

The International Association For Identification
Utah Division of I.A.I.

Chartered 1989

NEWSLETTER

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1995



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1995 President

Richard L. Wright
1995 Vice-President

Deborah Herrera-Parkin
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The Utah Division of The International Association for Identification is a chartered division of The International Association for Identification since 1989.

The Utah Division of I.A.I. Newsletter is published four times a year during the Spring, Summer, Fall, and Winter. The information contained within the newsletter is either in the form of submitted articles, information from other investigative publications, or reported information.

The Utah Division of I.A.I. Newsletter will accept any article or information of those wishing to submit to the editor. It is requested the submitted articles or information be in typewritten form or on 3.5" disks using Wordperfect 6.0 or lower.

Please send items to be published to the editor:

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The Utah Division of I.A.I. Newsletter reserves the right to reject or modify any submitted articles deemed to be slanderous, derogatory, or inappropriate for the members of the association.

The annual membership dues to the Utah Division of I.A.I. are currently \$10.00 per membership, or \$200.00 for a lifetime membership. Dues can be mailed to:

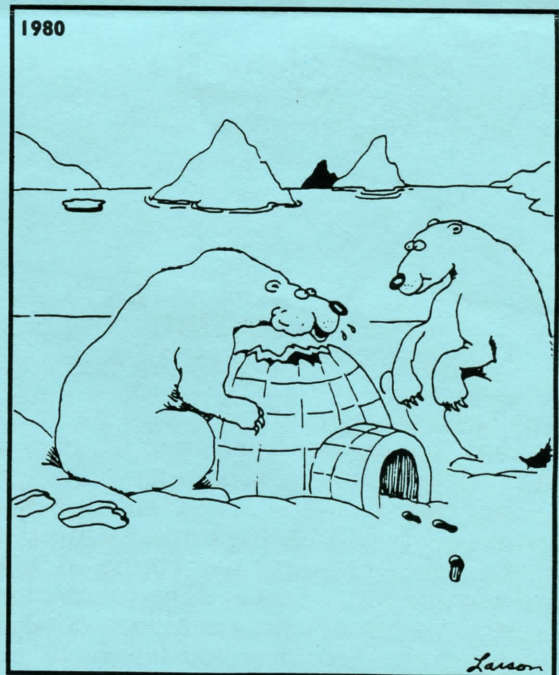
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**Utah Division of I.A.I.
Insignia Items**

The Utah Division of I.A.I. has hats, t-shirts, and Lapel Pins with the Division Insignia embossed on them. These items are available for a minimal charge and look great! The prices for these items are as follow:

- Hats** **\$5.00**
- T-Shirts** **\$8.00 (any size)**
- Lapel Pins** **\$3.00 Members**
 \$5.00 Non-members

Contact 1995 President, Alice Erickson at (801) 965-4569 or Editor, Scott R. Spjut at (801) 965-4501 for further information or to purchase these items. Likewise, we will have both available at the Semi-Annual Division Meetings.



"Oh hey! I just love these things! ... Crunchy on the outside and a chewy center!"

PRESIDENT'S MESSAGE

Happy Holidays!!

As the year comes to a close I wanted to send Holiday Greetings to you and your families. This year has been a busy one for me as I am sure it has been for you.

Our Spring and Fall meetings were very successful and very informative and I want to thank all of you for your efforts in attending and bringing door prizes. Thanks also to the members of the Salt Lake Area Gang Project who were gracious enough to attend our meetings.

It has been an honor and privilege to be your 1995 president and I hope that the things we have accomplished this year have been of some benefit to you. On January 2, 1996 I will walk down the hall to the State Crime Lab and turn everything over to the incoming 1996 president -- Richard Wright.

Again, Merry Christmas and Happy New Year and may the coming year be even better than this one has been.

Alice Erickson
1995 President
Utah Division of I.A.I.

**UTAH DIVISION OF I.A.I.
FALL MEETING
SEPTEMBER 13, 1995**

The Utah Division of I.A.I. held the semi-annual meeting on September 13, 1995 at the Salt Lake Community College, Technology Building. The meeting was quite a success, with the business meeting held in the morning, the voting of new officers for 1996, lunch, door prizes, and most importantly, the training section of the meeting. Training was taught by the Salt Lake City Metro Gang Unit, specifically DAVE MARCHENT of the S.L.G. Metro Unit. Officer Marchent covered a wide range of topics including the Four elements required to be classified as a gang; Criteria needed for association with gangs; Gang hand signs

recognition; Understanding gang vandalism and cryptic messages; and Gang music. The training was beneficial to those in attendance, particularly with the increase of gangs in the State of Utah. We are very appreciative to Dave and his team for their informative and eye opening teaching.

1996 UTAH DIVISION OFFICERS

As mentioned, part of the Semi-Annual Fall Meeting was for the voting of new officers within the Division. Several names were nominated for the positions, and those in attendance cast their individual votes. The results are as follow:

**-1996 DIVISION PRESIDENT-
Richard L. Wright
State of Utah Crime Lab**

**-1996 DIVISION VICE-PRESIDENT-
John T. Stimac
Salt Lake County Sheriff's
Office**

**-1996 DIVISION SECRETARY-
Darren Jewkes
State of Utah Crime Lab**

**-1996 DIVISION TREASURER-
Debbie Herrera-Parkin
Salt Lake County Sheriff's
Office**

**-1996 NEWSLETTER EDITOR-
Scott R. Spjut
State of Utah Crime Lab**

The Utah Division of The International Association for Identification congratulate these members of the association for their new offices, and continuing offices within the organization. May 1996 be a very successful year for you and the Division as a whole!

SUBMITTED ARTICLE

The following article was submitted by George J. Throckmorton, Supervisor of the Salt Lake City Police Department Crime Laboratory. The submitted article has been condensed by the editor.

**New Federal Rules for Expert
Testimony
In A Court of Law**

Anyone testifying in Federal court as an "Expert Witness" should be aware there are new rules for Civil Procedure. This may not apply to a lot of people now, however the new requirements should be noted, specifically items #4 & #6 which are listed below. Although this does not yet apply to Criminal Courts or Utah State Civil Courts, it is a good possibility that Utah will embrace this requirement sometime in the near future. In addition, if you ever expect to testify as an "expert" within Federal Civil Court, you will be required to have written documentation of these items. It should also be noted that several states have already incorporated this rule into their State Expert Witness Qualifications. It would be wise for everyone involved in the courts to keep record of these items for possible future reference.

Federal Rules of Civil Procedure; Rule 26

1. The report shall contain a complete statement of all opinions to be expressed by the witness, and the basis and reasons therefor;
2. It should also include the data or other information considered by the witness in forming the opinions;
3. Any planned exhibits that may be used as a summary of or support for the opinions should be listed;
4. The qualifications of the witness, including a list of all publications authored by the witness within the preceding ten years;
5. The compensation to be paid for the study and testimony;
6. A listing of any other cases in which the witness has testified as an expert at trial

or by deposition within the preceding four years.

In addition to the new rules in qualifying as an "Expert Witness" in Federal Civil Court, there have been new rules set forth as to the qualifications of said experts in all Federal Courts. These will be explained within three court decisions:

Daubert v. Merrill Dow Pharmaceuticals

The details of this case is not as important as the judge's decision regarding the introduction of scientific testimony by an "expert" witness. This decision indicates a trial judge must initially determine "whether the expert is proposing to testify to (1) scientific knowledge of the witness and (2) a preliminary assessment of whether the reasoning or methodology underlying the testimony is scientifically valid and ... whether reasoning or methodology can be applied properly to the facts in issue." In assessing the validity of a scientific theory or technique, the judge should consider a number of factors: Whether the theory or technique "can be (and has been) tested" by other scientists; Whether it has been subjected to peer review and publication; The known or potential rate or error; The existence and maintenance of standards has gained general acceptance in the relevant scientific community.

Stanczyk v. Black & Decker

The judge in this case commented on "Daubert" and indicated that "...science is filled with finely conceived ideas that are unworkable in practice. There is a high potential rate or error..." He also ruled that since evidence had already been presented by one side proving their theory, that opposing side had to provide proof of their opposing theory regardless of how much it may cost to do so. Judge Zagel continued by saying that actually testing the validity of a theory, rather than feeling comfortable that a theory will work, makes the difference in admissibility under Daubert. A theory without supporting facts does not carry any weight.

United States v. Starzecpyzel

It was at this trial that a "Daubert Hearing" was conducted on opposing experts testifying about Questioned Document

Examination. Although the comments made by Federal Judge Lawrence M. McKenna referred specifically to this case and specifically to two opposing Forensic Document Examiners, it could very easily be interpreted to others within the field of Identification.

The Court ruled that in order for any "Expert" to be considered a "scientist" the following guidelines should be met. The guidelines listed are paraphrased, but the reader is encouraged to read the entire ruling when possible:

1. There needs to be Degree programs offered through colleges and universities within the area of "expertise."

Comments: There are no complete "Degrees" offered specifically in the areas of Questioned Documents, Fingerprints, Footprints, Firearms, etc.

2. There should be some "articuable objective standard."

Comments: What is the "objective standard" for Fingerprints, Questioned Documents, etc?

3. There is a stagnation of research within the community; there needs to be "continued" research on its validity; ongoing scrutiny of its methodology.

Comments: How long has it been since we have "researched" the validity of any of the identification procedures. Once the research is done, do we need to continue to do it over and over again? If we use a tried-and-proved methodology, why do we need to continue to scrutinize it?

4. There should be numerical standards which form a scientific conclusion.

Comments: How many points does it take to make a fingerprint identification, or a handwriting identification, or a firearm identification, etc? It seems like the I.A.I. stated many years ago, and again in the September/October 1995 issue that "No scientific basis exists for requiring a minimum number of points for an identification."

5. There should be statistical studies to support the precepts of an identification.

Comments: Where can these statistical studies be found, and how recent are they?

6. An unbiased community of practitioners and academics must accept it as a valid science. These people must be "devoid of financial" interests. The only ones presently validating this as "science" are those gainfully employed in the profession, and are therefore biased in their beliefs.

Comment: I believe it is difficult if not impossible to get any group to validate "any science" unless there is financial gain for those conducting the research. Where are we going to get this research done for no cost?

In closing his statements, the Judge ruled because Questioned Document Examination is a technical skill and not a science that therefore "Daubert" does NOT apply. These types of "experts" may be of assistance to the Jury, but "their skill is practical in nature and does not have the demonstrable certainty that some sciences have.

If someone does not meet the above criteria they should be considered a "skilled craftsman" rather than a scientist; and therefore the Jury should not substitute the expert's opinion for their own reason, judgement, or common sense. The Jury may accept or reject it in whole.

GOOD NEWS / BAD NEWS...
THE BOTTOM LINE

Good News:

Identification Technicians do not have to meet the criteria set forth in Daubert.

Bad News:

Identification Technicians are "craftsmen" (crafts-persons), NOT forensic scientists, and therefore the Jury may "accept or reject it in whole."

(EDITOR'S NOTE-IT SHOULD BE NOTED THE UPDATED UTAH EXPERT TESTIMONY REQUIREMENTS WERE PUBLISHED IN THE DIVISION SPRING 1995 NEWSLETTER.)

FORENSIC SCIENCE NEWS

The following information was submitted to the Utah Division of I.A.I. Newsletter by Darren Jewkes, Laboratory Specialist with the State of Utah Crime Lab. Mr. Jewkes has been assigned to the recently installed DRUGFIRE system within the State Crime Laboratory.

DRUGFIRE COMES TO UTAH

New crime solving technology arrived at the Utah State Crime Laboratory in November 1995. This newest technology is a computerized bullet/casing imaging and tracking system created by the F.B.I. called DRUGFIRE.

WHAT IS DRUGFIRE?

DRUGFIRE is an automated computer imaging system that links firearm related evidence (spent cartridge casings, spent bullets/projectiles) from serial shootings and similar types of firearms investigations.

Similar in many aspects to the AFIS systems now in use for identifying criminal fingerprints, the DRUGFIRE program records microscopic markings from cartridge casings and bullets in a database which can be stored and compared to future submissions. Just as fingerprints are unique to an individual, markings left behind on a cartridge case or bullet are unique to that weapon from which it was fired.

Currently DRUGFIRE is operational in only 42 of the nearly 180 Firearm Laboratories in the United States. There are 20 additional labs committed to come on board in 1996. In the very near future, comparison searches will be carried out via a nationwide networking system, allowing associations to be made between seemingly unrelated interstate cases that may never have been made otherwise.

DRUGFIRE REDUCES GANG AND DRUG-RELATED VIOLENCE

*Recently a woman was arrested for shoplifting in Baltimore County, Maryland. A Smith & Wesson 9mm handgun seized from her purse was linked through DRUGFIRE to two shootings in Baltimore, one of which was a homicide. DRUGFIRE also showed that the same 9mm handgun

was used to kill both an armed security guard and a store employee shot during a robbery. The murders were committed a month apart in different parts of Dade County, Florida.

*In Los Angeles, two police officers were fired on, neither was hit. Two suspects were arrested and a handgun was recovered. Test-fired cartridge cases were linked by DRUGFIRE to a previous carjacking in which an 11-year-old boy was killed. This is a typical example where DRUGFIRE has solved what otherwise would be "dead-ended" cases.

*A gun was seized by police in Washington, D.C., test-fired, and placed into evidence storage. Three months later, the same gun was used in a drug-related slaying. DRUGFIRE linked the two incidents and brought to light the theft of the gun from evidence storage. The gun has not been recovered.

These are some of the cases in which DRUGFIRE has already been utilized. Currently, the DRUGFIRE system is not on line with other systems. The State of Utah Crime Lab is currently imputing known and unknown cartridge casings into the data base. The system is scheduled to be "on line" with other databases during the first of 1996. If Statewide Law Enforcement Agencies would like to contribute to the DRUGFIRE system, they should contact the State of Utah Crime Lab for information regarding the correct submission guidelines.

For further information or questions please contact Crime Lab Specialist Darren Jewkes at (801) 965-4368 or (801) 965-4487.

LAST COMMENT...
IF YOU HAVE NOT YET PAID YOUR 1996 MEMBERSHIP DUES, WE ASK THAT YOU DO SO A.S.A.P. YOUR PROMPT MEMBERSHIP DUES ALLOWS FOR CONTINUED NEWSLETTERS, BETTER MEETINGS, AND A STRONGER DIVISION. PLEASE DO NOT FORGET TO HELP MAKE THE UTAH DIVISION OF I.A.I. A GREAT ORGANIZATION! THANK YOU.

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