

# The History of Document Examination

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Handwriting Identification by  
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# History of Document Examination

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- The elements of a crime are the specific conditions that must occur for an act to be classified as a specific type of crime. They are defined by each jurisdiction so that there may be some differences from state to state.

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- Forgery is defined as
- 1. falsely creating or passing a negotiable instrument
- 2. with a fraudulent or fictitious signature (false making)
- 3. which imposes a legal liability with the intent to prejudice, damage, or defraud.
- 4. The victim or a witness must be able to identify the forger.

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- The author of the spurious document and the person who attempts to pass it are both guilty of forgery although the person passing the negotiable instrument is also charged with uttering which is an attempt to pass a forged document.

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- Forgery was practiced from the earliest times in every country where writing was the medium of communication.
- Marc Anthony forged decrees and other documents.
- Emperor Titus was regarded as the greatest and most skillful forger of his time. (AD 40 - 81)

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- Laws against forgery can be traced to 80 BC when the Romans prohibited falsification of documents.
- The Code of Justinian in 539 AD contained the rule for the identification and comparison of handwriting.

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- 1592 England passed a Statute prohibiting forgery of public recorded documents.
- 1726 False endorsements on unsealed private documents became a capital crime punishable by death.
- 1819 England published one pound notes that were easily forged.

94,000 people arrested over the next 7 years.

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- Colonel Algeron Sidney was convicted of treason based on identification of handwriting that witnesses testified was his.
- He was executed in 1684.
- In 1689 his conviction was declared null and void. The reason was that the comparison material was not proven to be his.



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- 1782 - First Folkes v Chadd
  - first expert testimony in England.
- Later the courts accepted the opinion of inspectors of franks, whose job it was to authenticate signatures of Parliament and other officials.

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- Only witnesses who had knowledge of a person's writing were allowed to testify.
- Comparison of writing was not part of the case and was not allowed in court cases.
- English Rule was changed in 1854 in civil cases and 1865 in criminal cases allowing other handwriting samples to be used.

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- Common Law Procedure Act of 1854

Comparison of a disputed writing with any writing proved to the satisfaction of the judge to be genuine shall be permitted to be made by witnesses; and the evidence of witnesses respecting the same, may be submitted to the Court and jury as evidence of the genuineness, or otherwise, of the writing in dispute.

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- 1823 In the United States, the principal federal forgery statute prohibited false making, forgery, or the alteration of any writing for the purpose of obtaining a financial gain.
- 1913 Federal Rules allow comparison material not part of the case.

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- 1812 was the earliest record of expert testimony in USA in *Sauve v. Dawson*.
- A signature on a promissory note was proven to be genuine.



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- The first important case involving handwriting in USA was Sylvia Ann Howland's in 1868 in Massachusetts.
- Experts consisted of bank tellers, professors of penmanship, photographers, engravers, chemists and macroscopics.
- The Codicil of her Will contained a traced signature.

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- Early document examiners included:
  - Daniel Ames, author of *Ames on Forgery*
  - John Tyrrell – worked for Northwestern Mutual Life Insurance Company as an examiner; called the Wizard of the Pen.
  - J. Clark Sellers, author of *Handwriting Identification and Expert Testimony*.
- Early examiners were self-taught.

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- Albert Osborn, Father of Document Examination
  - Questioned Documents*, Bible
  - Established American Society of Questioned Document Examiners.
- Judge John Wigmore supported Osborn and handwriting identification.



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- In the beginning all examiners were in private practice.
- Pioneers in Government include:
  - Dr. Wilmer Souder of the National Bureau of Standards (now NIST).
  - Bart C. Farrar of the Treasury Department.
  - Charles Appel FBI Document Lab in 1932.

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- First major case occurred in 1932 with the kidnapping of the Lindbergh's 20-month-old son who disappeared from his room.
  - A ransom note was received.
  - This case established document examination in the US courts.

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The trial of Hauptmann was considered the most important trial of the century.

The Prosecution hired 12 experts.

8 Handwriting experts testified that the ransom notes were written by Bruno Richard Hauptmann.

The Defense called one document examiner to testify.

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5/18  
Dear Sir,  
We have 50,000 \$ ready, 15,000 \$ in  
20 \$ bills, 15,000 \$ in 10 \$ bills and  
10,000 \$ in 5 \$ bills. After 2-4 days  
we will inform you with the delivery  
of the money.  
We would like you for making  
anything public or for making  
the bill is in your care.  
Discretion for all things are  
in your hands.  
and 3 bills.

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# History of Document Examination

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- Albert Osborn was one of the experts that testified in the Lindbergh Case for the Prosecution.
- One expert testified for defense. Bruno Richard Hauptman was convicted and executed. His widow spent her entire life trying to have her husband exonerated.

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- Clarence D. Lee co-authored *The Classification and Identification of Handwriting* for the American Institute of Applied Science in 1938.
- Charles C. Scott wrote *Photographic Evidence*.

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- There were four major cases regarding handwriting in the 20<sup>th</sup> Century not counting Lindbergh.
  - Clifford Irving forged Howard Hughes' autobiography.
  - Konrad Kujau forged the Hitler Diaries.
  - Mark Hofmann forged Mormon documents.
  - Jack the Ripper Diary was forged.



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Bradford wrote, "In 1977 reputable document examiners decided to attempt to remove the unqualified from the profession. The Forensic Sciences Foundation, Inc. obtained a Federal Law Enforcement Assistance Administration grant. With this grant, the American Board of Forensic Document Examiners was organized."

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“The objective of the Board is to establish, enhance, and maintain standards of qualification for those who practice forensic document examination, and to certify as qualified specialists those voluntary applicants who comply with the requirements of the Board. ”

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- “It is hoped that the certification program will keep the unqualified and the incompetent out of the courtroom.”
- There are 79 document examiners from ABFDE representing 29 states, the District of Columbia and Canada listed on the Internet. Some of these are employed full time and are taking private cases on the side. Some are only working for the government. 43 accept private cases.

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- Fraud is over \$100 Billion a year and growing. There are about 5000 courts in the United States and over 330 million people. It is obvious that 54 examiners cannot handle all of the fraud cases generated in the United States.

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- There is no standard training program.
- SWGDOC has guides for training examiners.
- Training is primarily by apprenticeship.



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- There are three possible methods of instruction for an aspiring document examiner:
  - Self education
  - Apprenticeship
  - Courses
- Self-education is the way in which the pioneers of the field began, as there was no other method of instruction.

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Ordway Hilton wrote:

***"The most important qualification of a witness is his ability to do the work. There is no school at which a document examiner, unlike an engineer or a doctor, can study to prepare himself. Some universities have offered special courses on questioned document examination, but these have not as yet been of high enough caliber to develop a proficient worker. Rather, they give only a survey of the principles of the work."***

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- ***"Self-study is the chief means of gaining this special knowledge, and some men have been able to supplement this study by apprenticeship or association with a recognized document examiner or in a recognized laboratory. Self-education must include study by experimentation and systematic research."*** (Page 405)



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- Proficiency Testing is a method of validating one's abilities.
- Collaborative Testing offers two tests a year, one on handwriting and one on other aspects.
- Forensic Expertise Profiling Laboratory offered more extensive testing from 2001 – 2008.

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- Certification

Purpose of certification is to identify qualified examiners.

Certification is not necessary in order to testify in court as an expert.

The Forensic Specialty Accreditation Board (FSAB) accreditation is desirable.

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- Currently there are two organizations that are accredited by FSAB at this time:
- The Board of Forensic Document Examiners (BFDE)
- The American Board of Forensic Document Examiners (ABFDE)

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