

**UNITED STATES DEPARTMENT OF JUSTICE  
UNIFORM LANGUAGE FOR TESTIMONY AND REPORTS  
FOR FORENSIC DOCUMENT EXAMINATION**

**I. Application**

This document applies to Department of Justice examiners who are authorized to prepare reports and provide expert witness testimony regarding forensic document examinations. Section III is limited to conclusions that result from the comparison of two or more bodies of writing. Section IV is applicable to all forensic document examinations unless otherwise limited by the express terms of an individual qualification or limitation.

**II. Purpose and Scope<sup>1</sup>**

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 publication 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 its 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 subject to legal rules imposed by the court or jurisdiction in which it is offered.

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<sup>1</sup> 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 of Justice.

### **III. Conclusions Regarding Forensic Handwriting Examinations**

An examiner may offer any of the following conclusions:

1. Source identification (i.e., identified)
2. Support for common source
3. Inconclusive
4. Support for different sources
5. Source exclusion (i.e., excluded)

#### **Source identification**

‘Source identification’ is an examiner’s conclusion that two or more bodies of writing<sup>2</sup> were prepared by the same writer. This conclusion is an examiner’s opinion that 1) the observed quality and quantity of similar characteristics are such that the examiner would not expect to see that same combination of characteristics repeated in a body of writing prepared by another writer; 2) there are no significant dissimilarities to conclude that the bodies of writing were not prepared by the same writer; and 3) there are no significant limitations with the items examined or the circumstances considered (e.g. the writer’s skill level, sufficient number of known standards).

The basis for a ‘source identification’ conclusion is an examiner’s opinion that the observed similar characteristics provide extremely strong support for the proposition that the bodies of writing were prepared by the same writer and extremely limited or no support for the proposition that the writings were prepared by different writers.

A ‘source identification’ is the statement of an examiner’s opinion (an inductive inference<sup>3</sup>) that the probability that a different writer prepared the questioned body of writing is so small that it is negligible.

#### **Support for common source**

‘Support for common source’ is an examiner’s conclusion that two or more bodies of writing may have been prepared by the same writer. This conclusion is an examiner’s opinion that 1) the bodies of writing exhibit a prevalence of similar characteristics to indicate they may have been prepared by the same writer; 2) there are insufficient dissimilar characteristics to indicate that the bodies of writing may not have been prepared by the same writer; and 3) the bodies of writing

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<sup>2</sup> ‘Bodies of writing’ are questioned and known collections of writings, each of which may consist of one or more items.

<sup>3</sup> 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.

have limitations that prevent the examiner from providing a ‘source identification’ conclusion. The degree of ‘support for common source’ may range from limited to strong.

The basis for a ‘support for common source’ conclusion is an examiner’s opinion that the observed similar characteristics provide limited to strong support for the proposition that the bodies of writing may have been prepared by the same writer and insufficient support for the proposition that the writings may have been prepared by different writers.

### **Inconclusive**

‘Inconclusive’ is an examiner’s opinion that no determination can be reached as to whether two or more bodies of writing were prepared by the same writer or by different writers.

The basis for an ‘inconclusive’ conclusion is an examiner’s opinion that the bodies of writing have limitations that prevent the examiner from providing any conclusion regarding probable authorship.

### **Support for different sources**

‘Support for different sources’ is an examiner’s conclusion that two or more bodies of writing may not have been prepared by the same writer. This conclusion is an examiner’s opinion that 1) the bodies of writing exhibit a prevalence of dissimilar characteristics to indicate they may not have been prepared by the same writer; 2) there are insufficient similar characteristics to indicate that the bodies of writing may have been prepared by the same writer; and 3) the bodies of writing have limitations that prevent the examiner from making an ‘exclusion’ conclusion. The degree of ‘support for different sources’ may range from limited to strong.

The basis for a ‘support for different sources’ conclusion is an examiner’s opinion that the observed dissimilar characteristics provide limited to strong support for the proposition that the bodies of writing may have been prepared by different writers and insufficient support for the proposition that the writings may have been prepared by the same writer.

### **Source exclusion**

‘Source exclusion’ is an examiner’s conclusion that two or more bodies of writing were not prepared by the same writer. This conclusion is an examiner’s opinion that the bodies of writing exhibit different handwriting characteristics and there are no significant limitations with the items examined or the circumstances considered (e.g. the writer’s skill level, sufficient number of known standards, eliminating the possibility of alternative writing styles).

The basis for a ‘source exclusion’ conclusion is an examiner’s opinion that the observed different characteristics provide extremely strong support for the proposition that the bodies of writing were prepared by the different writers and extremely limited or no support for the proposition that the writings were prepared by the same writer.

#### IV. Qualifications and Limitations of Forensic Document Examinations

- A conclusion provided during testimony or in a report is ultimately an examiner's decision and is not based on a statistically-derived or verified measurement or comparison to all other bodies of writing. Therefore, an examiner shall not:
  - assert that a 'source identification' or a 'source exclusion' conclusion is based on the 'uniqueness'<sup>4</sup> of an item of evidence.
  - use the terms 'individualize' or 'individualization' when describing a source conclusion.
  - assert that two or more bodies of writing were prepared by the same writer to the exclusion of all other writers.
- An examiner shall not offer a 'support for common source' conclusion unless he or she also explains the limitations that prevented a 'source identification' conclusion. Likewise, an examiner shall not offer a 'support for different sources' conclusion unless he or she also explains the limitations that prevented a 'source exclusion' conclusion.
- An examiner shall not assert that forensic document examinations are infallible or have 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 document 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 document 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 'absolute certainty,' '100% certainty,' '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.<sup>5</sup>

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<sup>4</sup> As used in this document, the term 'uniqueness' means having the quality of being the only one of its kind. OXFORD ENGLISH DICTIONARY 804 (Oxford Univ. Press 2012).

<sup>5</sup> See *Memorandum from the Attorney General to Heads of Department Components* (Sept. 9. 2016), <https://www.justice.gov/opa/file/891366/download>.