

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 LATENT PRINT 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 latent print 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 Latent Print Examination Testimony and/or Laboratory Reports

Identification

1. The examiner may state or imply that an *identification* is the determination that two friction ridge prints originated from the same source because there is sufficient quality and quantity of corresponding information such that the examiner would not expect to see that same arrangement of features repeated in another source. While an *identification* to the absolute exclusion of all others is not supported by research, studies have shown that as more reliable features are found in agreement, it becomes less likely to find that same arrangement of features in a print from another source.

Inconclusive

2. An examiner may state or imply that an *inconclusive* result is the determination that there is insufficient quality and quantity of corresponding information such that the examiner is unable to identify or exclude the source of the print.

Exclusion

3. An examiner may state or imply that an *exclusion* is the determination that two friction ridge prints did not originate from the same source because there is sufficient quality and quantity of information in disagreement.

Statements Not Approved For Use in Latent Print Examination Testimony and/or Laboratory Reports

Exclusion of All Other Sources

1. An examiner may not state or imply that two friction ridge prints originated from the same source to the absolute exclusion of all other sources.

Absolute or Numerical Certainty

2. An examiner may not state or imply a level of certainty in his/her conclusion that is absolute or numerically calculated.

Zero Error Rate

3. An examiner may not state or imply that the method used in performing a friction ridge print comparison has a zero error rate or is infallible.

**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.

Proposed Uniform Language Discipline Reviewed:

Reviewer Name:

Reviewer Organization:

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.

- The statements not approved for use are supported by scientific research.
- The statements not approved for use accurately reflect consensus language.
- The statements not approved for use are stated clearly.