

COMMENTARY

Why Forensic Document Examiners' Training Must Be for a Minimum of 24 Months

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In February of 2005, the Guideline for Training of Forensic Document Examiners (FDEs) was approved by the E30.02 Subcommittee of the American Society of Testing and Materials International (ASTM).¹ Strong opposition to the guideline's requirement of a minimum 24-month fundamental training period was proffered by many individuals (hereinafter termed "opponents") who do not meet this requirement. Here presented are some of the opposition arguments against, and responses in support of, the 24-month resident training for FDEs.

1. Opponents against the 24-month resident training feature of the new ASTM International Training Guideline for FDEs apparently operate without regard for the widespread challenges against FDEs as experts in courts. Challenges against FDE experts generally reference Federal Rule of Evidence Rule 702,² which states, "*a witness (is) qualified as an expert by knowledge, skill, experience, training, or education.*" To meet the "training or education" aspects of Rule 702, DNA, trace chemistry, drug chemistry, and other forensic disciplines are bolstered by hard science degrees. Without the support of related hard science degrees, the importance of 24-month resident training for FDEs has

grown significantly. The 24-month resident training involves a full-time internship with a structured curriculum of readings; practical exercises; and written, practical, and oral examinations. Central to the training is the student's learning to observe, evaluate, and reach correct conclusions in examinations. It is the extensive nature of the training that has helped convince many courts to recognize the legitimacy of forensic document examination in meeting Daubert³ criteria.^{4,5,6}

2. Some opponents argue that the 24-month resident training period for FDEs is arbitrary and can be shortened. This viewpoint is incorrect and self-serving. Most of these opponents claim personal nonresident training of less than 24 months, while others received part-time training for periods exceeding 4 years. Twenty years ago this author supervised a formal, resident military program that trained document examiners. At that time, 24 months was barely adequate to cover all the material needed to train the students. With the vast increases in FDE literature⁷ and FDE-related technological advances (computers and desktop publishing, facsimile machines, etc.) during the intervening years, it is more logical to argue that FDE training should be increased beyond 24 months, not reduced.
3. Opponents contend that handwriting examination expertise and related FDE training can be learned in less than 24 months. This would not be without consequences. Handwriting training requires that a student

examine many thousands of handwritings and hand printings. This is essential to develop a student's ability to properly evaluate the relative value of handwriting features in a comparison examination. Reducing a 24-month training period would directly reduce the number of writing samples studied and thus adversely impact the quality of the training. Even if the handwriting portion of the training were not reduced, reductions elsewhere in the training would adversely impact the quality of the training in nonhandwriting areas.

4. Many opponents contend that effective handwriting training can occur on a nonresident, part-time basis for longer than 4 years. This seems unlikely. Students must develop knowledge of writing features that are common or uncommon in order to assess their importance during the handwriting identification comparison process. The student's mental *form retention* of these handwriting features is a key element in FDE training. The benefits of a concentrated, resident 24-month period in developing this *form retention* are evidenced by the many successful graduates of this training format. Part-time, nonresident training beyond 4 years is simply illogical with regard to the effective development of handwriting feature *form retention*.
5. Opponents advocating recognition of part-time, nonresident FDE training involving 48 months and longer have argued that FDE training is similar to a college degree program. They contend that many colleges allow 7 years and longer to accumulate the required credit hours for a degree; therefore, FDE training can also occur on an intermittent, extended basis. This is false logic, as FDE training differs significantly from college degree programs. Most college degree programs require mastery of elective courses only for the duration of the course. Aside from courses involving a student's major and minor courses of study, there are few requirements to carry course knowledge past graduation. Conversely, FDE training is cumulative, requiring mastery of all course materials during and after the training. Reinforcement of the training then follows with daily case examinations. Prolonged, part-time training would not provide the solid core of knowledge that FDE students need to build upon with daily case reinforcement.
6. Opponents promoting extended, nonresident training also contend that training can be conducted through distance learning or by correspondence. This completely disregards the value of a resident trainer. Properly trained FDEs understand that training must involve resident, side-by-side training between an experienced FDE trainer and student. Training cannot occur by correspondence⁸ or with only infrequent personal interaction between the student and trainer. Student exposure to numerous handwritings must occur under direct supervision of an experienced trainer. An experienced FDE trainer must point out what is important and what is of lesser importance in the comparison examination process for handwriting and other examinations. One cannot train oneself to properly assess similarities and differences for handwriting and other comparison examinations.⁹
7. Some opponents contend that recent on-line viewing technology supports the legitimacy of distance learning. This contention is flawed, as it fails to recognize the limitations of on-line viewing technology in regards to FDE training. Handwriting examination requires that an examiner be able to easily view numerous documents spread out over 1 or more tables. Though viewing 2 computer screen images can be effective for examining 2 enlarged fingerprints, the technology falters when applied to handwriting examination. Two or more computer screens may show 2 or more writings in limited detail, but they are inadequate to display the fine, 3-dimensional details of numerous actual documents. Opponents advocating on-line distance training have overlooked this basic requirement of the handwriting examination process.
8. Opponents have argued the legitimacy of students finishing shorter training periods involving handwriting training only, particularly if the students then restrict their practice to handwriting examinations. This proposition is faulty. A partially trained practitioner would not have the requisite knowledge to recognize and protect potential evidence involving topic matters

they had not studied. Additionally, restricting training and work to handwriting fails to meet the job description in ASTM International E444-98 Standard Descriptions of Scope of Work Relating to Forensic Document Examiners. A student must invest the time and resources required in a full 24-month resident training program or not claim to be an FDE.

9. Opponents contend that a 24-month training period is something new that has been brought about to belittle in court those without 24-month core training. This is untrue. Resident training of 24 months is neither a recent¹⁰ nor arbitrary requirement, but rather a longstanding industry standard,¹¹ at least with regard to "mainstream Osbornian"¹² forensic document examination. The U.S. Army Criminal Investigation Laboratory has used a formal 24-month program of instruction to train its FDE students since the 1960s. The Army's formal training program was shared and has assisted in FDE training at many federal, state, metropolitan, and private laboratories across the United States. The bylaws of the Questioned Document Section of the American Academy of Forensic Sciences have required a minimum of 2 years of training for membership since 1989. The American Society of Questioned Document Examiners, though initially inclined to require 3 years of training, has required a minimum 24-month training period of its members since the beginning of the organization in 1942. Finally, the American Board of Forensic Document Examiners has required a minimum 24-month training period of its diplomates since its inception in 1977.
10. Opponents contend that a 24-month resident training program can only be attained with the resources of a large government laboratory. This contention implies that (1) due to limitations in resources there will be a shortage of FDEs; and (2) since everyone who wishes to become an FDE cannot meet the 24-month standard, the standard should be lowered. The 1st issue here is flawed in its logic. It is true that there is a shortage of FDEs with proper 24-month resident training. However, a shortage of properly trained FDEs is better than having a supplemental group of FDEs who do not

have proper 24-month resident training. The 2nd contention is false, as it denies the existence of the many private document examiners and small government laboratory examiners who have completed a 24-month training program. The 24-month resident training standard should not be lowered simply to accommodate those without the time or resources to meet it.

In June 2005, the ASTM International Main Committee adopted the E2388 Standard Guide for the Minimum Training Requirements for Forensic Document Examiners.¹³ This guideline stipulates that FDE training shall involve a minimum 24-month initial/fundamental training period. The importance of ASTM International published standards in legitimizing the FDE field in courts, particularly in view of the many Daubert assaults on the discipline, is well known. With the adoption of this guideline, the concept of 24 months for FDE core training can no longer be legitimately contested.

Completion of 24-month resident training has been a primary factor separating opponents from mainstream/orthodox Osbornian FDEs. The majority of the "experts" who oppose Osbornian FDEs in courts are opponents without 24-month resident training. This is a significant problem, as most courts fail to distinguish between opponents without resident training and Osbornians with 24-month resident training. The parties most likely to have erred in these confrontations are those without 24-month resident training. This is supported by Kam studies^{14,15} that confirmed the skills of Osbornian FDEs with 24-month resident training who participated in his testing. Professor Andre Moenssens pointed out that "the differences in methodologies of the 2 groups make it almost certain that differences of opinion on authorship questions will arise frequently."¹⁶ This is the crux of the argument over 24-month training: improperly trained opponents contradict properly trained FDEs in courts too frequently. That courts have permitted opponents to testify as handwriting experts speaks more to the courts having lowered the standards for handwriting experts than to the legitimacy of the opponents' training and expert skills.¹⁷ As time passes, it is hoped that fewer courts will admit the testimony of opponents without 24-month resident training.

Footnotes

- 1 Originally known as the American Society for Testing and Materials (ASTM).
- 2 *Wolf v. Ramsey*, 253 F. Supp. 2d 1323, 1344 (N. Dist. Ga. 2003): "Wong is not qualified to provide expert testimony....Wong has never taken a certification exam, completed an accreditation course in document examination, and been an apprentice to an ABFDE certified document examiner."
- 3 *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993).
- 4 *U.S. v. Prime*, 220 F. Supp. 2d 1203 (W.D. Wash. 2002), p. 7. "At the Secret Service, she (Storer) underwent a three-year apprenticeship or training program...."
- 5 *U.S. v. Feingold*, No. CR 02-0976-PHX-SMM (D. Ariz. April 28, 2004), p. 7. "Mr. Flynn...completed a 2-year apprenticeship in document examination."
- 6 *U.S. v. Jones*, 107 F.2d 1147 (6th Cir. 1997), p. 12. "To train for his job, he (Sperry) completed a two year in-residence course in questioned documents...."
- 7 The Questioned Document Article Reference Collection (QDARC) now residing with the American Society of Questioned Document Examiners (ASQDE) has grown to more than 7,000 items.
- 8 *U.S. v. Bourgeois*, 950 F.2d 980 (1992): The Court held that training through a correspondence school does not qualify a witness to offer expert testimony in document examination.
- 9 Epstein, Gideon; Hines, Mark; and Lerner, James (1992). Forensic Document Examination Training in the United States. Presented at the Annual Meeting of the American Academy of Forensic Sciences, New Orleans, LA, p. 6.
- 10 Baxter, P. G. (1970). The Training of Questioned Document Examiners. *Medicine Science and Law*, Vol. X, p. 80, "two years' duration...is...considered long enough to enable some elementary casework to be undertaken, under supervision...."
- 11 Curvey, Clifford E. and McCarthy, John F. (1975). Workshop on Establishment of a Training Program. Presented at the FBI Academy, Quantico, VA, p. 14.
- 12 Risinger, D. Michael and Saks, Michael J. (1996). Science and Nonscience in the Courts: Daubert Meets Handwriting Identification Expertise. *Iowa Law Review*, Vol. 82, p. 33.
- 13 This guideline is currently pending final review and publication by ASTM International.
- 14 Kam, Moshe; Fielding, Gabriel; and Conn, Robert (1997). Writer Identification by Professional Document Examiners. *Journal of Forensic Sciences*, Vol. 42, pp. 778-786.
- 15 Kam, Moshe; Gummadidala, Kishore; Fielding, Gabriel; and Conn, Robert (2001). Signature Authentication by Forensic Document Examiners. *Journal of Forensic Sciences*, 46, pp. 884-888.
- 16 Moenssens, Andre A. (1997). Handwriting Identification Evidence in the Post-Daubert World. *UMKC Law Review*, Vol. 66 (Winter), p. 266.
- 17 *Ibid.* p. 271.