity of DNA for detection or the recovery of DNA of insufficient quality for successful typing would better be characterized as examples for which no results are obtained. Therefore these would be better included in other haplotype conclusions. Examples of inconclusive results for lineage comparisons could include the presence of a number of differences less than those needed for exclusion (e.g. 1 difference for a Y chromosome profile).

4. Exclusion

No comments

5. Other Haplotype Conclusions

This section is better suited for the examples where no results are obtained due to the recovery of an insufficient quantity of DNA for detection or the recovery of DNA of insufficient quality for successful typing (see comment under 3. Inconclusive).

Statements not approved for use

A. Absolute Identification

No comments

B. Racial/Ethnicity Prediction

No comments

C. Zero Error Rate

No comments

Additional comment

In the supporting document for the proposed ULTR for the Y chromosome and mitochondrial DNA typing disciplines, under Technical Artifacts (page 6) for Y chromosome testing, non-



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specific amplification due to the presence of female DNA should be included as an artifact that may be observed dependent on the amplification kit used.