

**DEPARTMENT OF JUSTICE
UNIFORM LANGUAGE FOR TESTIMONY AND REPORTS
FOR THE FORENSIC LATENT PRINT DISCIPLINE**

I. Application

This document applies to Department of Justice examiners who are authorized to prepare reports and provide expert witness testimony regarding the forensic examination of latent print evidence. This document applies to reports and to testimony based on reports finalized after its effective date. Section III is limited to conclusions that result from the comparison of two friction ridge skin impressions. Section IV is applicable to all forensic latent print examinations unless otherwise limited by the express terms of an individual qualification or limitation.

II. Purpose and Scope¹

The Uniform Language for Testimony and Reports is a quality assurance measure designed to standardize the expression of appropriate consensus language for use by Department examiners in their reports and testimony. This document is intended to describe and explain terminology that may be provided by Department examiners. It shall be attached to, or incorporated by reference in, laboratory reports or included in the case file.

Department examiners are expected to prepare reports and provide testimony consistent with the directives of this document. However, examiners are not required to provide a complete or verbatim recitation of the definitions or bases set forth in this document. This is supplemental information that is intended to clarify the meaning of, and foundation for, the approved conclusions.

This document should not be construed to imply that terminology, definitions, or testimony provided by Department examiners prior to its effective date that may differ from that set forth below was erroneous, incorrect, or indefensible. It should also not be construed to imply that the use of different terminology or definitions by non-Departmental forensic laboratories or individuals is erroneous, incorrect, or indefensible.

This document does not, and cannot, address every contingency that may occur. For example, an examiner may not have an opportunity to fully comply with this document's directives during a testimonial presentation due to circumstances beyond his or her control. In addition, this document does not prohibit the provision of conclusions in reports and testimony that fall outside of its stated scope. Finally, the substantive content of expert testimony may be dependent upon legal rules imposed by the court or jurisdiction in which it is offered.

¹ This document is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable by law by any party in any matter, civil or criminal; nor does it place any limitation on otherwise lawful investigative or legal prerogatives of the Department.

III. Conclusions Regarding Forensic Comparison of Friction Ridge Skin Impressions

The examiner may offer any of the following conclusions:

1. Source identification (i.e., came from the same source)
2. Source exclusion (i.e., came from different sources)
3. Inconclusive

Source Identification

‘Source identification’ is an examiner’s conclusion that two friction ridge skin impressions originated from the same source. This conclusion is an examiner’s decision that the observed friction ridge skin features are in sufficient correspondence such that the examiner would not expect to see the same arrangement of features repeated in an impression that came from a different source and has found insufficient friction ridge skin features in disagreement to conclude that the impressions came from different sources.

The basis for a ‘source identification’ conclusion is an examiner’s decision that the observed corresponding friction ridge skin features provide extremely strong support for the proposition that the two impressions came from the same source and extremely weak support for the proposition that the two impressions came from different sources.

A ‘source identification’ is the statement of an examiner’s opinion (an inductive inference²) that the probability that the two impressions were made by different sources is so small that it is negligible. A ‘source identification’ is not based upon a statistically-derived or verified measurement or actual comparison of all friction ridge skin impression features in the world’s population.

Source Exclusion

‘Source exclusion’ is an examiner’s conclusion that two friction ridge skin impressions did not originate from the same source.

The basis for a ‘source exclusion’ is an examiner’s decision that there are sufficient friction ridge skin features in disagreement to conclude that the two impressions came from different sources.

² Inductive reasoning (inferential reasoning):

A mode or process of thinking that is part of the scientific method and complements deductive reasoning and logic. Inductive reasoning starts with a large body of evidence or data obtained by experiment or observation and extrapolates it to new situations. By the process of induction or inference, predictions about new situations are inferred or induced from the existing body of knowledge. In other words, an inference is a generalization, but one that is made in a logical and scientifically defensible manner.

OXFORD DICTIONARY OF FORENSIC SCIENCE 130 (Oxford Univ. Press 2012).

Inconclusive

'Inconclusive' is an examiner's conclusion that there is insufficient quantity and/or clarity of corresponding friction ridge skin features between two impressions such that the examiner is unable to identify or exclude the two impressions as originating from the same source.

The basis for an 'inconclusive' conclusion is an examiner's decision that a 'source identification' or 'source exclusion' cannot be made due to insufficient information in either of the two impressions examined.

IV. Qualifications and Limitations of Forensic Latent Print Examinations

- An examiner shall not assert that two friction ridge skin impressions originated from the same source to the exclusion of all other sources or use the terms 'individualize' or 'individualization.' This may wrongly imply that a 'source identification' conclusion is based upon a statistically-derived or verified measurement or actual comparison to all other friction ridge skin impression features in the world's population, rather than an examiner's expert opinion.
- An examiner shall not assert that forensic latent print examination is infallible or has a zero error rate.
- An examiner shall not provide a conclusion that includes a statistic or numerical degree of probability except when based on relevant and appropriate data.
- An examiner shall not cite the number of forensic latent print examinations performed in his or her career as a direct measure for the accuracy of a proffered conclusion. An examiner may cite the number of forensic latent print examinations performed in his or her career for the purpose of establishing, defending, or describing his or her qualifications or experience.
- An examiner shall not use the expressions 'reasonable degree of scientific certainty,' 'reasonable scientific certainty,' or similar assertions of reasonable certainty in either reports or testimony unless required to do so by a judge or applicable law.³

³ See Memorandum from the Attorney General to Heads of Department Components (Sept. 9, 2016), <https://www.justice.gov/opa/file/891366/download>.