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OBTAINING DOCUMENT STANDARDS FOR COMPARISON

Stanley S. Smith

Lieutenant Stanley S. Smith, Document Examiner of the Pennsylvania State Police, has contributed to this Journal on several occasions. Since the major portion of his career with the Pennsylvania State Police has been spent in the Technical Laboratory, Lieut. Smith is well qualified to speak on the subject of collecting document standards. Many police officers fail to appreciate thoroughly the importance of proper investigation of the standard specimens in the early stages of a case, and the comments of the author in this paper should be of assistance to those who have only limited experience in this field of investigation.—EDITOR.

By "standards" in questioned document investigations we mean such items known to be genuine as can be used without question for comparison with any disputed handwriting, hand-printing, typewriting, printing, etc.

This means much more than the average police investigator may suppose. It means that one cannot always rely on another person's word that a certain individual wrote a letter, filled out a form, or made certain notations, unless it is substantiated by certain qualifications. In the early probing stages of an investigation, of course, a certain latitude may be cautiously allowed, though not recommended, in the matter of proof for the preliminary survey so as to advise the investigator whether or not he is on the right track. However, for the final analysis, and in preparation for court, the specialist in handwriting identification must be provided with provable specimens of the handwriting of the suspect.

It is essential, therefore, that any handwriting samples submitted for comparison with writing under investigation, and likely to be involved in a court trial or formal judicial proceeding, meet the requirements of the rules of evidence as to admissibility; otherwise, the time and effort expended will be wasted as the expert testimony involved will not be allowed. Quite often, handwriting identification testimony may be the most critical feature of the case, and without it a prosecution or suit is lost.

A specimen of handwriting in order to qualify for admissibility as a standard for comparison must usually meet one of the following conditions:

- A. Be acknowledged by the suspect to be in his handwriting.
- B. Be identified as the handwriting of the suspect by someone who saw him write it.
- C. Be identified by someone who has seen him write and is familiar with his handwriting.

- D. The specimen, as a letter, be responsive to correspondence held with the suspect and purported to be by him, as testified to by the person who had written to him and received the specimen in reply. (This, of course, might be overcome by testimony that someone had written the letter or other matter for him.)

It is thus clear that the investigator must take certain precautions to insure the legal acceptability of the standard writing. Too often this is neglected even when the conditions were favorable at the time. Frequently, a suspect or a witness favorable to him makes an admission when first confronted with a specimen of handwriting which they think has no bearing on the crime being investigated. But if the papers are first gathered and at a later time these persons are confronted with them, they will have had time to reflect defensively, and refuse to reply on advice of counsel whom in the meantime they may have consulted. Therefore, it is usually best in the beginning to ascertain from the suspect and witnesses the genuineness of any specimen handwriting obtained. It is also apparent that a casual opinion of a witness that it is the handwriting of the suspect is not enough. He must show an acceptable reason for his belief. Even members of the same family have often mistakenly asserted that a certain writing was or was not in the hand of one closely related.

A specimen of handwriting obtained from a suspect by the officer by request is of course the easiest to prove genuine; but it may not be the best for comparison purposes. This is because even an innocent person is under tension, nervous, and very self-conscious when preparing these specimens. This usually has a noticeable effect on the handwriting submitted, and it may consequently be far from natural and normal. In fact, some characteristics might be included which in the suspect's ordinary writing may rarely appear. An infrequent characteristic may be repeated under strain which otherwise might rarely occur thus suggesting greater force and weight than would normally be justified. The compensating feature of request specimen, which should always be obtained whenever possible, is that same word and letter combinations are obtained for comparison with the text of the questioned writing, which aids the examiner and jury inspecting them. Whenever possible, however, request specimen should be supplemented with provable normal handwriting to check consistency, efforts at disguise, and normal variations.

Hard and fast rules are, of course, impossible to apply in every case. Some persons normally write with wide variation, sometimes they are affected by their moods, by hurrying, by their

physical condition, or simply by idle whims. Others cannot vary much and write with almost machine-like precision under most conditions. Still others are affected in varying degree of both extremes.

Therefore, to obtain adequate standards, the officer should first consider and study the questioned writing and attempt to visualize the conditions under which it was executed and the implements used. At least one specimen should be obtained from each hand, marking and dating the specimen. Some persons cannot write fluently with the left hand, others with the right. Some, who are ambidextrous, can write equally well with both hands. The request specimen should duplicate the conditions found on the questioned paper as to ruling, size of the paper (which may affect the size of the writing) pen, pencil, crayon, etc. Good quality white paper should be used to facilitate photography. By good quality paper is simply meant sized paper, particularly for pen and ink writing so that the ink does not "feather" out and obscure fine characteristics. The fine pointed "Spencerian" type steel pen of all the writing implements, probably reveals the most characteristics, and when employed to execute the questioned handwriting one should be furnished to the suspect to write the request specimen. A ball point pen type of implement would supply a much less satisfactory specimen, and often, might be worthless. However, when the questioned handwriting is executed with a ball point pen the request specimen should include writing with a similar one, preferably by the suspect's own if he possesses one. From the identification standpoint most ball point pens are the most difficult for the specialist to cope with as it reveals the least characteristics of the writer, less even than those deposited by pencil and crayon. The strokes are frequently spotty and ink failure causes over-writing and unnatural pressures. A "Stylo-graph" or "Ink-O-Graph" type of pen having an ink tube with a projecting pin which releases the ink flow when applied to the paper has a distinctive track, making a uniform furrow in the ink strokes and so also reveal fewer characteristics than the split nib pens.

One of the best rules to follow is to have the suspect write with his own pen and ink which sometimes furnishes additional evidence, but if his own implements differ from that used in the disputed matter, a similar pen to the one used in the matter under investigation should be provided. Care should be taken not to unduly excite the writer and every effort to place him at his ease should be made. Questioning at any length should follow rather than precede the taking of any request specimen handwriting.

When the questioned paper is ruled, as tablet paper, and where a printed line is provided in a check form, a ruled specimen should likewise be obtained. Some writers, even without a line to follow write with a base-line straight as a die. Others can write on a straight line only if there is one to follow. Some ignore a printed line and write through it, over it or under it. Some writing slopes upward, some downward. Some lines are serpentine, others a series of arcs, still others, stepped. Some writers will do a very distinctive thing in connecting two letters when there is no base line to follow but do not do it when there is a base line. Since all of these are matters which are considered in determining writing characteristics of a suspect, every effort should be made to include the normal habits of the writer in his request specimen.