

THE NEED FOR A MORE CONSISTENT APPROACH TO THE FORENSIC EXAMINATION OF DOCUMENTS – AN ENFSI WORKING GROUP PERSPECTIVE

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ABSTRACT: From its inception in 1988, to the 6th Meeting held in Scotland in 1998, the European Conference for Police and Government Document Examiners was the largest forum under which European documents examiners gathered to discuss issues relevant to their science. With the creation in 1998 of the European Document Experts Working Group – an ENFSI Working Group with a remit to continue to organise biannual Conferences for European Document Experts – there is now in place a more structured approach to the continued development and standardisation of our science. This paper gives an overview of the work undertaken during the first two years of EDEWG, reviews the Aims and objectives of EDEWG and looks forward to the future direction of EDEWG. The paper will discuss whether or not there is a need for harmonisation of methods and procedures within our field, and will outline the processes by which EDEWG believes this harmonisation can be achieved.

KEY WORDS: EDEWG; Standardisation; Methods and procedures.

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INTRODUCTION

The need for harmonisation, standardisation and verification of methods and procedures is not a new concept. For some time, as a group or individually, there has been discussion regarding the need to standardise or rationalise our science, whether this is through training or acceptance of standard procedures or methods. Even in the relatively short time that I have been involved in forensic science this topic has been repeated many times. During the 4th European Conference for Police and Government Handwriting Experts, held in London in 1994, we were introduced to:

- Accreditation of forensic handwriting examination;
- Training and examination regulations for handwriting experts in Germany;
- NAMAS accreditation with regard to handwriting examination;
- National vocational qualifications in forensic science.

At the 6th European Conference for Police and Government Documents Experts, also held in London, but in 1996 we had papers on the topics of:

- Development of standards;
- Future development of the ENFSI Working Group “Document Examination”;

and in the same year, at the 5th ECPGHE in the Hague we heard about:

- A survey of certification processes in the United States;
- The English National Vocational Qualification;
- Accreditation of forensic typewriting examination.

When it came to our turn to host the Conferences in 1998, these same problems and concerns were still there, as highlighted by the continued discussion over the Starzcepyzel case in America. Indeed part of the summing up of the trial judge in that case included the comments:

“The Daubert hearing established that forensic document examination is expertise rather than science; does not rest on carefully articulated postulates; does not employ rigorous methodology; and has not convincingly documented the accuracy of its results (...)”

However, when reading the literature, there did not appear to be a cohesive approach to solving these problems. Whilst individuals philosophised over possible solutions, or reviewed court cases, no one group, or organisation had taken it upon themselves to address one of the main problems being that there were no accepted, published methods or procedures for our core activities. There may well have been published experimental protocols, but our routine Methodology was not readily available for external scrutiny.

Much of this has started to change. Individual laboratories are gaining accreditation for their working practices, bodies are being set up for the assessment of individual skills and competencies, and Working Groups, such as EDEWG and ENFHEX, as well as SWGDOC in America, have joined the party. It is about these last three, and in particular EDEWG and ENFHEX that I address this presentation.

WHO SETS THE STANDARD?

In 1996, at the 6th ECPGDE, Stephen Day asked three fundamental questions:

- Standards – who needs them?
- Who sets the Standards?
- Who benefits from (national) standards?

Whilst in his presentation Dr Day directed these questions at the competency of the individual, the same questions can also be asked of standards in methodology. If you do this then the first and third questions are relatively

easy to answer. In both instances it appears that the answers are the same, namely the courts (our ultimate end user) and the experts in the field (ourselves). The courts benefit in that they have a “guarantee” that the work undertaken is being applied uniformly in different organisations, or by different individuals, and the practitioners can have the confidence that not only are they working to the same standards in house, but that their work can be repeated in other places to the same standard.

In 1996, certainly in fields of documents and handwriting, the answer to the second question was a little more difficult to find. The old “conferences” were not the necessary forum in which to develop Standards, whilst the position of Documents and Handwriting Working Groups within ENFSI had not been clearly identified. Since 1996 this has changed. Both EDEWG and ENFHEX are accepted ENFSI Working Groups, and with such a large body of practitioners, and the understanding that all ENFSI Working Groups must be working towards standardising their working practices, there are now bodies to carry this work forward. Similarly, in the United States, SWGDOC has started the process of harmonising procedures. These groups do not have a right to tell everyone how examinations should be carried out, but are in a position to give guidance or advice, and with the level of personnel in these Working Groups, can rapidly develop “standards”.

PROGRESS SINCE 1998

As detailed in various ENFSI management documents the major activities of ENFSI Working Groups include:

- Exchanging information;
- Promoting quality assurance and the development of professional standards;
- Harmonising methods;
- Combining research activities;
- Providing educational and training within the particular area;
- Establishing international access to data collections.

Both the EDEWG and ENFHEX have, since Tulliallan in 1998, worked towards each of these aims.

ENFHEX has obtained backing from the European Union in a project that is regularly detailed in the ENFHEX bulletin. Various individuals have gained invaluable experience from exchange visits, a number of “pilot” proficiency tests have been carried and a database of international handwriting styles is being developed. An “Overview of the Examination and Comparison of Handwriting” has been drafted and has recently been discussed within

ENFHEX. It is hoped that a final version of this overview will be available in the near future.

EDEWG has also obtained backing from the European Union for a project "EQUADE", the main thrust of which is looking at the whole quality system within the documents environment. The various aspects of our work being looked at include Key Knowledge requirements, methods and procedures proficiency testing and communication. It is hoped that in the future EDEWG will have developed their own web-site, detailing the work of EDEWG and ways in which the documents fraternity can help develop these areas.

DEVELOPMENT OF STANDARD METHODS OR PROCEDURES

In my abstract I indicated that I would "(...) outline the processes by which EDEWG believes this (harmonisation) can be achieved". Whilst any development of Standards within EDEWG must be carried out under specific ENFSI Guidelines, both EDEWG and ENFHEX have been given the opportunity of developing our own standards, under an umbrella of "Best Practice Guidelines". Some of you have already heard in detail the processes by which EDEWG and ENFHEX have gone about drafting various "procedures". For those that have not here is a brief overview of these processes.

Various questionnaires, for both Working Groups, were sent to ENFSI Institutes, asking for relevant information concerning methods, procedures, the range of examinations undertaken, instrumentation and quality assurance processes etc. From the responses to these the Steering Committees of both groups were able to identify areas of priority.

Within ENFHEX, the various ENFSI Institutes were asked to send the Steering Committee their published (printed) methods, if available, or indicate whether or not the Institute was working to set procedures. Based on those published methods received, the Steering Committee extracted what it considered to be the most relevant information and drafted their "Overview to the Forensic Examination and Comparison of Handwriting". For interest, each of the published procedures received, totaling 8, were similar in style and content, and made the process of producing a standard method more simple. This "overview", currently in draft form, is being reviewed by ENFHEX members, and will hopefully be published in the near future on the ENFHEX web-site. At the same time, and in accordance with ENFSI Guidelines and co-operation with the Quality Assurance Working Group, a "Guidance for Best practice in Handwriting Examination" has also been drafted. This takes the form of a mini quality manual, and describes the requirements that should be adhered to when examining handwriting.

EDEWG have taken a similar approach in developing their first standard “method”. Again ENFSI Institutes were requested to send their methods to the Steering Committee. These were reviewed, and again good practice identified. First drafts of a standard “Examination of Indented Impressions”, a “Guidance for Best Practice in the Forensic Examination of Documents” and “Key Knowledge Requirements for the Examination of Indented impressions” have been produced and circulated to EDEWG members. All of these documents, from both EDEWG and ENFHEX, have been discussed during recent meetings. As previously indicated it is hoped that these documents will be posted on the relevant web-sites, and all practitioners in these fields will have the opportunity to comment on the drafts.

I have already mentioned that SWGDOC are undertaking a similar process in the United States. They too have drafted their first set of procedures, which include a training programme, knowledge requirements and procedures for the examination of handwriting and indented impressions. Whilst the most significant difference between the approach that we have taken and that taken by SWGDOC lies in the fact that whilst we need to write our procedures under the guidance of ISO 17025, this is not, at this stage a requirement for SWGDOC. However it is encouraging that the two systems are not markedly different, and that the two groups can come to their findings independently, but closely in touch.

WHAT NEXT?

There is still a long way to go. We have drafted only one standard “method” for document examination, and as we know the field is extensive, with many different examination types. We need to develop momentum in creating these standard “methods”, and must call upon those individuals with specific knowledge to come forward and help. With help from the many documents and handwriting examiners present, and indeed not present, it is possible, within a reasonable length of time, to be some way to completing the task. These “methods” are not relevant just to a small number of organisations, but, I suspect, relevant to us all. If we can develop these standards in a clear and comprehensive manner, and can show that these methods are acceptable to a wider audience, then we have gone some way to answering the questions that have been raised in the past, and gone some way to addressing some of the points raised as a result of the Starzecpyzel case.

I hope that you will all make some effort to get involved with the continuing development of these “methods”, and start to standardise our working practices.