

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

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.

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 also identifies certain assertions that may not be made by Department examiners in their reports and testimony. In addition, this document is intended to assist judges and legal practitioners by describing the acceptable range of conclusions that may be provided by Department examiners in their reports and testimony.

Department examiners are expected to prepare reports and provide testimony consistent with the directives of this document. However, this document does not, and cannot, address every contingency that may occur. The substantive content of expert testimony may be dependent upon legal rules imposed by the court or jurisdiction in which it is offered. This document shall be attached to (or incorporated by reference in) laboratory reports or included in the case file.

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. This document 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.

Conclusions Regarding Latent Print Comparison

The following terms constitute the acceptable conclusions that may result from a comparison of two friction ridge skin impressions.

The examiner may offer any of the following conclusions:

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

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.

Definitions of Latent Print Comparison Conclusions

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 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 a statement of an examiner’s belief (an inductive inference)² 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 comparison of all friction ridge skin impression features in the world’s population.

Inconclusive

‘Inconclusive’ is an examiner’s conclusion that there is insufficient quantity and 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.

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.

Qualifications and Limitations of Latent Print Comparison Conclusions

- An examiner shall not assert that two friction ridge 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 is based upon a statistically-derived or verified measurement or comparison of all friction ridge skin impression features in the world’s population, rather than an examiner’s expert conclusion.

² “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 (2012).

- An examiner shall not assert a 100% level of certainty in his/her conclusion, or otherwise assert that it is numerically calculated.
- An examiner shall not assert that latent print examination is infallible or has a zero error rate.
- An examiner shall not cite the number of latent print comparisons performed in his or her career as a measure for the accuracy of a conclusion offered in the instant case.
- An examiner shall not use the expressions ‘reasonable degree of scientific certainty,’ ‘reasonable scientific certainty,’ or similar assertions of reasonable certainty as a description of the confidence held in his or her conclusion 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>.