



# Questioned Documents Section - 2015

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## J25 Standardization of Conclusions: Meeting Current Needs

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After attending this presentation, attendees will have a better understanding of how current activities may require modification to standards.

This presentation will impact the forensic science community by bringing attention to the need to address the schism between scientific language and legalese. In addition, this presentation will propose standard modifications in keeping with the National Academy of Sciences (NAS) Report, *Strengthening Forensic Science in the United States: A Path Forward*.

Forensic document examination has utilized standardization of conclusions for many years now. Many would harken back to a popular paper authored by Thomas McAlexander, Jan Beck, and Ron Dick that provided the outline that was adopted by **Scientific Working Group** for Forensic **Document Examination** (SWGDOC) and eventually became the American Society for Testing and Materials (ASTM) Standard E-1658 which was not only referenced but quoted verbatim in the NAS Report. Subsequent to the aforementioned NAS Report, there have been no significant changes to the standardization of conclusions; this does not mean that we necessarily have to change anything. However, this presentation brings one examiner's thoughts for limited modification to the table for discussion and debate. Prompters to these ideas have been the NAS Report, discussions with other document examiners, and suggestions from the legal profession.

The NAS Report specifically states that forensic examinations should culminate in conclusions. There have been other presentations that have suggested a wholesale termination of providing conclusions, but this is not in line with the recommendations of the NAS Report and contrary to the path that forensic science is taking. The report develops further that reports should, "describe, at a minimum, methods and materials, procedures, results, and conclusions, and they should identify, as appropriate, the sources of uncertainty in the procedures and conclusions along with estimates of their scale (to indicate the level of confidence in the results)."

Examiners often come in contact with questions concerning the relationship between scientific terminology and legal terminology. The most common situation involves the question, "Is your conclusion within a reasonable degree of scientific certainty?" Many examiners shudder at this question, primarily because the legal profession appears to be unable to provide a standardized definition for that term. Another common question is, "How does the confidence level of our conclusions coincide with the legal levels of proof requirement?"

Document examiners have expressed certain concerns with the current status of standardized terms to include some of the language used and that the standard reflects an inaccurate implication that the association side of the conclusion scale and the disassociation side of the conclusion scale are mirror images. It is widely accepted within the practice of forensic document examination that eliminations are inherently more difficult than identification (in general). As such, the level of evidence is often much stronger for elimination than its counterpart in order to reach a level of confidence required to use comparable vocabulary in the conclusion statement.

This presentation addresses these issues and proposes modifications to the current standard that directly address all of these concerns. This presentation is one examiner's opinion and should be considered as such — hopefully initiating conversation and further debate leading to action.

The structure of forensic science standardization appears to be headed toward a major shift. However, as is commonly known by questioned document examiners, all known movement of such monumental proportions are often slow and should be considering the seriousness of the task. As such, it remains with each discipline within the forensic sciences to maintain the best possible standards. Examiners need not wait on anyone. If one profession does not provide a standard for a term or phrase, why can't the subject-matter expert provide a definition that can be used as a standard by those within our profession?

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### Conclusions, Standards, Handwriting