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DOCUMENT EXAMINATION ABROAD

CLARK SELLERS

The author is an examiner of questioned documents in Los Angeles, California. He is the Past President of the American Society of Questioned Document Examiners and a Fellow of the American Academy of Forensic Sciences. Mr. Sellers is well known as one of the leading consultants in the field of questioned document examination and has participated in many outstanding cases. In 1959, Mr. Sellers traveled around the world and visited many of the major document examination laboratories enroute. This paper is based upon an address which he presented to the Questioned Document Section of the American Academy of Forensic Sciences in March 1960.—EDITOR.

The profession of document examination has gradually assumed great importance in the administration of justice throughout most of the free world. One who travels abroad for the purpose of ascertaining what others in this field are doing is struck with the sincerity and enthusiasm found generally among document examiners. Almost universally there is a progressive attitude manifested and an intense effort exerted to serve the ends of justice. While much has already been accomplished, there is a wholesome recognition that much more can be done to elevate the standards still higher. For this reason there is an earnest desire for more and more scientific knowledge on the subject.

Principally through the writings of Albert S. Osborn, the United States has attained worldwide recognition as a leader in document examination. Judges, lawyers, and document examiners have been profoundly impressed with the books of this distinguished author. This does not mean however that there are not progressive document examiners in other countries who are making important contributions to the literature and to the science of document examination and who are striving for new ideas, new methods, and new equipment to apply to their own particular problems.

A few random examples research activities should be of interest. In the Metropolitan Police Laboratory, Tokyo, research is being conducted to ascertain whether pressure in handwriting is an identifying characteristic, and if so, how it can be utilized in document examination. In the German Government laboratory in Weisbaden there is an electronic apparatus which will identify the make of typewriter used to type a specific document. Also at this laboratory technicians can remove obliterating pencil strokes from typewriting, and in some instances from ink writing, by placing

the document in a solution and subjecting it to ultrasonic vibration which shakes the pencil lines off the paper. In Vienna, at the Metropolitan Police Laboratory, if an investigator knows or thinks that a forgery suspect is attempting to disguise his handwriting when asked to write specimens, the normal room light is turned out and a red light turned on. The suspect is then requested to write several lines with a pen filled with red ink. Since the red light makes the red ink invisible, the suspect is unable to see what he is writing. As a result he usually becomes confused as to how he has previously disguised and ends by providing a quite normal specimen of his writing.

At Singapore in a case involving certain words which had been obliterated by making lines up and down through the line of writing, a local document examiner discovered that by making a photograph of the writing and then painting out the obliterating strokes with white ink, he could easily read the original writing.

In the British Government Laboratory in Cardiff, Wales, rubber-erased areas are disclosed by sprinkling ordinary pencil graphite on the paper. When it has served its purpose this graphite can be removed by patting with silicone putty. It was gratifying to find various types of research are being done in laboratories throughout the world.

In Japan and in Germany the United States Army maintains a well-equipped laboratory devoted to the scientific examination of questioned documents and other physical evidence. These laboratories work cooperatively with foreign law enforcement agencies and have done much to increase good will between nations.

Questioned document problems in most countries are very similar to those in the United States. Since most of the questions which arise concerning a document are much alike, the equipment required

and the qualifications of document experts are relatively the same throughout the world. The leading laboratories have the usual microscopes, ultraviolet light generators, infrared instruments and films, color filters, measuring instruments, testing chemicals, lighting and photographic equipment similar to those in laboratories of document examiners in this country. In fact many countries have sent a technician to the United States or elsewhere to observe established laboratories prior to setting up their own.

While the problems and equipment are quite similar, the method of presenting evidence varies greatly from one country to another. In some countries there are no juries. In such places the evidence is presented to a judge or to a panel of judges. In certain jurisdictions the verbal testimony of the expert may not be given, but instead his written report is introduced into evidence. Thus, the expert's report is a most important part of his work. Often the report of the document expert is required to be filed prior to the trial for the use of both sides. In other instances a copy must be made available in a criminal case to the attorney for the defendant as well as to the attorney for the prosecution. In some countries if the experts disagree, the judge may appoint a court's expert, and his report is frequently accepted as deciding the issue.

In countries where a report is filed before the hearing as part of the case record, the trial judge is presumed to have read the report before the trial. Often for one reason or another, however, the judge does not do so, or if he does read the report, he fails to understand it. As a result it is a common complaint of the document examiner that justice is not done because the expert evidence did not receive proper consideration. On the other hand judges claim many experts are not qualified or are actually dishonest.

Generally speaking, document examiners throughout the world are men of serious intent who recognize their responsibility to serve the ends of justice. Unfortunately, however, as in all professions, there are some individuals who are ill-adapted to the work of document examination, or who are not well qualified, or who lack the moral stamina essential to the proper carrying on of this important work. The foregoing relates to one of the main purposes of visiting document examiners in other lands, namely to ascertain what questioned document problems arise in different countries, the laboratory equipment used, and the manner of presenting evidence in court. A further purpose

was to ascertain how document examiners are trained, and the degree of ability attained. A still further and a very important purpose was to interest document examiners, both private and government, in forming associations for the exchange of information and ideas so that experts everywhere could keep abreast of progress.

As a result of numerous interviews in many countries, the conclusion is reached that there are two requirements which must be met if questioned document work is to attain its highest potential throughout the world in serving the ends of justice. These, succinctly stated, are as follows:

1. Improve the qualifications of document examiners everywhere and establish and maintain high ethical standards.

2. Convince judges, lawyers, jurors, and all those who have to do with the administration of justice that there are honest, well-qualified document examiners having the necessary scientific equipment, whose reports and testimony can be relied upon.

It seems certain in the natural course of events that as document examiners become universally more highly skilled, the more favorably impressed will be those who must pass judgment on their findings.

In some foreign countries governmental document examiners are sent for training to an already established document section in another country. As an illustration, the chief document examiner in the government laboratory in Singapore was a man who trained in the government laboratory in Colombo, Ceylon, and the Colombo experts in turn had been trained elsewhere—two of them in England and one in Canada. However, in many places there seems to be no training program whatever. Many document examiners in private practice in foreign countries are former police officers with some previous experience in examining documents, or retired experts from government laboratories, or men who studied in the office of a private document examiner or who had only the opportunity to study the books and literature on the subject.

Apparently, in most countries including the United States no standards have been established as to educational background and training necessary for one to qualify as a document examiner. Perhaps the nearest solution to this problem in the United States has been reached by the American Society of Questioned Document Examiners. This organization requires that a prospective regular member must first become an associate

member for two or more years, during which time he is required to pursue a questioned document course of study. Finally, he must pass an examination before he is eligible to become a regular member of the Society.

The most frequent questions asked by document examiners everywhere were: "How can I become a member of the American Society of Questioned Document Examiners?" or "How can I become a member of the American Academy of Forensic Sciences?" "Is there any periodical published which is devoted to the subject of questioned documents?" "Is there a comprehensive course of study given in any accredited university which will thoroughly qualify one as an examiner of questioned documents?"

Unfortunately, there is no such training course available in any university in the United States, in the Orient, or in Europe. This points up the need for some systematic method of thoroughly training document examiners, either through associations comprised of qualified document examiners who could administer such a course of training, or through a university, or both.

There are certain questions which arise concerning a comprehensive training course in a university. Would such a course encourage a greater number of students to become document examiners than could find employment? Would such a course of training to a limited number of students be an economically sound project for a university to undertake? Is anyone available to teach such a course who is qualified both as document examiner and as teacher? Is it feasible to try to train document examiners in a classroom or must the subject be taught apprentice-style in the office of another document examiner?

The questions listed in the foregoing paragraph can all be answered in the affirmative. Perhaps in times past all of these questions arose concerning the training of dentists, lawyers, doctors, and chemists. Today a university education is generally compulsory in most countries before one can engage in these professions.

The population of the world is increasing rapidly. More questioned document cases arise now than ever before. Judges, lawyers, and jurors are becoming more scientific-minded, and they expect questioned document problems to be handled according to scientific procedures.

If a comprehensive four-year course of training were established in a first-class university in the

United States, undoubtedly questioned document students would attend from other countries as well as from this country. A class of fifteen to twenty students, it seems, would be feasible, making the project economically sound from the university standpoint, and that number of graduates per year could undoubtedly find employment.

It may take some time to establish a comprehensive questioned document course in a university. In the meantime it would be advantageous if associations were formed throughout the world for educational purposes and for the unrestricted exchange of information and ideas. It is hoped that the seed for this forward step has been planted as a result of interviews already held.

The work of a questioned document examiner when properly carried on is part and parcel of the administration of justice. The history of civilization has been a struggle to obtain justice. Today there is a staunch effort in many lands to obtain a greater degree of freedom. Freedom is tied-in warp and woof with this subject of justice. Justice is the bulwark of freedom.

SUMMARY

The profession of questioned document examination has gradually assumed great importance in the administration of justice. The problems which arise concerning the authenticity of a document are generally the same everywhere. The laboratory equipment needed to solve these problems and demonstrate reasons for conclusions reached are likewise similar, but the manner of presenting document evidence in court varies.

Document examiners generally desire to keep abreast of improvements in techniques and equipment, but at the present time they have no established means of exchanging information and ideas.

There is need for a suitable training program that will enable document examiners to become more highly qualified. Likewise there is need for the establishment of and adherence to high ethical standards.

A university course of training for document examiners is proposed. It is further urged that associations be formed by document examiners in various areas, and that a system of interchange of information and ideas can be established, not only between the individuals in the respective associations but also between these associations throughout the free world.