

# EXHIBIT B



## **Collaborative Testing Services Inc**

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### **CTS Statement on the use of Proficiency Testing Data for Error Rate Determinations**

**March 30, 2010**

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Collaborative Testing Services, Inc. (CTS) is a provider of proficiency testing in several forensic science disciplines. We are occasionally approached by individuals or organizations who want to use our testing data to determine the error rates of a specific discipline. Following the release of the National Academy of Science's Report on Forensic Science, "Strengthening Forensic Science in the United States: A Path Forward," these requests have become more frequent. For many years, each CTS Summary Report has contained the statement "... the results compiled in the Summary Report are not intended to be an overview of the quality of work performed in the profession and cannot be interpreted as such." This statement is applicable to all test reports that CTS publishes. Due to the increased focus on error rates following the NAS Report, CTS would like to expand and clarify our position on the unsuitability of our reported results as a source for the determination of error rates for forensic science disciplines.

First, for the reasons outlined below, the reported results may not reflect forensic examinations on the level that is expected in casework. Tests in the CTS proficiency testing program may be purchased by anyone for any use seen appropriate by the purchaser. Our forensic tests are used by participating laboratories and individuals for a variety of purposes, including but not limited to: proficiency testing under accreditation requirements, internal proficiency testing, method validation, training exercise and/or initial competency testing, research and development of new techniques, etc. Similarly, tests are taken by a wide range of participants, from trainees all the way through to the most experienced of examiners. These examiners hold a variety of credentials and certifications and belong to a variety of technical groups. CTS does not routinely collect demographic information from participants, categorize results by demographic criteria or screen the results according to demographic criteria. Responses from all reporting participants are tabulated in the summary statistics. CTS also acknowledges that some non-forensic science organizations participate in our tests in several disciplines. Using CTS proficiency test results to determine an error rate would therefore not necessarily reflect the standards of examinations used in casework since the results do not consider the participant-directed employment of the testing and examiner demographics.

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Second, the reported results do not reflect "correct" or "incorrect" responses, but rather responses that agree or disagree with the consensus conclusions of the participant population. CTS does not "grade" the results received from participants; accreditation body policies preclude test providers from judging laboratory results as "correct" or "incorrect". A consensus of responses is developed for review purposes. It is solely the responsibility of the participant and/or accrediting agency to determine the acceptability of an examiner's response. These post-examination reviews use differing criteria to make judgments about laboratory and examiner success and proficiency. It is not uncommon for a response that appears to differ from the consensus to in fact be an acceptable result due to a participant following laboratory policy for examination, reporting and/or results evaluation criteria. Conversely, some responses that appear to agree with the consensus may actually be the result of erroneous work by an examiner – getting the "right answer" for the wrong reason. The summary statistics provided by CTS consist of all the responses provided to us by the data due date. CTS does not collect or possess any additional information regarding the results of individual participant and/or accrediting agency reviews. Using CTS proficiency test results to determine an error rate would not reflect truly "correct" and "incorrect" responses since the reported results do not reflect post examination scrutiny by reviews, such as by laboratory quality assurance programs and accreditation agencies.

Third, our proficiency tests are designed primarily to meet laboratory accreditation demands, not to provide individual examiners with "real world casework-like" samples for the reasons outlined below. Each proficiency test CTS offers is designed to meet the diverse needs of our world-wide client base and is designed to focus on testing concepts and laboratory quality. It is as much a test of the laboratory's overall quality assurance program within the context of accreditation as it is for the competency of the individual examiner. Reflecting this purpose, the main objective of test sample production is to provide as nearly identical as possible test samples to all participating examiners. A secondary objective is to mimic casework to the maximum extent possible while maintaining uniformity. Each test sample is manufactured in a closed environment under very specific practices and conditions to ensure homogeneity. This process often produces a sample that is more artifact than real world; for some disciplines the test samples are in a different form from casework samples, such as the use of photographs of latent prints instead of lifted latent prints. Using CTS proficiency test results to determine an error rate would not reflect examiner performance in true casework situations since the test design considers the overall laboratory process and requires the use of artifact samples.



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In summary, CTS forensic proficiency tests are designed exclusively to assess laboratory proficiency within the context of established accreditation agency requirements with the utmost consideration of laboratory quality assurance policies. While CTS understands the interest in error rate data, we also recognize that the determination of error rates properly requires studies that are specifically designed for this purpose. The design of an error rate study would differ considerably from the design of a proficiency test. Therefore, the results found in CTS' Summary Reports should not be used to determine forensic science discipline error rates.