

# Latent Expert Testimony: From Prep to Delivery

## Why We Need Court Prep

The presentation of evidence cannot be accomplished without the help of the latent technician. Prep time is also a good time to review the evidence to ensure that all comparisons have been completed. It's not too late to have witnesses and victims fingerprinted in order to eliminate their prints from the evidence.

## Qualifications

Approximately half of the technicians working in the Identification Unit are former FBI Fingerprint Examiners. None of them were ever FBI Latent Examiners. So we have to downplay that lack of experience by emphasizing their on-the-job training. Some of that training came from FBI trainers.

## Résumé

Currently, the latent technicians are developing a uniform résumé for court presentation.

FBI employment

PPD employment

Training

## Identification Issues

### Latent Print vs. Inked Print

An inked fingerprint is an intentional recording of the ridge characteristics of a finger, made by placing black ink on the finger and rolling it on to a fingerprint card.

A latent fingerprint is an impression left by chance on a surface, such as a mirror or a piece of paper. In some instances, the latent fingerprint is invisible to the naked eye, but may be made visible by using certain chemicals or powders.

### Patterns vs. Characteristics

Patterns refer to the overall shape of the ridges that appear on each finger (loops, arches and whorls). Characteristics refer to the minutiae within the patterns. These include ending ridges, bifurcations, short ridges, islands and crossovers. Patterns are used for classification, while Characteristics are used for identification.

### AFIS vs. Manual Comparison

AFIS is a tool used to search our enormous database of fingerprints. After we tell it what we are looking for, it gives us a list of possible candidates. We are responsible for determining whether one of these candidates is, in fact, a positive identification. Sometimes, we receive information about a suspect in connection with a latent case. If this suspect has a criminal record, we can obtain an inked arrest card and do a side by side comparison of each finger to each latent print in the case. This is known as a manual comparison.

## Identifiable vs. Unidentifiable

An identifiable latent is one that has at least 8 distinct characteristics. This number is not an absolute. The FBI used to quote it as their standard. That is no longer the case. It is important to note that some latents do not have enough characteristics to be positively identified to anyone. The inability of the latent technician to identify a latent due to lack of characteristics does not preclude that latent from having been left by the defendant. Defense attorneys will slyly imply otherwise.

## Positive vs. Negative

This may sound obvious, but defense attorneys have been known to split hairs over the so-called missing minutiae. If a partial print latent is recovered and positively identified to the defendant, there is absolutely no way that, had the missing minutiae been present to be recovered, the latent would turn out to belong to someone else. This conclusion is based on the fact that no two people share identical fingerprints.

## What Not to Ask

Can you fingerprint the defendant and identify these latents here in court?

No. Unlike tenprint cases, where an arrest card is being presented as proof that the same defendant is appearing before the court, a latent card must be thoroughly examined, photographed and compared against all ten fingers of the defendant. This is laboratory work, not a cursory examination of clearly inked fingerprints.

What chemicals are used in obtaining latents?

Any questions concerning how latents are obtained should be answered by the officer who actually recovered the latents. Our latent technicians are not well-versed in these techniques.

How does AFIS Work?

AFIS plays a large part in the Records & Identification Unit. However, machines can't testify, so you must put them into their proper perspective when giving testimony.

Never let a defense attorney get away with implying that a candidate list indicates that a fingerprint could belong to more than one person. Explain that AFIS simply narrows the list to a manageable size: just as you would not look for John Smith's telephone number by starting from the front of a telephone book, you don't want to search in the wrong part of the fingerprint files.

Another defense tactic is to tie your expertise to the knowledge of the inner workings of AFIS. If they can get you to stumble all over the computer gobbledygook, they can make you look like less than an expert. Don't fall for it! If the prosecuting attorney fails to raise an objection to this line of questioning (or if the judge allows it), you must state firmly that you were trained only in the fingerprint processing aspects of AFIS and not the internal workings.

## **Presentation**

### Qualifying as an Expert

Please take a look at the sheet titled [Qualifying Questions](#).

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