



April 9, 2024

Fingerprint Case Issues

Between 2017 and 2024 several types of issues were discovered in the casework prepared by law enforcement friction ridge examiners as a result of a case review of the evidence. These issues were broken down into two groups, misconduct and incompetence. There were some issues that straddled the two categories. In those cases, I chose to place them in the incompetence category.

In each and every case, these issues could have been caught by agency supervisors.

Misconduct – Unethical Practices

- False positive fingerprint evidence that was verified and discovered the day before the trial.
- Stating a latent was insufficient when it clearly was sufficient for exclusion purposes and not attributable to the defendant.
- Stating a print comparison resulted in a decision of inconclusive when it was clearly an exclusion. (A few cases)
- The use of level three detail features as dactyloscopic points.
- Dissimilarities not addressed. (Several cases)
- Identified print not verified as the officer stated in the report.
- Statements about the fragility and durability of a print that are unsupportable.
- Opining on what a person was doing when the print was deposited. Aka. Leaps of faith. (A few cases)

- The use of several foil (Known print records - Aka. Detractor prints) where the overwhelming majority of the known print classifications were different to the classification of the latent print.
- Cheating – Using an AFIS / Case AFIS program to inform an examiner where the level two features within the latent print were located. The examiner then marked up another digital copy of the latent print using the exact same features (even the bad choices). Each image had a time and date stamp with the computer annotation having the time and date stamped in the image.

Incompetence - Laziness

- Failure to appropriately document the analysis phase of ACE-V (Numerous cases)
- Unsupported utility statements (Numerous cases)
- Failure to appropriately document the comparison phase of ACE-V (Almost every case)
- Failure to document any aspect of a fingerprint examination. (Several cases)
- Overstating conclusions (Several cases)
- Use of equipment where the examiner has not been trained to do so. (Laser)
- White powder used with white backing cards (No photo of latent)
- The use of a known live scan print record that was found to not be taken by the employee whose credentials appeared on the fingerprint form. This employee reported off duty but left themselves logged into the live scan system. The agency was unable to determine who took the known print record.
- Incorrect known offender record numbers reported.
- Receiving disclosure of photographs containing watermarks of the agency logo (Consequently significantly lower quality images) when original unaltered photographs were requested. (Several instances)
- The examiner noted red flag issues but did not address the issues.
- The examiner testified to observing level four detail. (Does not exist)

- Statements about the absence of level three detail where there were hundreds of examples of level three detail were visible in a latent print (A few cases)

These issues illustrate why case reviews are important.

These issues were discovered despite the unnecessarily large amount of disclosure and unwieldy reports provided to the criminal defense advocates in these matters. In most cases if the evidence was properly documented, the disclosure would be significantly smaller, taking far less time and effort to accomplish.

In Canada, transparency in law enforcement operations does not really exist, even between law enforcement agencies. The consequence of not shining daylight on these issues is that law enforcement agencies can continue poor practices and know that in the very near future, the issues will likely be forgotten.

Change will have to occur at some point in the Canadian forensic identification community if law enforcement agencies wish to continue to use scientific friction ridge evidence in their occurrences. The amount of pain the Canadian forensic identification community is willing to tolerate will be entirely up to their leadership.

Shane Turnidge

SSTForensics