

**This document provides examples of the scientifically-supported conclusions and opinions that may be contained in Department of Justice reports and testimony. These examples are not intended to be all inclusive and may be dependent upon the precedent set by the judge or locality in which a testimony is provided. Further, these examples are not intended to serve as precedent for other forensic laboratories and do not imply that statements by other forensic laboratories are incorrect, indefensible, or erroneous. 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 and litigative prerogatives of the Department.**

**DEPARTMENT OF JUSTICE  
PROPOSED UNIFORM LANGUAGE FOR TESTIMONY AND REPORTS  
FOR THE FORENSIC ANTHROPOLOGY DISCIPLINE**

**Purpose and Scope**

If adopted, this document will apply to Department of Justice personnel who perform forensic examinations and/or provide expert witness testimony regarding the forensic examination of anthropology evidence. This document does not imply that statements made or language used by Department personnel that differed from these proposed statements were incorrect, indefensible, or erroneous.

This document provides the acceptable range of opinions expressed in both laboratory reports and during expert witness testimony while acknowledging that this document cannot address every variable in every examination.

**Statements Approved for Use in Forensic Anthropology Examination Testimony and/or Laboratory Reports**

**Osseous or Dental (Skeletal) Origin**

1. The examiner may state or imply that a material is *skeletal in origin, consistent with osseous or dental tissue*, or that a material may be *excluded as being skeletal (osseous or dental) in origin*. An examiner may also state or imply that an *inconclusive* result is the determination that there is insufficient quality or quantity of material such that the examiner is unable to determine the material's skeletal or non-skeletal origin.

**Human or Non-human Origin**

2. The examiner may state or imply that skeletal material is *human in origin, consistent with human origin*, or that a material may be *excluded as being human in origin*. An examiner may also state or imply that an *inconclusive* result is the determination that there is insufficient quality or quantity of skeletal material such that the examiner is unable to determine the material's human or non-human origin.

## **Biological Profile**

3. Sex: The examiner may state or imply that skeletal material likely originated from a male or female source. Such statements may include probabilities based on appropriate reference data.
4. Ancestry: The examiner may state or imply that skeletal material likely originated from a particular ancestral group. Such statements may include probabilities based on appropriate reference data.
5. Age: The examiner may state or imply that skeletal material likely originated from an individual within a certain biological age interval. Such statements may include probabilities based on appropriate reference data.
6. Stature: An examiner may state or imply that skeletal material likely originated from an individual within a certain stature interval, which may include both a point estimate and the 95% prediction interval.

## **Identification Comparison**

### **Consistent With**

7. When antemortem and postmortem data are compared, the examiner may state or imply that *consistent with* is the determination that there is agreement between the antemortem and postmortem skeletal information with no unexplainable differences, and suggests that they could have originated from the same individual. The strength of the correspondence may be stated based on reference to databases or documented frequencies of particular skeletal conditions or features, if known.

### **Exclusion**

8. An examiner may state or imply that an *exclusion* is the determination that there is sufficient quality and quantity of detail in disagreement between the antemortem and postmortem skeletal information to conclude that they could not have originated from the same individual.

### **Inconclusive**

9. An examiner may state or imply that an *inconclusive* result is the determination that the information available from the submitted items is insufficient to form a basis for an identification comparison.

## **Trauma Analysis**

10. The examiner may state or imply that a skeletal alteration occurred in the antemortem, perimortem, or postmortem period. The examiner may state or imply that a skeletal

alteration is consistent with originating from a blunt force, a sharp force, a high-velocity projectile, or thermal exposure.

## **Statements Not Approved for Use in Forensic Anthropology Examination Testimony and/or Laboratory Reports**

### **Skeletal or Non-skeletal origin**

1. When material is non-skeletal in origin, the examiner may not state or imply the origin of the material, other than descriptive observations or (in certain cases) the elemental constituents of the material.

### **Human or Non-human origin**

2. When skeletal material is non-human in origin, the examiner may not state or imply the non-human animal origin (i.e., species) beyond general categories (e.g., large mammal, avian).

### **Biological Profile**

3. The examiner may not state or imply that skeletal material could not have originated from an individual with biological characteristics outside of the estimated parameters.

### **Identification Comparison**

4. The examiner may not state or imply that antemortem and postmortem skeletal information must have originated from the same individual to the exclusion of all others.

### **Trauma Analysis**

5. The examiner may not state or imply that a particular implement was the source of a skeletal alteration. The examiner may not state or imply the cause or manner of death based on skeletal alterations and trauma.

**DEPARTMENT OF JUSTICE PROPOSED UNIFORM LANGUAGE  
FOR TESTIMONY AND REPORTS REVIEW SHEET**

**Directions:** This review sheet is designed to assist you in evaluating the attached Proposed Uniform Language for Testimony and Reports document against certain criteria while maintaining internal consistency in review and assessing comments.

Your use of this rating sheet is completely **optional**. While it is anticipated this review sheet will encourage comments on issues of particular importance, you are welcome to submit comments in any format that you believe appropriate. This review sheet is not intended to limit comments in any way.

If you elect to use the review sheet, you may find it helpful to frame your comments as suggested below.

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**Proposed Uniform Language Discipline Reviewed:**

**Reviewer Name:**

**Reviewer Organization:**

**Reviewer Email:**

**Statements Approved for Use in Laboratory Reports and Expert Witness Testimony**

Provide a summary of your assessment of the statements approved for use, including the most important highlights from the individual criteria comments.

- The statements approved for use are supported by scientific research.
- The statements approved for use accurately reflect consensus language.
- The statements approved for use are stated clearly.

**Statements Not Approved for Use in Laboratory Reports and Expert Witness Testimony**

Provide a summary of your assessment of the statements not approved for use, including the most important highlights from the individual criteria comments.

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- The statements not approved for use accurately reflect consensus language.
- The statements not approved for use are stated clearly.