

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 GLASS 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 glass 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 Glass Comparison Testimony and/or Laboratory Reports

1. An examiner may state or imply that the glass fragments were once part of the same broken object. This conclusion can only be reached when two or more pieces of broken glass physically fit together.
2. An examiner may state or imply that the glass fragments either originated from the same broken glass source or from another source(s) of broken glass indistinguishable in all of the measured or observed physical properties, refractive index, and elemental composition. This conclusion is reached when two or more broken glass fragments are indistinguishable in their assessed physical characteristics, refractive index and chemical composition. Such conclusions may include probabilities based on appropriate databases or documented frequencies.
3. An examiner may state or imply that the possibility that the glass fragments originated from the same source of broken glass cannot be eliminated. This conclusion is reached when two or more fragments of glass are indistinguishable in their physical characteristics

and refractive indices but chemical analysis was not performed. Such conclusions may include probabilities based on appropriate databases or documented frequencies.

4. An examiner may state or imply that the possible source(s) of broken glass cannot be determined. This conclusion is reached when a glass particle recovered from an unknown source is too limited in size or quality.
5. An examiner may state or imply that the glass fragments are eliminated as originating from the same source(s). This can be concluded when two or more fragments of glass are different in their physical properties, refractive indices, or chemical composition.

Statements Not Approved For Use in Forensic Glass Comparison Testimony and/or Laboratory Reports

1. An examiner may not state or imply that two or more broken glass fragments were once part of the same object unless the broken glass fragments physically fit together.

**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.