



### F28 Three Attorneys Participate in Fingerprint Proficiency Testing: Results and Observations

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**Learning Overview:** The goal of this presentation is to generate discussion regarding the level of competency assessed by current fingerprint proficiency tests and the limitations of inferences to be drawn from successful participation.

**Impact on the Forensic Science Community:** This presentation will impact the forensic science community by generating robust discussion of, and possibly reform to, current fingerprint proficiency testing practices.

Proficiency testing has long played a very important role in the forensic science community in general, and the forensic fingerprint community in particular. For years, fingerprint practitioners have relied on fingerprint proficiency testing results when making claims about the overall reliability of the Analysis, Comparison, Evaluation-Verification (ACE-V) method when making assertions about the reliability of particular forensic laboratories and when making assertions regarding the level of competency of individual fingerprint examiners. Some within the fingerprint community have pointed to extremely high passage rates when asserting that the overall error rate in the discipline is low. Separately, laboratories routinely include participation in proficiency testing as a major component of quality assurance programs. Forensic laboratories point to near-universal passage of fingerprint proficiency tests as an important indicator of a lack of quality assurance problems within laboratories, and as an indicator that substantial retraining of fingerprint examiners is not necessary. Finally, individual forensic fingerprint examiners routinely testify during expert *voir dire* to their participation in annual fingerprint proficiency testing.

Especially in the case of uncertified fingerprint examiners, results of fingerprint proficiency testing are often the only objective evidence offered as a means to establish the competency required to be admitted for testifying as an expert in a criminal trial. In this regard, fingerprint examiners regularly tout error-free passage of fingerprint proficiency testing as an important signal to the criminal justice system that they can competently conduct forensic fingerprint examinations and reliably associate a latent print with a suspected source. However, each of these assertions that are based on participation in fingerprint proficiency testing—low overall error rates, lack of quality assurance problems, and individual examiner competency—are only supported in a meaningful way if the fingerprint proficiency tests are rigorous enough. Fingerprint proficiency tests that are too easy do not provide an accurate indication of overall error rates in the field.<sup>1</sup> Similarly, easy fingerprint proficiency tests do not meaningfully advance quality assurance programs, as they are not designed to detect important breaking points within a laboratory and across the discipline, and therefore provide only minimal guidance for retraining of examiners. Finally, successful participation in easy proficiency testing by individual fingerprint examiners should not indicate competency in any but the easiest comparisons encountered in casework.<sup>2</sup> Given the critical question of whether current fingerprint proficiency tests are easy or rigorous, this study sought references in the scientific literature to answer this important question. Finding very limited discussion of fingerprint proficiency testing by practitioners in the discipline, this study sought to investigate this question in one modest way—through participation in 2018 fingerprint proficiency testing.

This presentation will include discussion of the results of participation in fingerprint proficiency testing (a combined 33 consensus responses out of 36 fingerprint comparisons with no false positive errors). Through further discussion of the study's participants' obvious lack of formal training in forensic fingerprint comparisons, as well as a detailed discussion of the test itself, it will be suggested that the current fingerprint proficiency testing regime is not rigorous and needs to be reformed.

#### Reference(s):

- <sup>1</sup> William Thompson, John Black, Anil Jain, and Joseph Kadane. *Forensic Science Assessments: A Quality and Gap Analysis-Latent Fingerprint Examination*. AAAS (September 2017).
- <sup>2</sup> Koehler, J.J., Forensics or Fauxrensic? Ascertaining Accuracy in the Forensic Sciences. *Arizona State Law Journal*, 49, 1369-1416 (2017).

#### Fingerprints, Proficiency Testing, Competency