

**The Bill Blackwood  
Law Enforcement Management Institute of Texas**

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**Recognition and Use of Fingerprint Evidence  
For  
Investigative Purposes**

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**An Administrative Research Paper  
Submitted in Partial Fulfillment  
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## **ABSTRACT**

The concept of recognizing and using fingerprint evidence as a means to increase police efficiency, especially in high profile cases has become the priority of most police agencies in Texas and through out the world. Evidence that the individuality of fingerprints, though not put to practical use, dawned recurrently through the ages.

Fingerprints are unique. The fingerprint has proven to be a reliable and accurate means of Identification. Fingerprint identification is based on the premise that no two individuals have identical fingerprints and that, unlike appearance, fingerprints do not change throughout a person's life.

In order to assess the potential impact of criminal profiling on the Texas justice system, a sample of Texas police departments in Texas was surveyed and the results were compared against available data. Law enforcement opinion indicated a wide use of recognition and use of fingerprint evidence.

It is concluded that the recognition and use of fingerprint evidence in Texas, although widely used and valued has not yet been fully adapted into its full potential to increase police efficiency.

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## **Introduction**

This paper will attempt to address the issues and problems of properly evaluating and applying fingerprint evidence during early phases of investigations and then coordinating with prosecutors to establish probable causes, strengthen cases, and establish witness credibility for possible future testimony at trial. This paper will explore as to whether or not these issues and problems are compounded in smaller police departments and district attorney offices. The question to be answered is: Do current criminal justice agency guidelines for the use and evaluation of fingerprint evidence by its employees help, hinder, or deter police investigations and do the same guidelines affect the prosecutor's efforts to present cases in court?

The method of inquiry includes a review of established guidelines for officers who are cross trained in investigation and identification, interviews of prosecutors and district attorneys to establish their views on introducing fingerprint testimony of witnesses into trials or for use in establishing probable cause testimony. Also, some references will be used from past experience of the researcher. The intended outcome is to find methods of team building between officers and prosecutors working together on a regular basis. Also, to encourage the proper evaluation of fingerprint evidence and demonstrate the benefits of utilizing fingerprint evidence in early parts of an investigation prior to lab results. This research is intended to encourage police departments and prosecutors to view more closely their working relationships in solving and fighting crime together each complimenting the others expertise. The working relationships are reinforced and tethered through the early establishment of guidelines and mutual understandings of what is expected of each agency and individual

involved in the fingerprint evidence evaluation process. A standardization of the fingerprint evidence evaluation process for all police and prosecuting jurisdictions seems to be forthcoming. The benefits and success rates of the jurisdictions that have a clear understanding of how fingerprint evidence is obtained, evaluated, and presented in court should serve as a guideline for others to follow suit and join forces in the fight to solve and detour crimes committed against society.

## REVIEW OF LITERATURE

Fingerprints offer an infallible means of personal identification. Other personal characteristics may change, but fingerprints do not. The Will West case, in which an inmate entering Leavenworth, was mistaken for William West an inmate already incarcerated proved the fallibility of three systems of personal identification names, photographs, and the Bertillon Measurements. The case proved, however, that fingerprints were unique and an infallible means of identification. (United States Department of Justice Federal Bureau of Investigation Booklet *Fingerprint Identification* (REV. March 1998 pg. 7) ).

Of all the fingerprint impressions received and examined, the FBI Fingerprint examiners have never found two fingerprints exactly alike, unless they were made by the same finger. Twins may look, speak, and act alike but the similarities stop at their fingerprint patterns. (United States Department of Justice Federal Bureau of Investigation Booklet *Fingerprint Identification* (REV. March 1998). Fingerprints (including all friction skin areas) are the best evidence to place an individual at the scene of a crime. Collecting prints at the crime scene should be every investigator's top priority. Fingerprints from the suspect as well as Elimination fingerprints from the victim will also be needed for comparison. It is easy for investigators to

skim over collecting prints at crime scenes and develop a “package it up and send it to the lab” mentality since most small transportable items can be packaged and sent to the crime lab for processing.

Three levels of detail exist in fingerprint evidence, which may be found in friction ridge print with today’s developmental technology. The first level of detail is pattern or ridge configuration, which is a class characteristic. The second level is type and position of minutiae, which are unique formations. The third level is shape of minutiae and individual ridges. A print found at a crime scene may have one, two or all three levels of detail, depending on its clarity. The opinion of identification is reached when two criteria are satisfied. The unknown and known prints have detail that indicate they have a common origin and that they are enough alike in detail to prevent the chance another area of friction skin could have made the print.

Evaluation and comparison of ridge detail may also be affected by the level of knowledge and experience of the examiner. With the recognition that clarity affects the value of ridge details comes the problem of establishing the degree of clarity of the print. This assessment skill is enhanced by one’s experience and knowledge of the science. Documentation of experience can be simply documented in departmental records or by indicating in the official report when an identification of a print is made through comparison of an unknown print to a known print.

(Robert J. Hazen and Clarence E. Phillips Latent Fingerprint Section Identification Division (1981) *The Expert Fingerprint Witness*). Credibility of the examiner can also be enhanced when a second examiner views and confirms an identification of the unknown print to the known print. The credibility of an officer to testify in a court of law on fingerprint identification or print comparison would be severely damaged if a wrong identification were ever made and testified to in court or even documented regularly police reports. (Robert J. Hazen and Clarence E. Phillips

Latent Fingerprint Section Identification Division (1981) *The Expert Fingerprint Witness*). It is a common occurrence in court for a prosecuting attorney to summon a police officer or identification officer to fingerprint a suspect in the courtroom to compare the prints to a inked ten-print card known to represent the defendant's fingerprints. When this occurs, officers become established as an expert in this particular court room. If the officer is called on to compare fingerprints in the future at a different court the past identifications might pre-establish his knowledge and expertise to compare the prints. Prosecutors can help police agencies by rotating and allowing different officers to perform this task and establish credibility and expert status. This practice would reduce prosecutor's chances of not being able to locate an officer that is utilized often in court. Court proceedings are not hampered, officers receive much needed court room experience, and mutual trust and understanding is established between officers and prosecutors.

Proper suspect identification through fingerprint comparison is essential in making an arrest of a suspect. The arrest of an innocent citizen can have devastating results to the person arrested. The arresting officers and agencies can suddenly become liable to civil and criminal prosecution. Guidelines that verify fingerprint evidence used to obtain warrants should be evaluated by more than one fingerprint expert prior to the warrants be obtained or served. Even if this process requires contacting trained officers in other agencies this guideline should be followed. By following this guideline judges and prosecutors feel more confident in their decisions to issue warrants or approve probable causes.

Understanding that fingerprint evidence is the most important, critical and absolute type of evidence to be obtained at a crime scene and is the first guideline a police department should establish and make clear to officers investigating crimes. No other evidence is as unique and

infallible as fingerprints.

## METHODOLOGY

The question to be answered is: Do current criminal justice agency guidelines for use and evaluation of fingerprint evidence by its employees help, hinder, or deter police investigations and do the same guidelines effect the prosecutor's efforts to present cases in court? The author's hypothesis is that prosecutors and officers who work together on a regular basis do not utilize fingerprint evidence in the early parts of an investigation prior to lab results.

The author contacted fifty (50) police officers and three (3) prosecutors' offices located in Texas during the time period between April 2003 and October 2003 presenting each with an eleven (11) question survey entitled *The Recognition And Use Of Fingerprint Evidence.* The author received eleven (11) responses back from the surveys. All returned surveys were from police departments only. Due to the low rate of response to the survey the author will continue to contact individual police officers and prosecutors and request surveys be completed and returned to the author.

## FINDINGS

Based on the survey information available the author found that all the departments surveyed utilized fingerprint evidence during investigations. Ninety percent of these departments have individuals with specialized training for analyzing fingerprint evidence. All of the surveyed departments indicated that their departments have used fingerprint evidence as probable cause to obtain search and arrest warrants. The author found that only fifty-five percent of the departments surveyed had a fingerprint specialist who had been required to testify in court. Only



forty-four percent of the departments surveyed required guidelines or certifications to be held by their specialized fingerprint personnel. Twenty-two percent of the surveyed departments advised they do consult with the prosecutors in their jurisdiction before determining guidelines for the training requirements for a fingerprint specialist. Ninety-nine percent of the surveyed departments did not feel that court certification should be required of a fingerprint specialist. Seventy-seven percent of the surveyed departments indicated they felt a fingerprint specialist should have at least a minimal certification requirement. One hundred percent of the surveyed departments thought that fingerprint evidence was a good identifier. Sixty-six percent of the surveyed departments indicated that they preferred fingerprint evidence to DNA evidence.

## CONCLUSIONS

Do current criminal justice agency guidelines for the use and evaluation of fingerprint evidence by its employees help, hinder, or deter police investigations and do the same guidelines affect the prosecutor's efforts to present cases in court? The author found that police departments surveyed were not highly committed to obtaining and training personnel as fingerprint specialists. Police departments surveyed recognize fingerprint evidence as a very good and reliable evidence but, viewed DNA as stronger evidence. Police departments surveyed utilize fingerprint evidence gathered at the scenes of crimes and base their warrant information on the expertise of the available fingerprint specialist. The credibility, training, and past performance of the fingerprint specialist used to evaluate the evidence was not a high priority but most of the surveyed police departments thought fingerprint specialists should have some type of minimal certification. Police departments surveyed did not have guidelines in place for the use of fingerprint specialists. Police departments surveyed had little communication or input from

prosecutors in their jurisdictions.

The author feels that the survey if expanded to a greater number of police departments would be a valid tool to evaluate the utilization of fingerprint evidence within the individual departments and further analyze the departments guidelines regarding how fingerprint specialist are expected to interact with prosecutors and other outside agencies.

Fingerprints are unique and an infallible means of identification. It will be the fingerprint specialist's testimony in court that will be questioned. If these specialist a properly trained crimes will continue to be solved and the right crooks are imprisoned.

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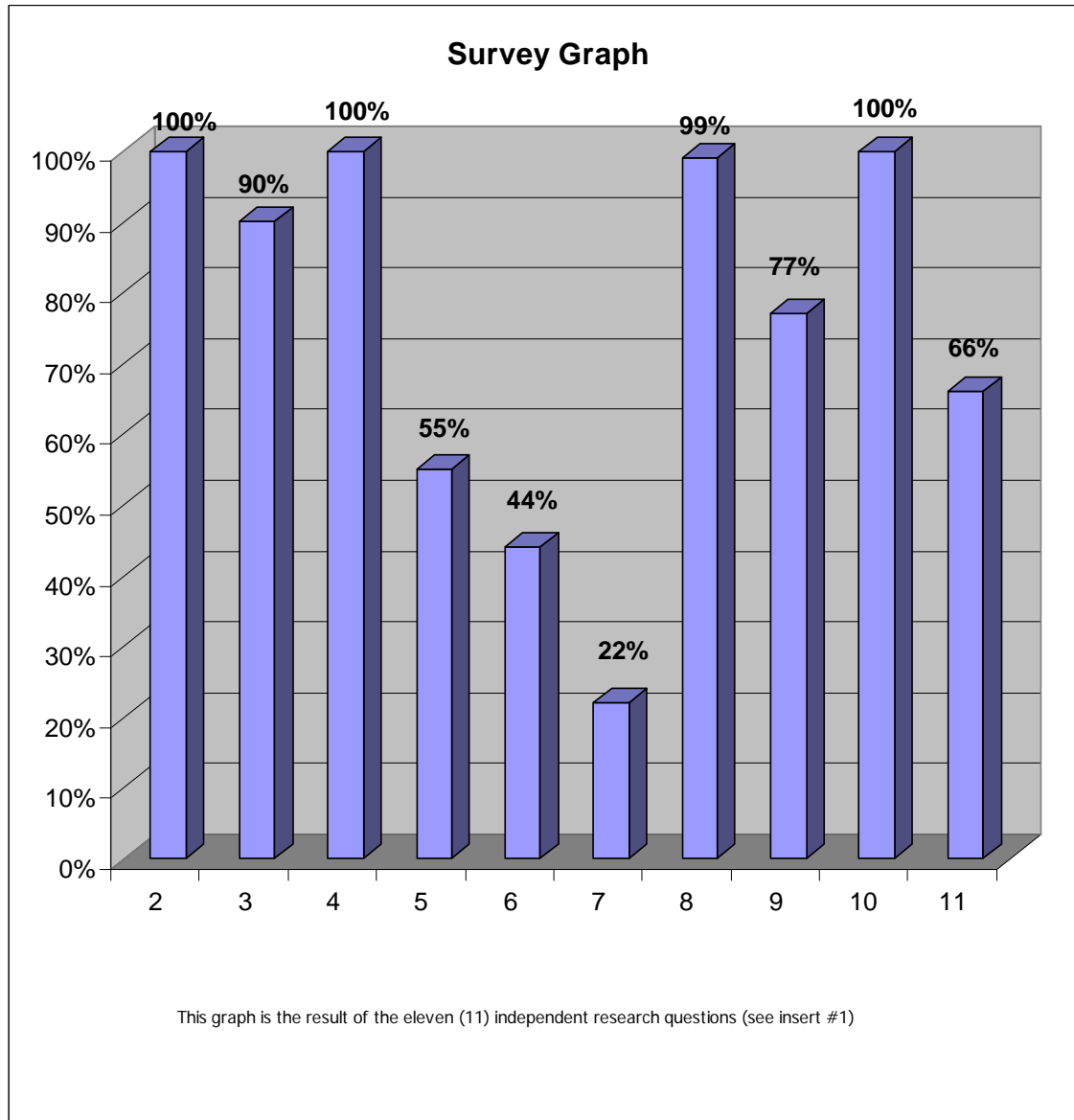
## Appendix 1

(Insert)

The following attached questions numbered two (2) through eleven (11) are questions in which the author compiled the survey graph shown in this paper. Graph results are from eleven responses to the surveys sent out to various criminal justice agency representatives.

### **Recognition and Use of Fingerprint Evidence**

1. Please state your current job title and give a basic description of your job.
2. Does your department utilize fingerprint evidence during investigations?
3. Does your department have specialized individuals to who analyze fingerprint evidence?
4. Is fingerprint evidence utilized to obtain search or arrest warrants in your department?
5. Are your specialized personnel called on to testify in court about the fingerprint evidence they analyze?
6. Does your department have guidelines for required training or certifications that specialized individuals who analyze fingerprint evidence are required to follow?
7. Are the prosecutors in your jurisdictions asked to provide information in determining the guidelines or training required of the specialized individuals who analyze fingerprint evidence in your department?
8. Do you feel that fingerprint evidence should be analyzed **only** by court certified experts? (Please elaborate on your answer)
9. Do you feel that a minimal certification should be required of individuals who analyze fingerprint evidence? (Please elaborate on your answer)
10. Do you feel Fingerprint evidence is a good identifier? Why?
11. Would you prefer fingerprint evidence or DNA evidence at a crime scene as your Only identifier.



**APPENDIX 2**

(insert)

**LATENT FINGERPRINT EXAMINATION WORK SHEET**

Reference No.:\_\_\_\_\_

Your File No:\_\_\_\_\_

Latent Case No:\_\_\_\_\_

Received:

Answer To:

Examination requested by:

Copy to:

RE:

Date of reference communication:

Specimens;

Result of examination:

Examination by:

Evidence noted by:

Examination completed \_\_\_\_\_ Dictated \_\_\_\_\_  
Time Date Date

(Robert J Hazen and Clarence E. Phillips Latent Fingerprint Section Identification Division)

Work sheet (notes) - Handwritten notes made during the examination should be recorded on specific form or worksheet. Items that must be recorded are:

1. The exact time and date that the evidence was received.
2. The specific and exact quality, type, and condition of the evidence when it was received.
3. The name(s) of the person(s) to whom the response is to be directed, as well the name(s) of the person(s) who should receive copies of the report
4. Type(s) of examination(s) conducted on the evidence.
5. Method used to develop the latent prints.
6. Number of latent finger and palm prints developed and on what specimens they were developed.(unless obvious in photographs or on evidence, location of the latent prints on each item must be recorded.)
7. Results of comparisons conducted.
8. The number of latent prints identified with a specific individual and on what specimens the latent appear.
9. The particular fingers identified.
10. Complete names of all persons whose prints were compared.
11. Identity of examiner who who noted (co-examined) the evidence and verified the identifications.
12. Time and date the examination was completed.
13. Method used to mark each piece of evidence (so expert can readily identify each item in court).



14. Final disposition of evidence. (In most jurisdictions evidence must be returned to the contributing agency by registered mail. Registry number should be retained. Disposition of intra-departmental evidence may be documented by use of special form.)
15. Name of contributor of evidence.
16. Expert's reference numbers and contributor's reference number if received from another agency.
17. Request for special handling or answer.
18. Registry or certified mail number under which evidence was received.
19. Full name, rank and title of person making delivery ( if evidence is hand delivered).