

J7 A Survey of Usage of Opinion Terminology in Questioned Document Examination and on Varying Proposed Approaches to the Standardized Terminology

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After attending this presentation, attendees will understand what types and levels of opinion terminology are used by practitioners in the questioned document discipline. Alternative reporting language will be explored and comments on each will be given. This presentation will also afford the attendee the mission of the Organization of Scientific Area Committees (OSAC) task group on opinion reporting and the action plan for this group going forward.

This presentation will impact the forensic science community by providing an insight as to what language, exactly, is being utilized in the discipline among both government and private examiners. Alternative language being considered will be offered and opinions on the same.

Since the publication of Thomas McAlexander's "The Standardization of Handwriting Opinion Terminology" in the *Journal of Forensic Sciences* in March 1991, there has not been widespread usage of any other compendium of opinion terminology in the questioned document discipline in either the government or private consulting sectors. The 1996 publication *E1658 Standard Terminology for Expressing Conclusions of Forensic Document Examiners* by the American Society for Testing and Materials (ASTM) provides the basis of Mr. McAlexander's recommendation, with few edits published since the current 2008 version. The 1991 *Journal of Forensic Sciences* piece cites the case for usage of probability statements by document examiners to reflect gradations of certainty. Mr. Alexander explained that probability "is not a statistical measurement but a measurement of the examiner's confidence, based on scientific principles and experienced judgement, that the opinion rendered is correct. This is true because probability relates to qualitative as well as quantitative processes." He goes on to quote Wolf in *Essentials of Scientific Method* 1928 "...This should drive home the fact that even our so-called definite statements of identification are actually statements of probability."¹

To further understand the level of usage in the community of the current published standard, a survey was developed to ascertain the adherence to the standard and also to determine how many of the varying six qualified opinions are being used by each surveyed laboratory or consultant. Alternatives to the scale, limiting some of the qualified opinions, were also proposed via sample cases wherein examiners were asked to choose one of two opinions and to state the basis and reasons for their choice. This provided information for a process whereby some terms could be edited to be defined more specifically or some, possibly, eliminated.

Feedback on the use of language derived from likelihood ratios whereby propositions both for and against differing hypotheses was obtained. These ratios reflect the truthfulness of differing propositions and how strongly one proposition is supported by the evidence over the other. The comments on this language will be provided and may be applied to discussions within the National Institute of Standards and Technology (NIST) -sponsored OSAC Questioned Document Opinion Terminology task group. It may, in turn, be disseminated to associated task groups in other OSAC forensic subcommittees.

Consistency of reporting among all forensic specialties has been the subject of many who have studied the needs of forensics to include those who authored the National Academy of Sciences Report in 2009. The difficult task of all specialties is to develop concise reporting language that is not only easily understandable but also adequately conveys the scientific foundations that support them. This project may provide some of the needed groundwork in the Questioned Document discipline to reach that goal.

Reference(s):

A. Wolfe, Essentials of Scientific Method, George Allen & Unwin Ltd., London, 1928

Questioned Documents, Opinion Terminology, OSAC

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