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claimed ability to distinguish counterfeits would impose test conditions of utmost severity.⁸

Conclusion

The results of this test point against acceptance of the common dictum that a counterfeit finger-print would be inevitably recognized as such. The conclusion is conservatively phrased, so as to leave open the possibility that *some experts* (perhaps especially those having comprehensive experience in manufacture of counterfeits and their study⁹) may be able to make reliable judgments in at least some of the cases presented to them.

FINGER-PRINTS CAN BE FORGED

C. D. LEE†

It is with considerable reluctance that finger-print experts have come to realize that finger-prints can be forged, and to have to admit as much when testifying in court. But we might as well face the facts, at the same time considering just how much harm is done by such admission.

Webster defines forgery as "a false imitation of something which if genuine would import legal efficacy." Shorn of its legal aspect, then, a forgery implies merely a false imitation, on which basis anything susceptible of false imitation may be forged. This fact was recognized generally among the early researchers in this field, but many of us did not believe that finger-prints could be so perfectly imitated that the forged print could not be distinguished from the genuine. We had in mind the fact that a genuine finger-print is an impression from the living skin made with a natural secretion of the living tissue, and that the impression carries over a certain life-like appearance which would be difficult to simulate.

⁸Dr. Erastus Mead Hudson, of New York City, has devoted special attention to the subject of finger-print forgery during a period of some fifteen years. Experimenting with methods of forgery, he is convinced that counterfeit prints can be made with such success as to defy detection. His experience, however, enables him to find telling features of artificiality in at least some forgeries; he correctly identified the counterfeit and genuine prints used in the present test, and submitted the diagnostic points. (From personal communications, referred to with the permission of Dr. Hudson.)

⁹*Supra* note 8.

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Long before Wehde made his great discovery, some of us had experimented with finger-print forgeries, utilizing a collotype photographic emulsion, by means of which an ink impression may be photographed and the ridges made to stand up a trifle on the plate or film. By oiling the ridges lightly, a forged impression of a latent print could be placed wherever desired. These were easily distinguished from genuine impressions. Later we learned that a genuine latent impression could be picked up bodily and transplanted by means of a surprisingly simple transfer material. This looked formidable at first, but on examining the transferred impressions microscopically it was discovered that they differed in two aspects from the genuine. First, the oil particles in the form of ellipsoids in the original were found to be divided into very minute spheroids in the transplant; and second, the relative width of ridge and interspace (normally approximately even) was unnatural due to the flattening and consequent widening of the ridge. Other distinguishing features of lesser importance were noted.

Finger-print "lifters" soon came into general use to supplant the camera where photography was difficult on account of inaccessibility of the latent. By means of a lifter made of a slightly sticky material (transparent), the developed impression is picked up intact and taken to the dark-room, where as many photographic prints as needed are made by using the lifted print as a negative. This is a type of transfer forgery, inasmuch as the impression itself is picked up, but its evidentiary value has never been questioned by the courts so far as known to the writer.

Now comes Wehde who describes an etching process for making a negative in metal, from which a positive may be made with material approximating the texture of the skin. So far as the negative is concerned, there was nothing new or startling in that, since finger-print circulars bearing printed facsimilies had been in use some time before his so-called discovery. However, theretofore no one seems to have thought of making skin-like positives in this manner, possibly because those most interested in finger-prints were too busy with routine identifications, or perhaps because they lacked incentive or training for this type of technical research. Be that as it may, the fact remains that Wehde broadcast his discovery to the world in 1924, and in spite of it the courts are still admitting this type of circumstantial evidence and will continue to do so.

While the problem of planting forged finger-prints at the site of crime is probably not quite so simple as Wehde implies, we have no

doubt that in practice it could be done so skilfully as to escape detection and permit the forgeries to pass for genuine. But it is common experience that fabricated evidence is usually badly overdone. The plotter would need to guard against stamping his forged impressions around too generously, and the matter of position of the impressions would require careful consideration, as the thief uses his fingers mostly for picking things up—perhaps more so than do honest people! So instead of just simply a stray impression here and there, the prints should be so placed as to simulate naturally the picking up of a jewel box, say, or lifting the lid; or manipulating the combination of a safe; or pulling a piece of broken glass from the window through which entry was made. To accomplish this, one would require stamps for at least two fingers, preferably three—the thumb, index, and middle fingers. One would need to have in mind, also, that in grasping some objects the thumb does not register exactly opposite the index and middle fingers; that it does not always lie flat on the object so as to register the complete pattern; and that sometimes the index and middle fingers are impressed in exact juxtaposition and at other times with the middle extended beyond the index, depending upon whether the object is round or flat and upon other factors.

Another small difficulty likely to be overlooked is the matter of sweat pores. In their physiological functioning the mouths of these pores are sometimes open, sometimes closed. This means that in successive impressions of healthy skin different pores may be open and active one moment and closed the next, whereas in stamped impressions there will be no such change. The resulting “fixed” expression of the forged prints might well serve to distinguish them as such.

However, these are small matters, and as stated above in practice, where original finger-prints are not immediately available for comparison, the planted forgery may pass muster as genuine, especially if its authenticity is unchallenged. This brings to mind that in our twenty-six years' experience, in which many convictions have been secured largely on finger-print evidence, not a single case has been encountered in which the possibility of forgery was advanced as a defense.

Finger-prints are not conclusive proof of guilt in any case, nor of the presence of their owner at the scene of crime. But just what single type of evidence, unsupported by other corroborative evidence, is absolutely conclusive? The testimony of eye witnesses is ordinarily given the greatest credence. Yet who has not experienced cases of