**QUESTIONED DOCUMENT EXAMINATION**

**6.1. INTRODUCTION TO QUESTIONED DOCUMENT EXAMINATION**

Questioned documents Examination is one of the emerging branch of forensic science which merely involve in examination of numerous type of disputed documents, including examination of disputed wills, forged cheques, altered receipts, ransom notes and anonymous letters, etc... During the process of question document examination, the core vision of document examiner is to divulge information contained within the questioned documents using identification skill and forensic tool. **(Jackson and Jackson 254 - 255)**

Albert S. Osborn, was born on March 26, 1858, who is considered as the Father of Questioned Documents for his pioneering contribution in area of document examination. **J. Nordby** states that according to J. Newton Baker’s book, *The Law of Disputed and Forged Documents,* “forgery was practiced from the earliest times in every country where writing was the medium of communication.” **(357)**

**DOCUMENT**

Originating from the Latin Documentum meaning lesson - the verb doceō means to teach, and is pronounced similarly, in the past it was usually used as a term for a written proof used as evidence. (Wikipedia, <https://en.wikipedia.org/wiki/Document>)

Document is defined as “Any material encompassing marks, symbols, or signs that convey a message to a group of people or an individual, it could be handwritten text or computer-generated text”. **(Kelly and Lindblom 9).**

**QUESTIONED DOCUMENT**

**A. Huber** in his book *“Handwriting Identification: Facts and Fundamentals”* states that “Forensic document examination is the study of physical evidence, and physical evidence cannot lie. Only its interpretation can err. Only the failure to find it, or to hear its true testimony can deprive it of its value.”**(24).** Questioned Document (also known as Disputed Documents) is any written or printed type of documents whose authenticity is in dispute or the source is unknown.Questioned documents include forged passport, cheques, wills, currency, etc… Handwritten documents by unconventional writing instrument on unconventional surface are also categorized in questioned documents. In which variety of unconventional writing instruments like blood, paint, lipstick, kajal, etc… can be used on numerous unconventional surfaces like wall, mirrors, tables, etc… **(Siegel and Mirakovits 251, 252)**

**QUESTIONED DOCUMENT EXAMINER**

During 1800s, in Europe questioned document examination was started as a profession, when the photographers extended their professions to an examination of questioned documents. But it was hard to accept this profession due to famous publicised erroneous evidence in the “Dreyfus Case” given by Alphonse Bertillon, a photographer and the inventor of anthropometry. Albert S. Osborn, the first, foremost treatise of the profession and John H. Wigmore, Dean of Northwestern University Law School who continuously condemned the limiting rules of evidence concerning to the acceptability of document examination. The profession of document examination was endorsed by United States Law in 1913 under Section 1731, Title 28 U.S. Code, and stated, “The admitted or proved handwriting of any person shall be admissible for purposes of comparison to determine genuineness of other handwriting attributed to such person”. **(Saferstein 674, 675)**

When, how, and who has prepared the document? Are the few types of questions which can be answered by a skilled Forensic Document Examiner (FDEs) or Questioned Document Examiner who compares questioned documents with known documents in discovery the origins/writers. The FDEs must have to give a logical reason with explanations regarding the opinion given by them. **(James and Nordby 357, 358)**

**HISTORY OF QUESTIONED DOCUMENTS**

**Third Century** – During the time of Titus and Anthony in third century, a protocols was established for resolving the forgery of third century by writers of law as document forgery was common. **(NIST)**

 **Sixth Century** – Justinian Code in sixth century established further more guidelines for the examination of handwriting of sixth century in courts and give a report on the authentication of documents **(NIST).**

**1681** – During 1632 – 1707 a French monk named Jean Mabillon published *“De Re Diplomatica”*, based on analysis and verification of documents. **(Lerner and Lerner 570)**

**1795** - William Henry Ireland an Englishman, claimed that he had a manuscript handwritten by William Shakespeare of the play Kynge Leare which was proven as a forged document after the examination of twenty distinct watermark among its leaves by Edward Malone. **(Lerner and Lerner 569, 570)**

**1800s** – Photographers attempted to extend the business to the examination of questioned document. Due to highly erroneous evidence of Alphonse Bertillon in famous “Dreyfus Case”, it was difficult for one and all to accept the profession of questioned document examiner. **(Saferstein 674, 675)**

**1887** – The Ohio Supreme Court in United State of America recognized the importance of handwriting for identifying a person.

**1900** – One of the earliest treatises was Daniel T. Ames known as “Ames on Forgery” by the founder of the Penman’s Art Journal, penmanship author and “Examiner of Contested 1900 Contested Handwriting in Courts of Justice”.

**1910** – Albert Sherman Osborn published his first book *“Questioned Documents”*. Albert Sherman Osborn with John H. Wigmore continuously condemned the limiting rules of evidence concerning to the acceptability of document examination.

**1913** – United States Law in 1913 under Section 1731, Title 28 U.S. Code., and stated, “The admitted or proved handwriting of any person shall be admissible for purposes of comparison to determine genuineness of other handwriting attributed to such person”. **(Saferstein 674, 675)**

**1922** – *“The Problem of Proof”* is regarded as classic books in the field of questioned document examination given by Albert Sherman Osborn.

**1929** – Scientific Crime Detection Laboratory in Chicago began in 1929 by John H. Wigmore. It was the first forensic laboratory started under private endowment and affiliated with Northewestern University School of Law.

**1942** – Albert Sherman Osborn started American Society of Questioned Document started in 1942 as a first president after a long discussion on issues of questioned documents in the society.

**1956** - John LaMarca was identified by FBI experts after detailed sift of 75,000 police record signatures in the case of kidnapping and murder of Peter Weinberger.

**1959 -** *“Evidential Documents”* a complete guide was written by James V. P. Conway with detailed introduction about the field for trial lawyer.

**1977** – American Board of Forensic Document Examiners (ABFDE’s) aims to safeguard the public interest by ensuring that anyone who claims to be a specialist in forensic document examination does, in fact, possess the necessary skills and qualifications.

**1982** – Ordway Hilton published the revised edition of *“Scientific Examination of Questioned Documents”.*

**NATURE AND PROBLEMS DOCUMENT EXAMINATION**

**Problems**

Number of problems occurred during examination of questioned documents, few are listed below:

* Identification of writers on the basis of their initials?
* Do nonalphabetic characters play an important role in identification of writers?
* Examination of Disguised document
* Examination of burned documents
* Examination of torn documents
* Can Synchronous Writings be distinguished from Asynchronous Writings? **(Huber and Headrick 156 – 177)**

**CLASSIFICATION OF DOCUMENTS**

**NATURAL VARIATION**

Natural variation is yet another important element that must be considered during examination of handwriting. Only machine or human effort can reproduce identical act. Writing of an individual is made up of a complexity of habitual patterns repeated within a typical range of variation around the model patterns; the individuality of typewriting is influenced to some extent by the variation in the depth of impression and “play” in the moving parts of the machine; paper has its tolerances of composition and physical dimensions. In the case of handwriting the proper consideration of natural variation is essential in order to distinguish between forged and genuine writing.12 Regardless of the class of problem, variation is ever present and must be accurately evaluated. It is as much a basic part of the identification as each identifying characteristic itself. (Hilton 10)

**REFERENCE**

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