



F5 Lay Understanding of “Identification”: How Jurors Interpret Forensic Identification Testimony

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After attending this presentation, attendees will have a greater understanding of how laypersons interpret the word “identification” in the context of forensic testimony, with specific emphasis on fingerprint evidence. Attendees will also be better informed when discussing the use of appropriate terminology when standardizing scientific reporting practices throughout the forensic community.

This presentation will impact the forensic science community by generating essential dialogue regarding how expert forensic testimony should be expressed to legal practitioners and fact-finders through evaluating potential lay jurors’ interpretation of the word “identification” in the context of forensic testimony.

For the past several decades, several forensic disciplines have utilized the term “identification” to express the highest level of association between an evidence sample and a known source. Recently, the terminology and language used in forensic technical reports and expert testimony have come under scrutiny from the legal and academic communities, who are seeking to ensure the language conveys the appropriate strength of the evidence. Beginning in 1998, at the recommendation of the Technical Working Group on Friction Ridge Analysis, Study, and Technology (TWGFAST), the fingerprint community espoused testimony in terms of single-source attribution and “to the exclusion of all others” to convey the expert opinion that two fingerprint impressions were made by the same individual. During the next two decades, the fingerprint community considered the terms “identification” and “individualization” synonymous, yet toggled between them to ensure their testimony conveyed the intended meaning that “the two impressions were made by the same source” to laypersons, despite several criticisms regarding the scientific validity of such claims. Then, following the landmark Report by the National Research Council in 2009, the International Association for Identification (IAI) cautioned its members against “stating their conclusions in absolute terms when dealing with population issues.” As a result, in the same year, the (now referred to as “Scientific”) Working Group for Friction Skin Ridge, Study, and Technology (SWGFAST) eliminated the phrase “to the exclusion of all others” from their recommended language for expert testimony, but maintained the term “individualization” or “identification” and its related definition, “the conclusion that corresponding impressions originated from the same source.” Although the fingerprint community now recognizes that available scientific literature does not provide sufficient support for claims of “to the exclusion of all others,” the terms “identification” and “individualization” continue to be recommended by professional bodies and espoused by forensic practitioners across several domains. When considering appropriate terminology for use by forensic experts, policy makers must ensure that the language utilized is both in accordance with appropriate scientific principles and properly understood by laypersons in accordance with the intended meaning. The broader question, then, becomes whether the terms “identification” or “individualization” continue to be interpreted as “to the exclusion of all others” despite the elimination of such a phrase. This question was explored through a survey of lay potential jurors throughout the United States. This presentation will explore the results of that survey and discuss implications for policy and practice to ensure the forensic sciences utilize optimal terminology and language to maximize juror understanding of the forensic evidence.

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as official or as reflecting the views of the United States Department of the Army or United States Department of Defense.

Identification, Individualization, Fingerprint

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