

Solicitors & Investigators Guide

For Questioned Document Examination

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COLLECTING KNOWN DOCUMENTS FOR COMPARISON

To help us support our opinion satisfactorily to the court, we recommend you provide us with as many valid known documents referred to as standards as possible at the beginning of the case. Standards also called Exemplars, are legally admissible authentic samples of handwriting used for comparison with questioned writing. We use them to enable us to form an opinion concerning the authenticity of handwriting in dispute.

There are two kinds of standards (informal which are documents previously executed and known to be genuine) and formal (which are request writing samples). Standards are also called known handwriting samples.

Handwriting identification depends on the quality of the known writing. One of the most important steps in the investigation of suspected or disputed writing is the procurement of sufficient genuine writing samples. Legal advisers and investigating officers must be able to anticipate the document examiner's needs in the way of comparative material. Sufficient suitable material facilitates the work of the expert in establishing the master pattern or habits of the writer in order to avoid errors and inconclusions. A document examiner who must work with insufficient writing has a more difficult task and may not be able to draw adequate conclusions from the limited material.

Informal handwriting exemplars are more reliable for comparison purposes than request writing. Since informal writing was written in the normal course of business, it more accurately reflects the subconscious habits of the writer. Self-consciousness or consciousness enters into the request writing process. Even when there is no attempt to disguise request writing, it may not represent the normal subconscious habits of the writer.

If informal standards are not sufficient or suitable for comparison purposes, request writing should be taken from the victim as well as any suspects. Often the only way to obtain comparable handwriting samples is through request writing. There are some disadvantages to request writing that must be taken into consideration.

DISADVANTAGES OF REQUEST WRITING SAMPLES

Request writing taken after the incident may not be as close to the date of the questioned writing as informal documents executed in the normal course of business. Courts consider request writing taken after the fact as self-serving and may not allow it. Some writers will deliberately disguise their request handwriting. The person taking the request writing needs to take this into consideration. It may be difficult or impossible to duplicate the writing environment of the suspect document in order to obtain comparable documents. The writer may not be available for request writing or circumstances may have caused changes that make it impossible to obtain similar request writing samples.

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COLLECTING INFORMAL STANDARDS

Standards must be suitable for comparison with the questioned writing. Since handwriting can be found on many different types of surfaces, comparison materials should, when possible, duplicate the conditions under which the questioned document was executed. While this is usually done with request writing, it may be harder to locate informal writing samples that meet these criteria. Locating material to be used as evidence may require considerable effort on the part of the investigator. Comparison materials should, when possible, be written under the same conditions under which the questioned documents were executed. While this is the standard method of taking request writing, it is impossible to control the writing environment of informal writing samples.

Try to obtain signatures that are similar to the questioned signature. If the questioned signature is in ink, get signatures in ink, if it is in pencil; get documents written in pencil for comparison. If the questioned document is on lined paper, find documents written on lined paper. If the questioned document contains handprinting, collect documents that are handprinted.

Where no similar documents are available, try to locate documents whose authenticity can be verified such as cancelled checks that have been accepted by a bank. Other documents executed in the regular course of business are also suitable. See our list of suggested sources.

The date of the questioned writing must be taken into consideration when looking for suitable comparable documents. While an adult's handwriting may remain constant for many years, writing habits normally change over time so that an outdated standard may be unsatisfactory for comparison purposes. All writing samples are not of equal value and some may be of no value at all.

When gathering handwriting for comparison purposes, it is necessary to keep in mind that various factors cause changes in handwriting. Age and illness may lead to the deterioration of writing skills, which can be an important consideration in a disputed Will case. A teenager's handwriting may change drastically in as short a time frame as a year. A drug addict may undergo a radical change in handwriting as his addiction takes over. Handwriting samples taken prior to the addiction are not going to accurately reflect later writing. See the list of illnesses which may influence handwriting on our web site.

Handwriting changes gradually over a person's lifetime but some factors can cause drastic changes in handwriting in a short period of time. Therefore it is essential to compare handwriting from a similar time frame and under similar conditions. Trauma such as stroke, illness, or loss of a spouse; or medication, or substance abuse can affect handwriting. If a person's writing has changed drastically around the time the questioned document was executed, there may not be comparable material available.

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Ideally, writing executed around the date of the questioned material should be used for comparison purposes, some dated shortly before and after the date of the questioned material. What time frame is considered suitable? Documents executed within two to three years are most suitable. If these are not available, documents dating further from the questioned material may be used. Do not rely on present-day writing exclusively, if possible.

Make sure the handwriting exemplars are not in dispute and that they can be authenticated. Any uncontradicted testimony of competent eyewitnesses who saw the execution of the writing can be used to verify its authenticity. Courts accept the testimony of the author admitting genuineness or someone to whom the author has admitted genuineness. The testimony of a person who received writing from the author and acted on it is also valid, though not necessarily accurate. Documents executed in the normal course of business are frequently used for comparison purposes, which include negotiable instruments such as checks, contracts, and other business documents.

Document examiners have given erroneous conclusions based on forged standards. When the standards have been fabricated by the same writer as the forged material, an opinion of authenticity based on false information will occur. Document examiners mistakenly identified Adolph Hitler as the author of the Hitler Diaries because they used forged standards of Hitler for comparison.

HOW MANY SAMPLES OF HANDWRITING ARE NEEDED?

The type of case determines the number of standards that the document examiner needs for comparison with the questioned documents. Always try to collect as many samples as possible because it is more important to have suitable undisputed samples than a large quantity of little comparable value. Cases have been won in court using a single known signature to support the authenticity of a questioned document. One signature is sufficient when all the characteristics of handwriting match. When proving that an individual did not write a questioned document, it is necessary to obtain a larger range of writing. Ideally, the average would be twenty to twenty-five signatures and four to five pages of handwriting preferably written at different times. However, due to the practicalities involved, in practice, we often only receive about half of that number to work with.

More known documents are needed if the writer has a wide range of variation or an oversimplified signature, while only a few signatures would suffice if the writer is consistent. An oversimplified signature is one that contains few changes of direction and is usually an illegible scrawl. Oversimplified signatures are easier to imitate than more complex signatures that contain more changes of direction and more stylized letter forms.

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When a questioned signature shows obvious signs of forgery not present in the known signature, one known signature should be enough to prove non-genuineness. Forged writing often contains tremor or has a drawn look.

A single signature would be sufficient to determine the facts when the questioned signatures are written with a higher skill level than the suspected writer could execute. However, it is better to have more standards whenever possible. The document examiner must evaluate the standards to determine if he or she has sufficient suitable material to render an accurate opinion.

SUITABLE STANDARDS

Cancelled checks, contracts, applications, and business letters make suitable exemplars or standards. The writing can be properly identified, the date can be verified, and the habits of the writer can be studied. Additional standards may be needed if the words on the disputed writing do not match the standards.

Ideally, original writing should be available for the scrutiny of the document examiner.

Original writing is always better than a photocopy or a facsimile. If it is impossible to obtain original documents, a first generation photocopy should be supplied. The original documents should be requested whenever the adverse party supplies a photocopy. Intermediate tones are almost always lost in a photocopy because it aims to secure the greatest possible contrast. Subsequent generations of photocopies may drop sufficient detail, rendering them unusable. Please see our suggested list of sources of handwriting and signatures on our site.

Documents similar in nature will make the best standards. For example, contracts should be compared with contracts, and cancelled checks with cancelled checks. Capital letters should be compared with capital letters, lower case letters should be compared with lower case and unconnected lower case with unconnected lower case. You also need to compare documents using the same kind of writing instrument for example, ink with ink, and pencil with pencil. Try to find writing on similar documents. People often have more than one style signature depending on the document being executed. Cheques may be executed in a more careless manner than wills and contracts.

There are many characteristics of handwriting that can be compared besides letter forms and connecting strokes. Document examiners compare line quality, pressure patterns, size and proportions, spacing, slant, baseline, and utilization of space. Document examiners can compare similar letters such as "N" and "M," and "P" and "R"; circle letters and loops can be compared. Therefore, all available handwriting samples should be given to a document examiner.

While it may be possible to make a match with only a few standards, the more standards available the better. Collect as many samples of handwriting, including signatures, as

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possible. It is necessary to collect enough handwriting samples to enable the expert to render a professional opinion. How much is enough? Enough would be sufficient standards to eliminate any other writer as the author of a document.

CASES IN WHICH NO STANDARDS ARE NEEDED

There are some cases in which no Standards are needed to prove spuriousness. Since no one can write his signature exactly the same way twice, identical signatures are generally evidence of non-genuineness. This would include traced forgeries, scanned signatures, or even freehand simulations, as well as cut and paste signatures.

Some writers use signature stamps and autopens as legitimate signatures making it necessary to determine the nature of the signatures before an opinion of non-genuineness is given. Signs of forgery are indicative of non-genuineness. Documents that contain indications of tracing can be identified without known signatures. Evidence of tracing the signature would be a groove or guideline along the signature line or residue of pencil or carbon. When a questioned signature matches the handwriting of another writer, identification can be made that that individual penned the writing. In this case, no known signatures of the victim are needed for comparison. Writing of the impaired or illiterate can be identified as spurious if the questioned writing exceeds the ability of the known writer. A high skill level signature of an impaired individual can be rejected without comparison documents.

REQUEST WRITING

Request Writings are handwriting samples made at the request and under the supervision of solicitors, the police, document examinations and investigators for the purpose of comparison with questioned writing. Please visit our request writing web page for more information.

*Adapted and excerpted from Attorney's Guide to Document Examination.
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