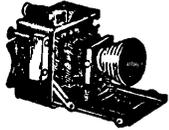




THE PRINT

Official Publication of the Southern California Association of Fingerprint Officers
An Association for Scientific Investigation and Identification Since 1937

January/February 2001 Volume 17 Issue # 1



OFFICERS 2001

PRESIDENT

Bob Goss
San Bernardino Police Dept.
(909) 388-4904
goss@scafo.org

FIRST VICE PRESIDENT

George Durgin
Escondido Police Department -Retired
(760) 233-2074
durgin@scafo.org

SECOND VICE PRESIDENT

Steven Tillmann
Los Angeles Sheriff's Dept.
(213) 989-5107
tillmann@scafo.org

SECRETARY

Ed Palma
San Diego Police Department
(619) 531-2573
palma@scafo.org

SERGEANT AT ARMS

Marvin Spreyne
Riverside District Attorney's Office
(760) 863-8984
spreyne@scafo.org

CHAIRMAN OF THE BOARD

Art Coleman
Oceanside Police Dept.
(760) 435-4630
coleman@scafo.org

DIRECTOR

Tony Clark-Stewart
Glenn Mor Identifications
(818) 761-8081
clark-stewart@scafo.org

DIRECTOR

Susan Garcia
Los Angeles Sheriff's Dept.
(562) 940-0248
garcia@scafo.org

DIRECTOR

Elaine Sena-Brown
Santa Monica Police Dept.
(310) 458-8497
sena-brown@scafo.org

DIRECTOR

Rodrigo Viesca
Chula Vista Police Department
(619) 691-5274
viesca@scafo.org

HISTORIAN

William F. Leo
Los Angeles Sheriff's Dept.
(562) 940-0248
leo@scafo.org

TREASURER

James Lawson
NCIS-San Diego
(619) 556-1390
lawson@scafo.org

PARLIAMENTARIN

Clint Fullen
San Diego Police Dept. - Retired
(858) 259-2853
fullen@scafo.org

EDITOR

Alan McRoberts
Los Angeles Sheriff's Dept.
(562) 940-0248 x 278
mroberts@scafo.org

SCAFO WEBSITE
<http://www.scafo.org>

Fingerprint Identification Objective Science or Subjective Opinion?

(The following original article was submitted by the author.)

By **WILLIAM F. LEO, B.S., C.L.P.E.**

Los Angeles Sheriff's Department
Scientific Services Bureau - Latent Print Section

In *People v. Jennings*, the landmark 1911 case accepting fingerprint evidence in United States courts, Chief Justice Carter stated as part of his opinion that “— there is a scientific basis for the system of fingerprint identification and that the courts are justified in admitting this class of evidence.¹” By 1999 the standards for acceptance of scientific evidence had changed. A hearing to challenge scientific evidence in the Federal Court System and in many state courts is now referred to as a Daubert Hearing. The first Daubert hearing challenging fingerprint identification occurred in *U.S. v. Byron Mitchell*,² an armored car robbery trial. One of the arguments used to attack the fingerprint identification was the allegation that fingerprint identification is subjective. Another portion of the argument was the lack of an objective standard for identifications, therefore conclusions reached by the latent print examiner are merely subjective opinions that lack scientific reliability. These arguments have become the common thread during Daubert hearings and other attacks on friction skin identification.

The main argument is basically, if fingerprint identification is subjective, it is not science. So what exactly do the words subjective and objective mean?

Webster's New World Dictionary, College Edition provides the following definitions:

SUBJECTIVE: 1. Affected by, or produced by the mind or a particular state of mind; resulting from the feelings or temperament of the subject, or person thinking, rather than the attributes of the object thought of: as, a subjective judgement. 2. Determined by and emphasizing the ideas, thoughts, feelings, etc. of the artist, writer, or speaker. 3. In *grammar*, nominative. 4. In *philosophy*, having to do with any of the elements in apprehension or a perception derived from the limitations of the mind rather than from reality independent of mind. 5. In *medicine*, designating or of a symptom or condition perceptible only to the patient. 6. In *psychology*, a) existing or originating within the observer's mind and, hence, incapable of being checked externally or verified by other persons. b) introspective.

OBJECTIVE: 1. Of or having to do with a material object. 2. Having actual existence or reality. 3. a. Uninfluenced by emotions or personal prejudices: *an objective critic*. b. Based on observable phenomena; presented factually: *an objective appraisal*. 4. *Medicine*. Indicating a symptom or condition perceived

as a sign of disease by someone other than the person affected. **OBJECTIVE** *n.* 1. Something that actually exists.

Cambridge Online Dictionary simplifies the definitions:

SUBJECTIVE:

Influenced by or based on personal belief or feelings, rather than based on facts.

OBJECTIVE: Not influenced by personal beliefs or feelings; based on real facts. It's an admirably objective

and impartial report. Science is usually concerned only with objective facts that can be proved or disproved. Objectively: Judges are supposed to weigh the evidence in each case logically and objectively.

The results of a fingerprint comparison are far more than just the subjective opinion of the examiner. In the legal arena, expert witness testimony is presented as opinion testimony, not because the conclusion is someone's personal opinion, but because it is a conclusion that the lay person is incapable of forming.³ The conclusion reached by the latent print examiner is an "interpretation or conclusion by trained individuals after conducting an examination employing scientific principles,--- that are reproducible."⁴ Regardless of the scientific or technical discipline, the purpose of the expert witness in the legal system is to interpret information and form a conclusion that a jury of lay persons would be incapable of doing. If a person without any training in the area of fingerprint identification would provide an opinion as to an identification, that opinion would be subjective and based on personal feelings, rather than skill, and would sound something like "it looks the same to me." A fingerprint examiner's conclusion is not based upon a personal opinion, but rather on an evaluation of the detail present using knowledge and skills acquired through training, education, and experience.

Very few forms of scientific evidence could be better described as objective than the identification of a latent print by a skilled examiner. This was noted in the written opinion of the Honorable David Hamilton for the Daubert Hearing in U.S. v. Havvard,⁵ when Judge Hamilton stated:

*Judge Hamilton stated:
"In fact, after going through this analysis, the court believes that latent print identification is the very archetype of reliable expert testimony under those [Daubert] standards."*

"... latent print identification easily satisfies the standards of reliability In fact, after going through this analysis, the court believes that latent print identification is the very archetype of reliable expert testimony under those [Daubert] standards."

Some of the Daubert Hearings into fingerprint identification are the result of fingerprint examiners incorrectly stating that the identification process or its results are subjective. One noted fingerprint examiner, David Ashbaugh, states that the conclusion reached by a fingerprint examiner

is subjective because it is "based on the knowledge and ability of the examiner."⁶ This is not a correct interpretation of the word subjective, but closely resembles the legal definition of an expert witness. Training, education, and experience are the tangible assets that form the foundation of an examiner's expertise and are not created in the examiner's mind. A fingerprint examiner's knowledge and ability can be and is tested, is documented and can be verified, and is evaluated by the courts and juries every time the examiner takes the witness stand.

A fingerprint identification is the result of a comparison of the unique features present in the two prints being compared. The comparison process is done in a methodical way using the scientific methodology now commonly referred to as ACE/V (Analysis, Comparison, Evaluation, and Verification). The detail or features present are analyzed. The detail present in the two prints is compared, and an evaluation of that detail takes place to determine if both prints came from the same source. After an identification is made, the process is repeated during the verification process by another examiner. Something subjective is not based on the attributes of the object being examined, such as the features of a fingerprint, but rather on the feelings of the examiner, and feelings are not verifiable.

One of the cornerstone principles of scientific evidence and its examination is that it is not influenced by the mood, emotions, or the personal prejudices of the examiner. Subjectiveness is based solely on personal feelings.

It has been argued that the only true science is mathematics. Fingerprint identification shares many things in common with mathematics. One is that there is only one correct answer to every problem. In fingerprint identification every impression could have

come from only one source and therefore there is only one correct conclusion to every comparison. The ability to arrive at the correct conclusion is affected by the quality of the impressions being compared and the skill of the examiner.⁷ In mathematics, the ability to come to a correct conclusion is based on the complexity of the problem and the skill of the mathematician. Skill is not subjective.

The argument that there is no objective standard for identifications is also incorrect. This argument is based solely on the fact that some would prefer a preconceived arbitrary numerical standard. This type of standard would not apply to a unique event and therefore would not be founded in science. This type of simpler standard was the norm in the early 1900's. The research into the complex formation of friction skin and over 100 years of empirical knowledge, validation, and testing have allowed us to abandon this simpler way of thinking. A numerical standard reflects a lack of knowledge of the complexity and uniqueness of what is being compared and satisfies only the uninformed or simpleminded.

Currently, there are, in fact, many objective standards in place for friction skin identification. By using the tenet that acknowledges that every area of friction skin is unique and that the dynamics of every comparison is, in itself, unique and is influenced by the quality and quantity of the features present is in itself a standard based on the scientific research into the formation of friction skin. This standard has been acknowledged and accepted by the courts. The fact that latent print examiners avoid probable or possible identifications which lack any scientific foundation is a standard. Verification is also a standard. The requirement that another examiner independently examine and verify identifications prior to reporting is, in fact, a very high objective standard that has been acknowledged by several courts during Daubert challenges.

As of this writing, there have been eleven Daubert challenges to fingerprint identification and the score is 11 to 0 in favor of the science of fingerprints.

In conclusion, the examination of a "dimpled chad" on a ballot to determine a "voter's intent" is a subjective opinion. The conclusion reached during the methodical comparison of two fingerprint images by a skilled latent print examiner to determine if they were made by the same source is objective science.

The argument that there is no objective standard for identifications is also incorrect.

Footnotes:

1. United States Department of Justice, Fingerprints, (Washington, D.C.: United States Government Printing Office, 1934) pg 22. [Referring to People vs. Jennings, 252 Ill., 534; and 96 Northeastern Reporter, 1077.]
2. United States v. Byron Mitchell, Criminal Case No. 96-00407, United States District Court for the Eastern District of Pennsylvania, 1999.
3. Jones, Tom, "Opinion vs. Conclusion," The Print, 14(1) January/February 1998, p 9. [Available online at www.scafo.org]
4. Plumtree, Wayne, "Expert Opinion – Fact or Fiction? Responsibilities of the Expert Witness," The Print, 10(2), February 1994, pp 3-6. [Available online at www.scafo.org]
5. United States v. Wade Havvard, Criminal Case No. IP 00-43-CR-01 H/F, October 5, 2000, United States District Court, Southern District of Indiana. [Available online www.scafo.org]
6. Ashbaugh, David, Quantitative-Qualitative Friction Ridge Analysis (Boca Raton, Florida: CRC Press, 1999) pg 146.
7. Vanderkolk, John R., "Forensic Individualization of Images Using Quality and Quantity of Information," Journal of Forensic Identification, vol 49 #3 (1999): pp 246-256.

(Editor-- Once again, past president and author of several significant articles, Bill Leo explains relevant terminology which is commonly misused or mis-stated in our profession. Another superb explanation of important terminology "Distortion vs. Dissimilarities" can be found on the SCAFO website at www.scafo.org/library/150201.html)



Court Challenges to Fingerprints

With the 1991 Federal Court ruling in *Daubert vs. Merrill Pharmaceutical Company*, new guidelines for the admission of scientific evidence were established for Federal Courts and States using the Federal Rules of Evidence.

This court ruling has opened the door for defense attorneys to attempt to challenge even the long accepted testimony of fingerprint experts. To date, their efforts have been thwarted by competent and knowledgeable experts and counsel in several cases. The courts have dismissed the challenges in several other cases without the delay of a hearing. Examiners can expect these challenges to continue until the courts elect to consistently dismiss the challenges, the critics tire of their futile efforts, or until the Supreme Court provides a definitive and binding decision.

The following list of cases is provided as references which can be used in the support of fingerprints. For California experts it should be noted that while our state courts have not adopted the Federal Rules of Evidence at this time, the same issues are being raised under *Frye* (note the *Nawi* case in San Francisco). On the SCAFO website (www.scafo.org), a new section for court challenges has been established. In this section the list of cases (same information as below) is available in a format for easy printing and distribution. Various documents from several of the cases are also available within the website or via links to other websites. This documentation includes motions (defense and/or prosecution) and rulings or press releases as available. It is important that all examiners become aware of some of the strategies used to attack fingerprint evidence and prepare themselves to answer the challenges. This information may also be vital for attorneys wanting to utilize fingerprints in adjudicating a legal matter.

In the course of these challenges the names of several opponents to the current use of fingerprints have surfaced. Professor **James Starrs** of George Washington University, Dr. **Simon A. Cole** of Rutgers University, and Dr. **David Stoney** of the McCrone Research Institute, were involved in the *Bryon Mitchell* case. Dr. Cole recently published an article in the Academic Journal "*LinguaFranca*." The

article, *The Myth of Fingerprints - A forensic science stands trial* is available online at www.linguafranca.com/print/0011/feature_fingerprints.html. [An authoritative refuting of Cole's account of the *Bryon Mitchell* case can be read in an editorial entitled *Simon Says* by David Grieve in the January / February 2001 issue of the *Journal of Forensic Identification*, pp. 85 - 97.) As these names (Starrs, Cole, and Stoney) may appear inconspicuously on a witness list, examiners should recognize these names and notify their counsel of these individual's background and involvement in recent court challenges to the use of fingerprints.]

CASE #1: U.S. v. Byron Mitchell, Criminal Action No. 96-407, U.S. District Court for the Eastern District of Pennsylvania

DATE and LOCATION of DAUBERT HEARING: July 7-13, 1999; Philadelphia, PA

JUDGE: Hon. J. Curtis Joyner

ATTORNEYS:

Prosecution: AUSA Paul Sarmousakis

Defense: Leigh Skipper, Robert Epstein

GOVERNMENT WITNESSES:

William Babler, Marquette University

David Ashbaugh, Royal Canadian Mounted Police

Edward German, U.S. Army Crime Laboratory

Stephen Meagher, FBI

Don Ziesig, Lockheed Martin Corp.

Bruce Budowle, FBI

Pat Wertheim, Fingerprint Consultant

DEFENSE WITNESSES:

Marilyn Peterman, Defense Investigator

James Starrs, George Washington University

David Stoney, McCrone Institute

Simon Cole, Rutgers University

DECISION: Oral decision presented by Judge Joyner on 9/13/99. The defense motion to exclude fingerprint evidence and testimony was denied. The government's motion to exclude the defense witnesses (Starrs, Stoney and Cole) was granted; exception was Stoney could testify to the specific latent prints in question as to their identity with the defendant. (Stoney did not testify at trial.) Government request for judicial notice was granted for two premises: 1) "...that human friction ridges are unique and permanent throughout the area of friction ridge skin, including small friction ridge areas..." and 2) "...friction ridge skin arrangements are unique and permanent..." No written decision. No Solicitation issue.

CASE #2: Anthony Golden v. County of Los Angeles, et.al., Case No. CV 97-6140 CAS., U.S. District Court for the Central District of California.

DATE and LOCATION of DAUBERT HEARING:
September 24, 1999; Los Angeles, CA

JUDGE: Hon. Christina A. Snyder

ATTORNEYS:

Plaintiff: Ellen Hammill Allison
Defendant: Los Angeles Principal Deputy County Council Dennis M. Gonzales

GOVERNMENT WITNESS:

William Leo, Los Angeles Sheriff's Department

PLANTIFF WITNESS:

DECISION: The motion to exclude the fingerprint evidence and testimony was denied. The plaintiff filed a written motion to exclude fingerprint evidence patterned after the motions in the U.S. v. Byron Mitchell Daubert Hearing. (Of interest -- this is the first attack on fingerprint in a civil rights lawsuit. During the examination of the government witness, the attack on the fingerprint evidence included the failure of the Los Angeles Sheriff's Department to follow national standards or procedures. The expert responded that the guidelines established by SWGFAST were followed to include training of fingerprint examiners, the comparison process and verification.)

CASE #3: U.S. v. Hilerdieu Alteme, Case No. 99-8131, U.S. District Court for the Southern District of Florida, Ft. Lauderdale Division

DATE and LOCATION of DAUBERT HEARING: April 3-6, 2000; Ft. Lauderdale, FL

JUDGE: Hon. Lurana S. Snow

ATTORNEYS:

Prosecution: AUSA Karen Atkinson
Defense: Timothy Day

GOVERNMENT WITNESSES:

William Babler, Marquette University
Stephen Meagher, FBI
Bruce Budowle, FBI

DEFENSE WITNESSES:

David Stoney, McCrone Institute

DECISION: Written decision issued on 4/7/00. Defense motion to exclude fingerprint evidence and testimony denied. (Note: The defense questioned both Budowle and Meagher regarding the NIJ solicitation.)

CASE #4: People v. Torres, Court No. BA145133, Department 101, Superior Court of the County of Los Angeles

DATE and LOCATION of HEARING: No Hearing

JUDGE: Hon. William Pounders

ATTORNEYS:

Prosecution: Stephen Frankland, Deputy District Attorney
Defense:

GOVERNMENT WITNESSES: None

DEFENSE WITNESSES: None

DECISION: Defendant filed a Motion In Limine to Suppress Fingerprint Evidence and Testimony. Court denied motion without a Daubert hearing and defendant pled guilty on 5/15/00.

CASE #5: U.S. v. Stanley Leon Obanion, Jr. and Joseph Brooks Robinson, Criminal No. DKC-98-0442, U.S. District Court for the District of Maryland

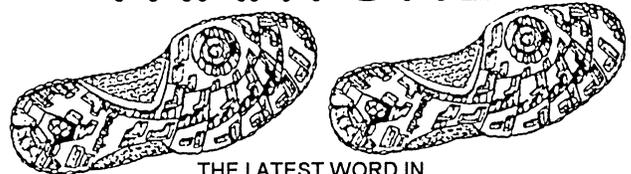
DATE and LOCATION of DAUBERT HEARING: June, 2000; Beltsville, MD

JUDGE: Hon. Deborah Chasanow

ATTORNEYS:

Prosecutor: AUSA Jan Paul Miller
Defense: John Chamble and Fred Warren Bennett

TRAXTONE™



THE LATEST WORD IN

CASTING

A NEW AND SUPERIOR CASTING MATERIAL

WITH MIXING INDICATOR PIGMENTS

- CONVENIENT 1½ LB. BAGS
- AVAILABLE IN KIT FORM
- SHORT SETTING TIME
- HIGH COMPRESSION STRENGTH
- LOW EXPANSION FACTOR
- NEARLY MISTAKE PROOF

GIVE US A CALL FOR MORE INFORMATION

(800) 377-0450

EVI-PAQ PHOENIX, AZ

GOVERNMENT WITNESSES: None

DEFENSE WITNESSES: None

DECISION: The Judge heard arguments but no witnesses testified. The Judge ruled from the bench (no written decision) that the defense motion to exclude fingerprint evidence and testimony be denied. (Of interest -- the defense used the NIJ solicitation as part of its argument. The Judge took it into consideration and ruled to deny the request.)

**CASE #6: U.S. v. Williams, Criminal No. 00-5263T,
Western District of Washington, Tacoma Division**

DATE and LOCATION of DAUBERT HEARING: July 7, 2000

JUDGE:

ATTORNEYS:

Prosecution: AUSA Robb London
Defense:

GOVERNMENT WITNESSES: None

DEFENSE WITNESSES: None

DECISION: Defendant filed a Motion to Suppress Expert Opinion on Identification. On 7/7/00 the motion was denied without a hearing.

**CASE #7: U.S. v. Wade Havvard, Case No. IP
00-43-CR-01, U.S. District Court, Southern District
of Indiana, Indianapolis Division**

DATE and LOCATION of DAUBERT HEARING:
September 11, 2000; Indianapolis, IN

JUDGE: Hon. David F. Hamilton

ATTORNEYS:

Prosecution: AUSA Susan Dowd
Defense: William Marsh

GOVERNMENT WITNESSES: Stephen Meagher, FBI

DEFENSE WITNESSES: None

DECISION: Written decision filed 10/5/00. Defense motion to exclude fingerprint evidence and testimony denied. (This is the first published opinion)

**CASE #8: (Modified Frye Hearing - 402 hearing)
State of California v. Robert Nawi; 176527; Superior
Court of the State of California**

DATE and LOCATION OF HEARING: October 10,
2000; San Francisco, CA

JUDGE: Hon. Leonard Louie

ATTORNEYS:

Prosecution: John Farrell
Defense: Michael Burt

GOVERNMENT WITNESSES:

Kenneth Moses (retired San Francisco PD)

DEFENSE WITNESSES: None; (defense requested court to subpoena and pay expert witness fees for David Stoney and Simon Cole. Judge denied.)

DECISION: Modified Frye hearing (402 hearing) challenging fingerprint expert procedures, standards and verifiability of the standards. Defense presented same arguments as U.S. v Mitchell filings. Defense motion to exclude fingerprint evidence and testimony denied.

**CASE #9: State of Georgia vs. Jeffrey Vincent McGee;
Indictment No. 99-CR-277; Superior Court of
Carroll County**

DATE and LOCATION of DAUBERT HEARING:
October 27, 2000; Carrollton, GA

JUDGE: Hon. Aubrey Duffey

ATTORNEYS:

Prosecution: Anne Allen
Defense: Michael Mears

GOVERNMENT WITNESSES: Stephen Meagher, FBI

DEFENSE WITNESSES: Lanny Cox; Lou Cuente; Jeffrey Kovac; David Stoney
Lanny Cox was crime scene investigator for GBI and Lou Cuente was GBI latent print expert. Defense called them to testify to their procedures, standards and verifiability of their standards. This is in line with Harper decision in Georgia as opposed to Daubert decision in Federal court. Dr. Kovac, Ph.D., Prof. of Chemistry, Univ. of Tenn., testified to what constitutes science and ethics in science. Stoney testified as to his perception of latent print examinations and that it is not science because statistical probabilities are not used to establish a minimum number of points needed to individualize.

DECISION: The motion to exclude the fingerprint evidence and testimony was denied. The written decision included the following: "This court will take judicial notice of the fact that the fingerprints of each human being are different from those of any other human being and that said individual fingerprints are permanent and that they are not altered by the passing of time or by degenerative physical disorder or traumatic event; That the fingerprint identification of individuals has been accepted as accurate by all state and Federal courts of the United States as well as by the courts throughout the entire world for at least the past 80 years, ..." "This court therefore concludes that despite

numerous legal challenges in state and federal courts, the courts have held that fingerprint identification has reached a scientific stage of verifiable certainty and; this court finds that fingerprint identification is reliable evidence ..."

CASE #10: U.S. v Graham Rogers, Criminal No. CR-90-1BR, U.S. District Court for the Eastern District of North Carolina

DATE and LOCATION of DAUBERT HEARING:
December 6-7, 2000; Richmond, North Carolina

JUDGE: Hon. W. Earl Britt

ATTORNEYS:

Prosecution: AUSA Dennis Duffy
Defense:

GOVERNMENT WITNESSES:

Robert Schumann, U.S. Secret Service
Vici Inlow, U.S. Secret Service

DEFENSE WITNESSES: None

DECISION: Trial had begun and several witnesses had testified. Prior to fingerprint evidence being given, the defense offered NIJ solicitation as basis for a Daubert hearing. Being toward the end of the day, the Judge stated he would review the solicitation overnight. The prosecution offered the NIJ letter dated 6/20/00 and prior court decisions. The next day the Judge heard oral arguments from the attorneys and ruled that a Daubert Hearing was not necessary and further, concurred with the Havvard decision.

CASE #11: (Frye Hearing) U.S. v William Baker, et al; Superior Court of the District of Columbia; (Four defendant trial.) Actual motion was filed under U.S. v Bryant C. Woodland, Criminal Number F-2377-00.)

DATE and LOCATION of HEARING:
November 13, 2000; Washington D.C.

JUDGE: Hon. Russell Canan

ATTORNEYS:

Prosecution: AUSA Jeff Beatrice
Defense: Douglas Wham, Sharon Burka, Russell Hairston, Carlos Vanegas

GOVERNMENT WITNESSES: Stephen Meagher
Due to scheduling conflict and at end of the day, there was no cross-examination by defense at that time. Rescheduled to continue at a later date.

DEFENSE WITNESSES: None. Prof. James Starrs, George Washington University, was proffered as the defense witness, but after Government witness testimony no defense witness testimony was presented

and no need for cross-examination of government's witness.

DECISION: Defense motion was withdrawn.

(Editor -- I would like to thank Steve Meagher for the majority of the information presented in this column. Additionally, I would thank SCAFO past president Bill Leo, and also John Vanderkolk, Indiana State Crime Lab, for their contributions to this compilation of information. On behalf of our profession, I would also extend a special thanks to each of the prosecution witnesses, prosecutors and the judges who have so aptly applied the law to our science.)

SPECIAL REQUEST: Readers are encouraged to submit information on additional Daubert type challenges, rulings, or any related documentation not available via the SCAFO website. It is SCAFO's intention to maintain an up-to-date listing of cases involving challenges to the fingerprint evidence, to track these cases, and to provide a readily available source of information for fingerprint examiners, researchers and officers of the court. Please submit any additional information or documentation to editor@scafo.org or by mail addressed to: Alan McRoberts, PO Box 892006, Temecula, CA 92589-2006.



We have what you need:

- crime scene investigation equipment
- latent print development supplies
- supplies for rolling fingerprints
- Forensic Light Sources
- fluorescent powders and dyes
- textbooks and video training tapes
- protective clothing
- magnifying glasses
- casting materials and frames
- narcotics test kits
- photographic scales and rulers
- cans, bags and boxes for physical evidence
- and much, much more...

Call for a
free catalog!

Lightning Powder Company, Inc.
1230 Hoyt Street SE
Salem, Oregon 97302-2121
Tel. 503-585-9900 or 800-852-0300
FAX 503-588-03-98 or 800-588-03-99
e-mail 75464.2054@compuserve.com

Attorneys challenge fingerprint evidence

(This article is reprinted from the September 2, 2000 issue of The Seattle Times)

By **STEVE MILETICH**
Staff Writer

Federal public defenders representing terrorism suspect Ahmed Ressam want a federal judge to re-examine the admissibility of fingerprint evidence - evidence accepted in U.S. courts for nearly a century.

Ressam's fingerprints were found on timing devices seized from the trunk of a rental car he was driving when arrested in Port Angeles in December, according to the FBI. The trunk also contained powerful explosives, investigators said.

Ressam's car was searched by U.S. Customs inspectors after he arrived aboard a ferry from Victoria, B.C.

Federal officials say Ressam's arrest helped them break up a terrorist plot to set off bombs during the New Year's Eve millennium celebration. Seattle, New York and Washington, D.C., were identified as a possible targets.

The prints give federal prosecutors evidence to counter a potential claim by Ressam that he didn't know what was in the trunk.

But Ressam's attorneys argue in their request that fingerprint identification has never been scientifically proved.

"Latent fingerprint examiners have been testifying as experts in this country since the beginning of the 20th Century," the attorneys said in a motion filed yesterday in U.S. District Court in Seattle.

"But the trial court judges that initially permitted latent fingerprint examiners to testify did not act as the 'gatekeepers' envisioned under current legal standards, they said.

Unlike DNA evidence, they said, no testing has been done to support the premise that no two people can share the same fingerprint.

There also has been no testing to support the conclusion that examiners can reliably identify prints that "invariably have some unknown degree of distortion and variability from the actual fingerprint of the person who left the latent print," the attorneys said.

Their motion, which will be reviewed by U.S. District Judge John Coughenour, faces a high hurdle. Fingerprints were first accepted by an English court in 1902 and were admitted for the first time in the U.S. in a 1911 case in Illinois. Ressam, an Algerian national who had been living in Montreal, was indicted earlier this year on nine criminal charges, including one count accusing him of conspiring to commit a terrorist act at an unspecified site in the U.S.

Fingerprint evidence allowed in bomb trial

(This article is reprinted from the January 11, 2001 issue of the Seattle Post.)

By **SAM SKOLNIK**
SEATTLE POST-INTELLIGENCER REPORTER

Fingerprint evidence that had been challenged by defense lawyers may be admitted by prosecutors in the upcoming trial of accused terrorist Ahmed Ressam, U.S. District Judge John Coughenour has ruled.

The FBI says Ressam's fingerprints were found on a timing device discovered in the trunk of his rental car along with powerful explosives. Customs agents stopped the car -- and arrested Ressam -- in Port Angeles on Dec. 14, 1999.

The device, prosecutors believe, was to be used to detonate a bomb at millennium celebrations in the United States.

In September, lawyers for the 33-year-old Algerian national filed a motion challenging admissibility of the fingerprints.

"There has been a complete absence of scientific testing of the fundamental premises of fingerprint identification," federal defender Tom Hillier argued in his brief.

On Jan. 4, Coughenour denied the defense request, as expected.

"The expert testimony of the government's fingerprint examiner, establishing that the defendant's fingerprint was on the timing device ... will be allowed," the judge wrote. "The court takes judicial notice that over 100 years, no two different fingers have ever been found to have the same fingerprint, and that fingerprints are permanent and unique to an individual."

Early last year, a federal grand jury indicted Ressam on nine criminal charges, including one count that he conspired to commit a terrorist act in the United States. An alleged co-conspirator, Abdelmajid Dahoumane, was indicted at the same time.

Published reports recently have suggested that Dahoumane was arrested in Algeria late last year.

Ressam's trial will begin March 12 in U.S. District Court in Los Angeles.

(Editor -- The Ressam case makes the count twelve to zero. As soon as additional information is gathered, this case will also be posted on the SCAFO website.)

S.C.A.F.O. Board Meeting

Held January 13, 2001 at Oceanside, CA.

Minutes of the Meeting

Chairman Art Coleman, at about 9:15 A.M, called the Board meeting to Order.

President Bob Goss presented a list of names of current Board Members and Meeting Agenda.

In attendance:

Bob Goss, President
George Durgin, First Vice President
Steve Tillmann, Second Vice President
Ed Palma, Secretary
Marvin Spreyne, Sergeant at Arms
Art Coleman, Chairman of the Board
Rodrigo Viesca, Director
Tony Clark-Stewart, Director
Susan Garcia, Director
Elaine Sena-Brown, Director
Bill Leo, Historian
Jim Lawson, Treasurer
Clint Fullen, Parliamentarian
Alan McRoberts, Editor

1st Item: Rio Hondo College issue: At issue was the publication of the SCAFO letter sent to Rio Hondo College. Diana Castro presented explaining her position as an instructor at Rio Hondo College. Following Diana, Janice Cavanaugh and Marilyn Downs presented their concerns.

President Robert Goss opened the Rio Hondo issue for discussion. Members of the Board asked questions to clarify Rio Hondo's program. Treasurer Jim Lawson forwarded a motion to form a committee to investigate the Rio Hondo Issue. Seconded by Director Marvin Spreyne.

Historian Bill Leo presented a chronological explanation that lead to the publication of the letter.

After discussion, at the suggestion of Editor McRoberts, the Board moved to allow Diana, Janice and Marilyn to submit to the Board a curriculum vita of the College's Administration of Justice program and P.O.S.T. evaluations of classes presently given at the College. Treasurer Jim Lawson moved to withdraw his motion at this time.

2nd Item: President Robert Goss requested new Board Members to submit their address, telephone numbers and email addresses to Editor Alan McRoberts to update SCAFO letterhead.

3rd Item: Treasurer Jim Lawson presented an itemized financial statement.

Previous Balance	\$9,745.43
Income Year 2000	\$46,429.15
Total	\$56,174.58
Total Expenses	\$45,574.04

Current Balance \$10,600.54

Mr. Lawson stated that he had no knowledge of outstanding assets such as promotional items in possession of Board Members.

President Goss mentioned that there might be a need to order additional promotional shirts to replenish certain sizes.

Chairman Art Coleman asked if there are any motions to accept Treasurer's report.

Motion to Accept: Second Vice President Steve Tillmann

Second: First Vice President George Durgin

No oppose; motion passed

4th Item: Editor's itemized financial report presented by Editor Alan McRoberts. Total Expenses \$6,280.02

Motion to Accept: Chairman Art Coleman

Second: Sergeant of Arms Marvin Spreyne

No oppose; motion passed

5th Item: President Goss discussed SCAFO dinner reservation concerns. Individuals without reservations could be asked to pay an additional five-dollar fee. Members and guests who RSVP but fail to show-up will be billed for the cost of the dinner. President Goss reiterated a continuation of notices to this effect should be posted in the dinner announcements.

President Goss stated that the reimbursement cost of door prizes is too high; the dinner host is responsible for the door prizes. Donations of door prizes are welcomed but reimbursements to anyone other than the dinner host need to be approved and authorized by the dinner host. The rule-of-thumb for door prize expenditure is one-dollar per person attending.

6th Issue: Editor Alan McRoberts discussed a possible opportunity for SCAFO to co-sponsor an International Symposium in the Southern California area with a potential audience of four to five hundred. The anticipated time frame would be February or March, 2002. A request was made for SCAFO to continue negotiations for such a symposium.

Motion to Accept: Sergeant of Arms Marvin Spreyne
Second: Historian Bill Leo

No discussion; no oppose; motion passed

7th Issue: Annual Training: First Vice President George Durgin is chair for the Annual Training this year. He discussed attempting to get top-rate speakers like Dr. Babbler (skin researcher) or Mr. David Ashbaugh for both days (Friday and Saturday).

8th Issue: Purchasing computer for the Editor: For the past 7 years the Editor has used his own computer. Chairman Art Coleman received price quotes from several computer vendors regarding desk and laptop models.

Discussion on the issue centered on cost and which model would be best suited for the Editor. It was decided that the laptop would be best so the editor can maintain the SCAFO web site in a timely manner. The board agreed the purchase price should not exceed \$3,200. Director Bill Leo offered to assemble some training classes similar to others (court training) held in the past to recoup the cost of the computer.

Motion to Accept: Director Tony Clark-Stewart
Second: Director Susan Garcia

No discussion; no oppose; motion passed

9th Issue: Tom Jones recent article featured in "The Print" about equal protection for the civilian Crime Scene Worker. President Goss stated that SCAFO and CSDIAI should lobby for equal protection, as do Peace Officer unions and organizations.

First Vice President Durgin mentioned the timing might be right given how the State is involved in providing funding for crime laboratories.

Issues were raised about SCAFO's position on political involvement. Historian Bill Leo commented that promoting legislation is not the same as supporting a political candidate. Treasurer Jim Lawson read aloud Article 9 Duties of Members.

Editor Alan McRoberts: It's hard to change by laws

but if and when the Board is united a change would be possible. President Goss: He would move forward with his own initiative and may look for SCAFO support.

10th Issue: President Goss briefed the Board on the status of a particular membership application. Chairman Art Coleman read the letter he wrote dated September 1, 2000. President Goss then read to the Board a letter received from the applicant. The President stated he would respond to the letter.

11th Issue: Schedule of up-coming meetings:

February 3, 2001 La Habra –hosted by Second Vice President Steve Tillman.

April 7, 2001 Knott's Berry Farm - hosted by Chairman Art Coleman.

June 2, 2001 to be announced - hosted by Director's Elaine Sena-Brown and Susan Garcia.

August 4, 2001 to be announced - hosted by Director's Elaine Sena-Brown and Susan Garcia.

December 1, 2001 to be announced - hosted by First Vice President George Durgin.

February 2, 2002 to be announced – hosted by Editor Alan McRoberts.

April 6, 2002 to be announced – hosted by President Bob Goss.

ANNOUNCEMENTS:

Director Tony Clark-Stewart announced that CSDIAI is taking nominations for Board of Directors and Secretary/Treasurer

President Goss made a motion to adjourn.

Motion to Accept: Director Susan Garcia Second: Elaine Sena-Brown

Minutes Submitted by Secretary Ed Palma.

~ ~ **Support our advertisers** ~ ~

PRESIDENT'S MESSAGE

This is truly exciting and I am honored to be your president for the year 2001. Trying to remember back to 1991 when I applied for membership to this great organization has reminded me of the awesome talent and expertise that I have seen seated at the meetings and training seminars. The encouragement and knowledge gained from current and past members will be my support to do a good job for you.

I hope that you and your families had a joyous and safe holiday season. Dana and I would like to take this moment to wish all a memorable and prosperous new year.

Well now, what can you expect in the upcoming year? The Executive Board meeting held in Oceanside was hosted by Art Coleman. The Board established the meeting dates and hosts. You should see the minutes in this issue of The Print.

First Vice President George Durgin is working on a location and speakers for this year's 11th annual training seminar. More to follow when a site, a date and speakers are selected. Any volunteers for this committee please contact George.

At the Board meeting, Janis Cavanaugh, Diana Castro and Marilyn Downs presented their position on the facts listed in a letter SCAFO sent to Rio Hondo College and published early last year. Following their presentation board members discussed the letter and findings by last year's board. At the conclusion of the discussion the Board took no action to change or amend letter. The Board moved to allow Janice, Diana and Marilyn to submit to the Board a curriculum vita of the

College's Administration of justice program and P.O.S.T. evaluations of classes presently given at the College. Upon approval by the Board their curriculum could be posted in The Print.

In closing, let me say that I am looking forward to a very active and interesting year. Over the past nine years we have grown in leaps and bounds. We are one of the best professional organizational groups in the world.

Look in the next issue of the Print for more of my ideas.

See you at Knott's Berry Farm,

Bob



SCAFO Meeting
April 7, 2001

Host: Chairman Art Coleman
coleman@scafo.org

Past President's Night

Knott's Berry Farm
Buena Park, CA

(detailed announcement to be mailed mid-March)

"Every man owes a part of his time and money to the business or industry in which he is engaged. No man has a moral right to withhold his support from an organization that is striving to improve conditions within his sphere."

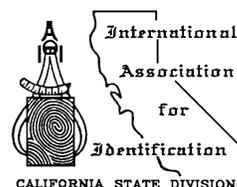
- President Theodore Roosevelt - 1908

For subscription or membership information contact:

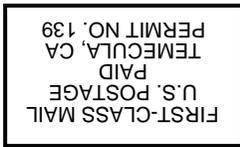
S.C.A.F.O. Steve Tillmann, Secretary
2020 West Beverly Blvd., Los Angeles CA 90057
(213) 989-5107 email tillmann@scafo.org
\$20.00 yearly subscription (attendance required for membership)
\$30.00 yearly for International subscriptions

C.S.D.I.A.I. Ashley R. Crooker
1521 Annie Court, Tracy CA 95376-2269
(209) 832-8236
\$25.00 yearly membership

I.A.I. Joseph P. Polski, Secretary-Treasurer
2535 Pilot Knob Road, Suite 117, Mendota Heights, MN 55120
(612) 681-8566 (612) 681-8443 FAX
\$60.00 yearly membership



Return Service Requested



S.C.A.F.O.
2020 West Beverly Blvd.
Los Angeles, CA 90057-2404

in this issue

pg.

- 1 Fingerprint Identification Objective Science or Subjective Opinion?
- 4 Court Challenges to Fingerprints
- 8 Attorneys challenge fingerprint evidence
- 9 Minutes - Executive Board Meeting
- 11 President's Message



SCAFO Members
get "yourname@scafo.org"

See instructions on the website's email page.

-- Upcoming Events/Schools/Seminars--

March 19th - 23rd, 2001

Toronto Police Service 15th Annual Forensic Identification Seminar
www.torontopolice.on.ca/fis/seminar.html

April 7, 2001

S.C.A.F.O. Meeting
Host Art Coleman
Oceanside Police Dept.
Past President's Night at Knott's Berry Farm

April 9 - 13, 2001

Nevada Div. IAI Educational Conference
Las Vegas, Nevada

April 30 - May 3, 2001

CSDIAI 85th Annual Training Seminar
Concord, CA

June 2, 2001

S.C.A.F.O. Meeting
Host Susan Garcia
Los Angeles Sheriff's Dept
Steven's Steak House, City of Commerce

June 26 - 30, 2001

International Crime Conference
100 Years of Fingerprints at New Scotland Yard
London, UK

July 22 - 28, 2001

International Association for Identification
Miami, FL

August 4 - 10, 2002

International Association for Identification
Las Vegas, Nevada

Call for Dates

Field Evidence Technician Course
Center for Criminal Justice
California State University, Long Beach
(562) 985-4940

Southern California Association of Fingerprint Officers
An Association for Scientific Investigation and Identification Since 1937