



## Questioned Documents — 2019

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### J24 Reasons for Qualified Opinions in Forensic Document Examination

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**Learning Overview:** After attending this presentation, attendees will be familiar with the current reasons for qualified opinions in forensic document examination.

**Impact on the Forensic Science Community:** This presentation will impact the forensic science community by developing an appreciation for the major causes of less-than-definite findings in the reports of forensic document examiners resulting from their casework examinations of disputed handwriting.

This study was motivated by recent questions from attorneys asking why less-than-conclusive opinions were necessary in reports. When submitters deliver questioned handwriting evidence for analysis, they expect that the resulting opinion will be an identification or an elimination. The use of electronically saved documents at low resolution and the tendency of individuals and businesses to scan and destroy original documents imposes limitations on the examinations of forensic document examiners. This study was conducted to determine the main reasons for questioned handwriting cases resulting in qualified opinions. Scales of opinions are typically used by forensic document examiners to convey the level of confidence that the evidence in the case will support. The goal of each examination is to determine the origin or authenticity of the questioned material. Limitations of the evidence will lead to a less-than-definite conclusion expressed as a qualified opinion. Appreciation for the reasons behind qualified opinions will help spur attorneys and investigators to search for the best quality case evidence. Original questioned and known documents will provide the most detailed information to allow document examiners to properly do their work.

Case files from 2015–2017 and the first half of 2018 were reviewed to determine the reasons for qualified opinions in each case. Ten specific reasons for qualified opinions were discovered from studying 49 cases. Evaluation of each case and the reasons for the qualified opinions generated were tallied. The three main reasons for qualified opinions in the case files were: (1) the lack of contemporaneous known writing, (2) the lack of known writing comparable to the questioned writing, and (3) the submission of poor clarity copies. The submission of poor clarity copies was the most common reason for a qualified opinion in a questioned handwriting case. A substantial number of cases displayed two reasons for reaching a qualified opinion.

The study sought to specify the precise reasons that forensic document examiners rendered qualified opinions in questioned handwriting cases. The study pointed to three significant reasons and seven other important reasons for the findings. The study suggests that informing submitters of the specific reasons for qualified opinions in questioned handwriting cases will lead investigators and attorneys to strive for the best evidence submissions in each case, which will include original questioned and known documents or good quality first-generation copies.

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#### Handwriting, Qualified Opinion, Copies