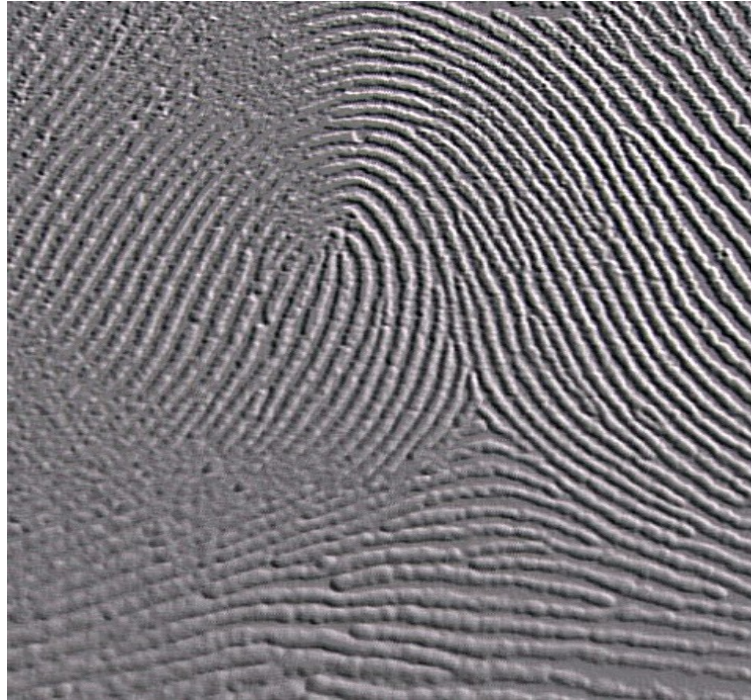


# Court Testimony



*(Preparing to Demonstrate YOUR Expertise)*

The mind of an expert is a jungle of definitions, rules, exceptions to rules, techniques, short-cuts and value judgments. When called upon to navigate your jungle of expertise, you must be able to hack through the technical jargon and create a clear path to understanding. This is no easy task, for experts rely on technical jargon to convey information in a quick and concise manner. When communicating with people outside your field of expertise, you still use your technical words and, most of the time, your message is understood. The courtroom is one place where you will use technical terms and be asked to explain them to non-experts (the jury). While you might impress the jury with your jargon, if you can not convince them that your expert opinion is above reproach, then you have done nothing at all. The best way to convince a jury is to *make them understand how you arrived at your expert opinion.*

This document attempts to provide a foundation upon which you can build confidence in your ability to demonstrate your expertise.

*(You Know It , So Show It)*

Ask yourself this question: “What is a fingerprint?” It is likely that you can not answer this question satisfactorily. There is a good reason for this: the definition of a fingerprint was not drummed into your head the way that the definition of “sufficient recurve” was. Instead, you were probably given a copy of the FBI’s The Science of Fingerprints and, it was up to you to read the material. It turns out that the definition is buried on page 175! Well, since you’re an expert, you are expected to know that

A fingerprint is a recording of the friction ridge characteristics of a finger, which is left upon the surface of an object. This recording is made by the presence of perspiration, which constantly exudes from minute sweat pores on the friction ridges.

This fancy definition will bore a jury. Everybody knows what a fingerprint is, so it will sound better if you state simply: a fingerprint is an impression left on a surface, such as a mirror, when someone touches it. In reality, a good prosecutor will be more precise, asking “What is an **inked** fingerprint?” and “What is a **latent** fingerprint?”, to which you should respond

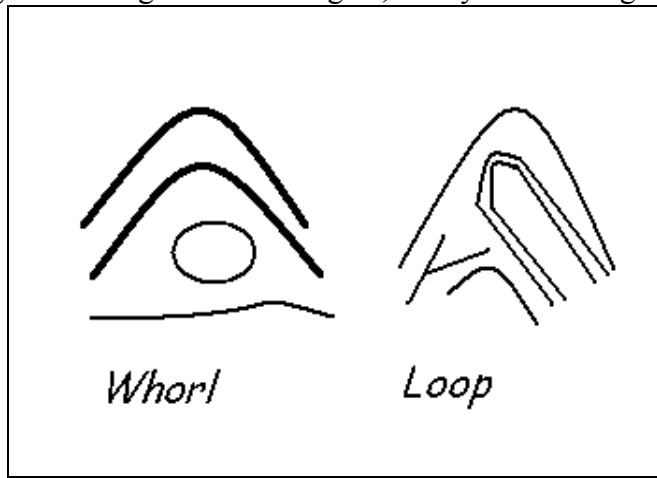
An inked fingerprint is an intentional recording of the ridge characteristics of a finger, made by placing black ink on the finger and rolling it on to a fingerprint card.

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.

The fact that you may not be a Latent Print Technician has nothing to do with your knowledge of the technical terms used in your field of work. Ten years ago, no one ever heard of AFIS; today, it is as common as fingerprint ink! You would do well to keep up with the changes in fingerprint technology. (The defense attorneys certainly are keeping up!)

(How Do You DO That?)

It's easy to scramble an egg, but can you instruct someone over the telephone? Giving step-by-step instructions is very difficult to do well. You must tailor your statements to the intended audience. If you are training colleagues, you can proceed with the assumption that they have a complete understanding of the fundamentals of your subject matter. However, with a jury, you must not make that assumption. This is the reason that a good prosecuting attorney will lay the foundation of the science of fingerprints by asking you to explain what fingerprints are, what makes them unique and how they are identified. During this phase of the testimony, you may be asked to draw examples of different fingerprint patterns and characteristics (bifurcations, ending ridges, short ridges). Large, simple line drawings are best. If you notice members of the jury closely examining their own fingers, then you are doing a great job!



Remember that the science of fingerprints includes **classification** as well as **identification**. You must make it clear to the jury that **patterns** are used for classification and **characteristics** are used for identification. It is helpful to explain that classifying fingerprints allows for the orderly filing and searching of the millions of cards that are maintained in the Records & Identification Unit. Identifying fingerprints is the process of comparing a known print to an unknown print by placing them side by side and checking to see if the ridge characteristics match and appear in the same relative position. If you are using photographs of the fingerprints in which the points have been plotted, this is a good time to demonstrate a side by side comparison. Even if you are not using a visual aid, it is important to mention that the relative position of each characteristic is determined by the ridge counts between it and neighboring characteristics. (In case you didn't know, this is how AFIS works, and explains why so many of the candidates "look" similar.) Using a plotted visual aid, you would emphasize this point by showing the jury how characteristic number one on the unknown print is the same number of ridges away from characteristic number two as it is for the same pair of characteristics on the known print. Notice the repeated use of the term characteristic; it is much less technical than "minutia" and rolls off the tongue more easily than "point of minutia".

After repeating this drill for four or five characteristics, look at the jury and say something like "I continue this comparison for all of the other characteristics until I am satisfied that a match has been made." Say this with confidence and the jury will know that they are listening to an expert! Once you have established the fact that the two prints in question are identical, do not hesitate to defend your expert opinion! This means that, when the defense attorney says things like "couldn't this possibly belong to another person?" or "Are you sure you have enough points to be positive that this is my client?", you must respond firmly "No, it could not" or "Yes I am sure".

## (The Role of AFIS)

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.

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.

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.

(Last Word)



As an expert, you have a reputation to uphold. It is your responsibility to maintain and enhance your expert status by reading, attending training and practicing your skills. To get you started in the right direction, a copy of The Expert Fingerprint Witness is available from the Latent Print Section.