

Disagreements and Scientific Review Boards in Technical Casework

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1 INTRODUCTION

- A. This document provides discipline specific requirements that supplement the Disagreements Section in the *FBI Laboratory Operations Manual* (LAB-200).
 - 1. Document includes the procedure modifications for using Scientific Review Boards upon examiner request and not in a disagreement situation.

2 SCOPE

- A. These procedures apply to Laboratory personnel who conduct friction ridge print examinations and are involved in a technical disagreement in casework after a quality check (e.g., verification) or review (e.g., Supervisor), but do not apply to consultations as defined in the *Examining Friction Ridge Prints* document (FRD-500).
- B. These procedures apply to Laboratory personnel who use the Scientific Review Board process outside of a disagreement.

3 LIMITATIONS

None

4 DISAGREEMENTS

4.1 General Requirements for Disagreements

- A. The disagreement procedures will be initiated when the First Party and the Second Party differ on a conclusion (which include print type, suitable for comparison decision, or any evaluation decision) after a quality check or review (e.g., verification, Supervisor review).
- B. The disagreement and Scientific Review Board process will be monitored by a Supervisor and/or Technical Leader.
 - 1. A Program Manager/Coordinator may perform the duties of a Supervisor if approved by a Unit Chief.
- C. Once the disagreement procedures are initiated, the applicable information will be recorded by the appropriate tracking method and/or in the *Scientific Review Board Form* (FRD-006) until these procedures are complete.
- D. All relevant information, such as case notations, narratives, date(s) involved, and marked or unmarked images, in addition to the *Scientific Review Board Form*, will be retained in the FBI Laboratory file.
- E. Throughout the disagreement process, the parties will meet in a manner to prevent accidental dissemination of information concerning the disagreement.
- F. All discussions will be limited to the parties involved.
 - 1. Other personnel will only provide guidance on the disagreement process and refrain from any technical discussion of the examination or conclusion.

4.2 Initial Disagreement Discussion(s)

- A. Following notification of a differing opinion from a Supervisor(s), the First Party and the Second Party will discuss their conclusions.

4.2.1 Facilitator

- A. At any time during the discussions, either party may request from a Supervisor the presence of a Facilitator, whose role will be to aid the discussion between the two examiners.
 - 1. Prior to participation, a Facilitator will successfully complete training on facilitating a conversation.
- B. The Facilitator will help the examiners develop a strategy that may lead to a mutual decision.
 - 1. For example, the Facilitator will seek to give equal speaking opportunities to both parties and prevent monopolization of the discussion by one party.
 - 2. They may assist an uncommunicative examiner by prompting conversation with questions or statements or recommend that the disagreement process move to a Scientific Review Board.
- C. The Facilitator will not examine the print(s) or image(s) or express a technical opinion of the examination.
- D. The Facilitator will report concerns such as inappropriate behavior to the appropriate Supervisor(s) or Unit Chief(s) as warranted.
- E. The identity of the Facilitator will be recorded in the FBI Laboratory file.

4.2.2 Discussion Resolution

- A. The two parties will reach a decision or request a Scientific Review Board.
- B. If the disagreement is resolved, the conclusion and all relevant information, such as case notations, narratives, and marked or unmarked images, will also be retained in the FBI Laboratory file.
- C. If the parties cannot resolve the disagreement, the First Party is responsible for requesting a Scientific Review Board by notifying a Supervisor.

4.3 Requesting a Scientific Review Board

4.3.1 Documentation – First and Second Party

- A. Prior to requesting a Scientific Review Board, the First Party and the Second Party will create a written narrative supporting their opinions.
- B. Digital markups of friction ridge prints using a Green-Yellow-Red-Orange marking system will be provided to expand upon the narrative.
- C. Previous markups may be used, provided the appropriate information is included.
- D. The written narrative and relevant marked digital images from both parties will be retained in the FBI Laboratory file.
 - 1. The Supervisor will ensure the marked images and written narratives from the First Party and Second Party are retained in the FBI Laboratory file.

4.3.2 Scientific Review Board Request

- A. The Supervisor will prepare the following, as applicable:
 - both the original and digitally processed image(s) to include intentionally recorded print(s), with all examiner and case information redacted to minimize contextual bias.
 - The image(s) will be prepared and stored in a protected manner.
 - only intentionally recorded print(s) directly related to the disagreement in question are necessary; however, all such records will be provided.
 - Any existing records that were not used in the disagreement do not need to be provided.
 - For example, if the disagreement involves only the right palm print of an individual, all recordings of the right palm used in the discussions will be provided, but the ten print card is not required.
 - completed applicable areas of the *Scientific Review Board Form*.
- B. The Technical Leader will be made aware of the need for a Scientific Review Board and the Supervisor will ensure the information listed above is provided.

5 SCIENTIFIC REVIEW BOARD

5.1 Scientific Review Board Members

- A. The Scientific Review Board will consist of three friction ridge discipline examiners selected by the Technical Leader from the Latent Print Operations Unit and/or Latent Print Support Unit.
- B. To aid objectivity and impartiality, a Scientific Review Board member must have no prior knowledge of the examination or relevant case details involved in the disagreement.

5.2 Scientific Review Board Formation

- A. The Technical Leader will confer with an examiner's Supervisor or Unit Chief to determine if they can participate as a member of the Scientific Review Board and notify the members of the selection.
- B. If a member is unable to participate, they will notify the Technical Leader as soon as they are aware of any conflict/issue that would prevent them from serving on the Scientific Review Board.

5.3 Scientific Review Board Meeting Preparation

- A. Each member of the Scientific Review Board will be provided with the redacted images and intentionally recorded print(s), as applicable.
 - 1. Additional technical information such as the surface, item type, process used, and specific area of Comparison, if known, may be provided as needed.
- B. The Technical Leader will notify the Scientific Review Board members of the meeting date, time, and location.

1. Any problems with logistics will be communicated to the Technical Leader as soon as practicable.
- C. Prior to the meeting, each member of the Scientific Review Board will conduct the appropriate examinations on the prints in question per the *Examining Friction Ridge Prints* document.
 1. They will use a Green, Yellow, Red, and Orange marking system to record their examination of the conducted Analysis and/or Comparison.
 2. In addition, a written explanation may be included.
 3. The board member is encouraged to focus on gathering data from the Analysis and Comparison examinations and avoiding a definitive Evaluation decision.
- D. The Scientific Review Board members are not permitted to consult with any examiner, including each other, concerning the examination.

5.4 Scientific Review Board Meeting

- A. On the day and time designated by the Technical Leader, the Scientific Review Board members will convene for discussion and determine the recommendation(s).
- B. The board will complete the relevant sections of the *Scientific Review Board Form* and generate a corresponding group digital markup(s) using a Green, Yellow, Red, and Orange marking system.

5.5 Scientific Review Board Recommendation(s)

- A. Once the Scientific Review Board has reached a recommendation(s) or two hours have passed, the Technical Leader will join the meeting.
 1. The Technical Leader may give the group additional time as warranted and will note the addition on the *Scientific Review Board Form*.
- B. The members will present their recommendation(s) or those factors impacting why a recommendation(s) has not been reached, to include Analysis or Comparison markings, caveats, limitations, and concerns (e.g., automated search or specific print area concerns).
- C. Upon hearing and reviewing the information provided by the Scientific Review Board, the Technical Leader may provide additional data (e.g., marked images prepared by the original two parties, knowledge that the print was from an automated search) that they feel may benefit the board.
 1. The Technical Leader may also obtain additional information from any parties, as needed.
- D. The Technical Leader and the Scientific Review Board will discuss what effect, if any, the information would have on the Scientific Review Board recommendation.
- E. After the discussion is completed, the final Scientific Review Board recommendation(s) will be determined and recorded on the *Scientific Review Board Form*.
- F. The Scientific Review Board may document more than one recommendation depending on the outcome of the discussion provided support for all recommendations is provided.

1. Each member of the Scientific Review Board will record approval of the recommendation(s) as well as all any supporting records generated by the Board through the *Scientific Review Board Form*.
- G. All records generated by the Scientific Review Board members, including all markings, will be retained in the FBI Laboratory file.

5.6 Reported Conclusion(s)

- A. The Technical Leader will use the recommendation(s) from the Scientific Review Board, factors in the disagreement, and inherent risk to determine the reported conclusion to be issued by the FBI Laboratory.
- B. The First Party, Second Party, or the Technical Leader, according to guidance in the *FBI Laboratory Operations Manual*, will issue the reported conclusion.
 1. See [Section 5.6.1](#) for examples of wording.
- C. The reported conclusion will not undergo any further quality checks (i.e., verification, blind verification) beyond technical and administrative review, prior to release to the contributor.
- D. Expedited result(s) may be released in accordance with the *Laboratory Reports, Reviews, and Retained Records* (FRD-800).
- E. The Technical Leader will ensure all information generated during the Scientific Review Board, to include all markings, records, and the completed the *Scientific Review Board Form*, are retained in the FBI Laboratory File.

5.6.1 Wording Examples

- A. The identification with [NAME or UCN] on Item [NUMBER] was effected as a result of the Scientific Review Board process. A panel of FBI latent print examiners independently reviewed the prints and then formulated a consensus of opinion [to resolve technical disagreements between two [other] examiners initially involved in the examination.]
- B. An inconclusive decision on Item [NUMBER] was effected as the result of the Scientific Review Board process. A panel of FBI latent print examiners independently reviewed the prints and then formulated a consensus of opinion [to resolve technical disagreements between two [other] examiners initially involved in the examination.]
- C. The acceptance/rejection of image(s) [image name(s)] was determined as the result of the Scientific Review Board process. A panel of FBI latent print examiners independently reviewed the image(s) and then formulated a consensus of opinion to resolve technical disagreements between two [other] examiners initially involved in the examination.

5.7 Case Follow Up

- A. The Technical Leader will review the FBI Laboratory file to determine if the First Party and/or Second Party may require follow up actions as a result of the disagreement.

1. The Technical Leader will refer to the *FBI Laboratory Quality Assurance Manual* (LAB-100) section on Non-Conformities, as applicable.
- B. Once the reported conclusion has been determined, the Technical Leader will meet individually with the First Party and Second Party and their respective Supervisor(s) to discuss the decision and any further outcomes from the disagreement process.

6 USING SCIENTIFIC REVIEW BOARD PROCESS IN NON-DISAGREEMENT SITUATIONS

The Scientific Review Board process can be used for a complex examination in a non-disagreement situation.

6.1 Tracking

- A. Use of the Scientific Review Boards will not be tracked in the same manner as disagreements, but the Technical Leader will ensure that appropriate records are retained to track the use and outcome of the Scientific Review Board process.
- B. The supporting records will be retained within the FBI Laboratory file.

6.2 Prerequisites

- A. An examiner must have a documented consultation prior to requesting a Scientific Review Board that covers the examination that will be submitted for board review.
- B. Prior to submission, the examiner must generate the following information:
 - o complete Analysis of the print(s) and if a Comparison is involved, separate comparison mark-ups, using the Green, Yellow, Red, and Orange marking system.
 - o a detailed written explanation of the Analysis and/or Comparison to include the specific reason for the request of a Scientific Review Board, and
 - o the *Scientific Review Board Form* with Section A completed. (Note –data in the *Scientific Review Board Form* associated with disagreements will be ignored in this situation.)
- C. The information will be submitted to the Technical Leader, a technical reviewer, or supervisor for review.
- D. The examiner’s immediate supervisor will be made aware of the request.

6.3 Review of Request

- A. The request and supporting records will be reviewed by the Technical Leader, a technical reviewer, or supervisor to ensure the request requires a Scientific Review Board.
 1. The reviewer may consult as needed to determine if an examination is suitable for the Scientific Review Board process.
 2. The individual reviewing the request may be a consultant on the examination.
- B. If the request is found to be suitable for the Scientific Review Board process, the review approval and provided information will be submitted to the Technical Leader and the requestor notified.
 1. If the Technical Leader is the reviewer, they will notify the requestor.

- C. If the request is found to not be suitable for the Scientific Review Board process, the reviewer will provide a written explanation to the requestor.
- D. Prints may not be resubmitted unless the supporting records are significantly revised and given to the original reviewer.
- E. The request and resulting actions to include the reason for rejection will be retained in the Communication Log.
- F. All supporting records will be retained in the FBI Laboratory file.

6.4 Scientific Review Board Process

- A. The Technical Leader and all participants will follow [Section 5](#) to initiate, conduct and complete the Scientific Review Board process.
- B. The Technical Leader may include the requesting examiner or other relevant individuals during the Technical Leader discussion with the board, thereby allowing the examiner the opportunity to hear feedback and reasoning from the board.
- C. The Technical Leader will make the final decision on what conclusion will be issued with the requesting examiner reporting the final decision only if they agree.
 - 1. Otherwise, the conclusion will be reported by the Technical Leader.
- D. All resulting records will be retained in the FBI Laboratory file.

7 REFERENCES

Langenburg, G, Champod, C. "The GYRO System – A Recommended Approach to More Transparent Documentation". *JFI*. 61(4): 373-384.

8 REVISION HISTORY

Revision	Issued	Changes
04	02/22/2022	<p>Updated format and document references and reorganized sections.</p> <p>Changed “Consensus Panel” to “Scientific Review Board”.</p> <p>Trimmed Section 1 content.</p> <p>Removed rejection of digital images from scope.</p> <p>Removed deadlines and attempt limits from initial discussions.</p> <p>Section 4.3.1 – narrative is now required for parties in addition to the markup and must be in FBI Laboratory file with Supervisor ensuring retention.</p> <p>Section 4.3.2 – Removed limitation that images cannot be stored in a digital imaging retention system.</p> <p>Section 4.3.3 – Removed Section Chief notification requirement.</p> <p>Section 5.4 C – added markup requirement for Board.</p> <p>Section 5.5 G – Board records will be retained in FBI Laboratory file with no requirement to provide to Technical Leader.</p>
05	10/15/2024	<p>References to initiative for using process outside of disagreement removed as now part of routine document.</p> <p>Section 4.1 – removed unnecessary information.</p> <p>Section 4.2 – unnecessary information removed.</p> <p>Section 4.3.3 – old section moved to Section 4.2.2 and a responsibility removed.</p> <p>Section 5.4 – unnecessary information removed.</p> <p>Section 5.5-F – modified recommendation expectations.</p> <p>Section 6.4 – unnecessary information removed.</p>