

The Document Sleuth

The Investigator's Role in the Collection of Suitable Standards

During the course of an investigation, investigators may find that documents in one form or another will account for almost 70 per cent of the physical evidence encountered. Documents such as: contracts, receipts, statements, financial negotiables, medical records, accounting & bookkeeping records, mortgage/land transfers and deeds, and many other types of documents that the investigator may come upon, will often become a vital piece of evidence in a case. Often the validity of such documents, their content or authorship will come into question and the services of a qualified forensic document examiner should be sought.

The investigator must understand both the capabilities and limitations of expert document examination. The potentialities of many questioned document cases are often affected by an investigator's initial collection, preservation and submission of documentary evidence.

In any case that the investigator is assigned the value of a document as relevant and material evidence will often diminish with careless collection procedures or handling. All evidentiary documents should be carefully persevered from first encounter through to the submission of the document to the questioned document analyst. Some useful procedures include the following:

- Initially determine whether or not the document will require fingerprint processing or other physical tests such as DNA analysis.
- When handling the document use gloves or use a set of tongs or tweezers.
- Place the document in an evidence bag or another form of transparent envelope.
- Avoid exposing the document to heat or dampness.
- Do not mark the original document in any way. (identification information may be recorded on the protective bag or container).
- Do not fold the document.
- Obtain original questioned and known documents whenever possible.

Investigators will likely find that the majority of their document cases will involve proof of authorship such as the identification of a handwriting or the genuineness of a signature. The identification of handwriting has often played a major role in the success of investigators who are called to investigate poison pen letters, blackmail or extortion demands and more frequently, fraud related cases.

In a handwriting related case the investigator will present to the document examiner a problem of unproved authorship, where a document containing the writing of an unknown author is submitted for examination and comparison with documents that contain the writing of one or more known persons (subjects). The first is referred to as the questioned writing and the second as the standard or known writing.

In the duty of proper forensic procedure it is the responsibility of the document examiner to ensure that appropriate and sufficient standards are used in the comparison of a questioned writing to that of a persons known writing. However, the obtainment and submission of proper standards will be the task of the investigator who is presenting his case to the document laboratory.

The importance of the collection of sufficient standards cannot be overemphasized. As the investigators failure to obtain sufficient known writing specimens or proper request exemplars will usually have an adverse effect on the case. The term “request exemplar” specifically refers to a specimen of standard writing obtained from a subject on request for comparison to a questioned writing.

When collecting standards for comparison the investigator should be aware of some general criteria for appropriate standards. They include:

- The type of writing - cursive writing must be compared to cursive writing and handprinting must be compared to handprinting.
- The timing of the writing - it is important to have writing which has been written in the same time period (contemporary) as the questioned writing.
- The standards must be admissible - the genuineness of submitted standards must be verifiable, never assume that a particular person actually wrote a certain writing.
- The standards must contain similar letters and or words - there is no basis for the comparison of different letters located in dissimilar words.
- Like type documents should be submitted - similar documents should be used when possible for comparisons, (i.e. signatures on questioned cheques to known signatures on uncontested cheques, questioned business contracts to known business contracts, etc.).
- The standards must be representative - sufficient standards must be obtained that reflect the subjects individual writing habits and variation, this includes any different styles of writing that a person may have or changes which have occurred to a persons writing ability near or at the time of the questioned writing.

In the search for known writing specimens the investigator should be aware that specimens are categorized by two types: 1) Normal course of business specimens, and 2) Request writing specimens. Both types have their advantages and disadvantages.

Normal course of business specimens are exactly what they imply, they are known writing specimens which have been written during the normal course of business. For the most part, normal course of business specimens have been written naturally and will exhibit the true writing habits of an individual writer. There are several disadvantages that the investigator may encounter while attempting to locate sufficient normal course of business specimens. The most common is the collection of contemporary writings of similar subject matter which have been written under similar conditions. If all writing was written in an undisturbed natural hand, the problem of handwriting identification would not be difficult. But handwriting undergoes many natural changes and there are various internal and external factors that can affect a persons writing, this would include:

a change in health, a change in physical ability, the influence of alcohol or drugs, the type of writing instrument, the writing surface, and the body position of the writer, etc.

Request writing specimens are writings which are provided to the investigator upon request. This may be a voluntary and cooperative act of a subject or it may be procured by court order. In either case, it is absolutely essential that the investigator take advantage of any opportunity to obtain request writing specimens. In such a situation proper preparation will be required. The taking of request specimens must adhere to strict control procedures. The subject should be asked to write the same wording as is found in the questioned writing and should be asked to write in the same style whether cursive or handprinting. The Investigator should obtain a minimum of between five and ten request writing specimens of the complete questioned writing. The subject must never be given the chance to view the questioned writing prior to providing the request specimen nor should the person be allowed to view a handwriting specimen which they have just completed. That is, after each specimen is provided the investigator must not allow the person to review a document for mistakes or accuracies or before providing the next writing specimen. When providing request writing specimens a person with something to hide will often attempt to disguise their normal handwriting. Therefore, the investigator should carefully observe and later record the movements and mannerisms of the subject while executing request writing specimens.

There are times when a document examiner is told by an investigator that the standards which are being submitted are the only ones available. It has been my experience that some investigators easily overlook many available sources for appropriate standards. Here the investigator must put more of a conscious effort into a search for the many public and private records which most people will inevitably create throughout their lifetime. A golden rule to follow is that: "You can never submit too many known documents for examination, you can only submit too few".

In summation the investigator should fully understand that handwriting examination is a science which requires specific known writings in order to identify the unknown writings.