Appendix II: Opinion Terminology

I. INTRODUCTION

In many instances in document examination a positive conclusion is rendered with regards to the evidence in any given case. However, there are many other times when the evidence is inconclusive. In those cases, qualified reports are rendered to help the Document Examiner express the degree of certainty they have in a given case.

II. TERMINOLOGY

The opinion terminology expressed below is typically used in handwriting examinations, but can also be applied to other types of Forensic Document Examinations as well. The "Results" section of the reports will contain language that mirrors the "Examples" below.

A. Positive Identification - The highest degree of certainty expressed by a Document Examiner. With regards to handwriting examinations the examiner has no reservations whatsoever, he is certain, based on the evidence contained in the handwriting, that the writer of the known specimen material wrote the writing in question.

    Example: It has been concluded that Known Writer (S-1) wrote the questioned material appearing on the Exhibit Q-1 item.

B. Highly Probable - A qualified conclusion expressed when the evidence in a case is very persuasive, yet some critical feature or quality is missing, so that an opinion of identification cannot be rendered. The Examiner is virtually certain that the writer of the known specimen material wrote the material in question.

    Example: There is a strong probability Known Writer (S-1) wrote the questioned material appearing on the Exhibit Q-1 item.

C. Probable - A qualified conclusion expressed when the evidence points strongly toward the writer of the known specimen material being the author of the questioned material; however, falls short of the highly probable degree of certainty.

    Example: It has been determined that Known Writer (S-1) probably wrote the questioned material appearing on the Exhibit Q-1 item.

D. Indications Did - A qualified conclusion in which the handwriting evidence falls significantly short of an identification, yet there are sufficient similarities to indicate some likelihood that the known specimen writer wrote the material in question.

    Example: Some evidence was noted to indicate that Known Writer (S-1) wrote the questioned material appearing on the Exhibit Q-1 item, but the evidence is not conclusive.

E. Could Not Determined - With the material available for comparison, no determination can be made as to whether or not the writer of the known specimen material wrote the material in question. The Examiner in these cases lacks any degree of certainty and quite often it is due to the quality and/or comparability of the known and/or questioned material.

Example: With the material available for comparison, it could not be determined whether or not the <u>Known Writer</u> (S-1) wrote the questioned material appearing on the Exhibit Q-1 item.

F.   Elimination – When this opinion is rendered the Document Examiner has the same degree of certainty as expressed by an opinion of Identification. With regards to handwriting examinations the examiner has no reservations whatsoever, he is certain, based on the evidence contained in the handwriting, that the writer of the known specimen material did not write the material in question.

Example: It has been concluded that <u>Known Writer</u> (S-1) did not write the questioned material appearing on the Exhibit Q-1 item.

G.   Highly Probable Did Not Write - A qualified conclusion expressed when the evidence in a case is very persuasive, yet some critical feature or quality is missing, so that an opinion of elimination cannot be rendered. The Examiner is virtually certain that the writer of the known specimen material did not write the material in question.

Example: There is a strong probability <u>Known Writer</u> (S-1) did not write the questioned material appearing on the Exhibit Q-1 item.

H.   Probably Did Not - A qualified conclusion expressed when the evidence points strongly toward the writer of the known specimen material not being the author of the questioned material; however, falls short of the highly probable did not write degree of certainty.

Example: It has been determined that <u>Known Writer</u> (S-1) probably did not write the questioned material appearing on the Exhibit Q-1 item.

I.   Indications Did Not - A qualified conclusion in which the handwriting evidence falls significantly short of elimination, yet there are a few sufficient dissimilarities to indicate some likelihood that the known specimen writer did not write the material in question.

Example: Some evidence was noted to indicate that <u>Known Writer</u> (S-1) did not write the questioned material appearing on the Exhibit Q-1 item, but the evidence is not conclusive.

III. OPINION QUALIFIERS

A.   All opinions rendered that are less than definite will be accompanied by a qualifying statement made in the "Remarks" section of the report. For handwriting comparisons, the above information will be used for the corresponding opinion that is reported out.

B.   Inconclusive opinions will have a qualifying statement made along with the opinion in the "Results" section of the report detailing why the conclusion is inconclusive. Examples would include but are not limited to:

1.   **Due to the quality of the submitted Exhibit Q-1 photocopy**, it could not be determined whether or not <u>Known Writer</u> (S-1) wrote the questioned material appearing on the submitted exhibit.

2.   **Due to the limited amount of known standards available for comparison**, it could not be determined whether or not <u>Known Writer</u> (S-1) wrote the questioned material appearing on the submitted exhibit.

3.   **Due to the lack of known standards that repeat the questioned material,** it could not

be determined whether or not <u>Known Writer</u> (S-1) wrote the questioned material appearing on the submitted exhibit.

4. **Due to the distorted nature of the questioned material,** it could not be determined whether or not <u>Known Writer</u> (S-1) wrote the questioned material appearing on the submitted exhibit.

REFERENCES

1. ASTM E 1658-04, *Standard Guide for Expressing Conclusions for Forensic Document Examiners*
2. Kelly, J. S., Lindblom, B. S., *Scientific Examination of Questioned Documents*, Taylor & Francis Group, Boca Raton, FL, Chapter 14, 15 and 27.
3. Osborn, A.S., Questioned Documents, 2nd ed., Boyd Printing Co., Albany, NY, 1929.
4. Hilton, Ordway, Scientific Examination of Questioned Documents, Elsevier North Holland, Inc., New York, NY, 1982.
5. Questioned Document Section Article File

<u>History</u>	<u>Issue Date</u>	<u>Section(s) Revised</u>
Original Issue	11/18/99	N/A
1st Revision	4/15/11	II, IIE, III and References
2nd Revision	6/2/11	Added Division to Header and Issuing Authority to Footer
3rd Revision	11/29/12	Removed "No Evidence" from II.E

<u>Approval</u>

Director   _____   Date:
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<u>Issuance</u>

Criminalist   _____   Date:
                     Jeffrey S. Taylor