



The Utah Patent Print™

VOLUME X, ISSUE 1

Official Publication of
The Utah Division of the I.A.I.
International Association for Identification

The President's Message Kent Timothy

January 1999

Well, I hope your holiday season was as great as mine was. Now we have started into a new year and we have several exciting training opportunities ahead of us starting in March. What do you know about Forensic Odontology? Yea, that's what I thought. Here is a chance to learn how the work of a Dentist might help you in the course of a criminal investigation. Sue Brown of the Utah Sexual Assault Forensic Nurse Examiners, recently attended a class presented by a number of Odontologists and convinced two of them to volunteer their services in the way of teaching a class to Law Enforcement. We have a room scheduled at West Valley City Hall, Wednesday March 31, 09:00. This promises to be most interesting. Please contact me at West Valley to reserve a seat. We will not be charging an admission for the class, so you will need to find you own lunch at one of the many local restaurants.

April brings us to the Utah Division Spring Conference. We are going to move the conference a little south this time. How does The Territorial State House in Fillmore strike you. The date for the conference will be Thursday, April 22 beginning at about 09:00. The subject of the conference will be scene documentation through diagramming. We will have devices and techniques we hope will aid all scene investigators across the state. Lunch will be a Dutch-oven cook-out put on by a local specialist in the field. Cost for the conference will be \$15 for Division members, \$25 for nonmembers and \$25 for students, \$10 of which will go for an Associate Membership in the Utah Division of the IAI. Send registration to the secretary, Debbie Parkin c/o Salt Lake County Sheriff's Office I.D. Section 437 South 200 East Salt Lake City, Utah 84111. Or call 535-5955.

May gives us an opportunity join with the Utah Forensics Association in some training. They have asked us to co-sponsor two days of training in photography ranging from basic, to using alternate light sources and some aspects of digital photography. The date for this will be May 20 and 21 here at the West Valley City Hall multipurpose room, beginning at 09:00. The cost for this conference is \$30

The Utah Division I.A.I. Staff

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Winter Edition

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January 1999

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pre-registration before May 14, 1999 and \$35 at the door. For registration please contact Kent Timothy or Patty Wyman at 801-584 8400.

By way of review, the **October Conference** held in conjunction with the State A.G.'s office was a great success. It was a three day affair held at the Egyptian Center and the Park Hotel. We are hoping to do much the same thing this year if all works out well; we'll let you know.

At the business meeting **two** new Division Officers were elected: First, James May of Sandy Police was elected the 1999 Vice President. Second, Bud DeRyke from Clearfield P.D. was elected the Division Secretary.



THE OWLS KNOWS!

Do you know everything about your profession?

Attend as much education as possible, it is money well spent.

The International Association is holding their annual conference this year in Milwaukee

Wisconsin, July 11-17 at the Milwaukee Hilton.

This, like all the international conferences promises to be a great one. The following year Charleston West Virginia will be the host city and the year after that Miami will be the site.

If all goes well, we will be presenting a bid in Milwaukee for

Salt Lake to serve as the host for the 2002 conference. Heavens knows we will have the hotel space!!! Other great cities are in the running such as Dallas and Reno.

The reason I mention the international conference is that they have been of immeasurable benefit to

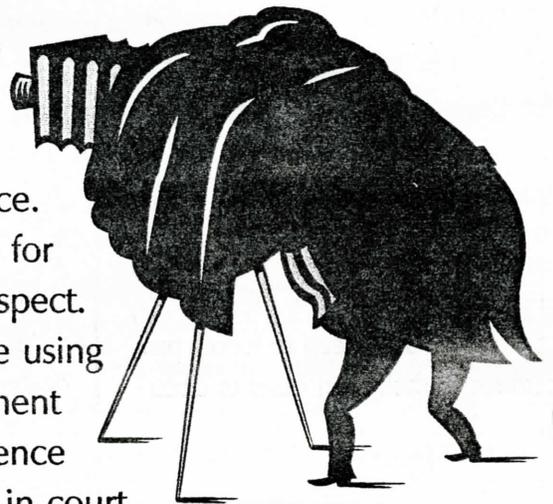
me. I have been privileged to attend three and what I have learned at them has been of great benefit to me and my department. If there is any way possible that you can attend an international conference it will be invaluable for you to do so and will be an event you will not forget. These are great training events and learning experiences. In addition you will meet Law Enforcement and forensic experts from around the world who can add to your knowledge. If you need further information on how to get to a conference call or e-mail me. []

(ktimothy@ci.west-valley.ut.us)



Photography:

With today's technology there should be no reason why we can not document our crime scenes and evidence. We do not have to settle for just a photograph of a suspect. Here in West Valley we are using a digital camera to document the injuries in Domestic Violence cases. The pictures are great in court.





Latent Print Fabrication

PROBLEM AND PREVENTION

by Pat Wertheim

ABSTRACT: Types of latent print fabrication are discussed briefly. Concerns are raised over two issues. **First**, examiners should be aware of the clues to fabrication in order to expose the dishonest personnel who would fabricate such evidence.

Second, examiners should use conclusive methods of documentation to prevent a disruptive challenge to the validity of their latent print evidence in court.

Cases of fabrication of latent print evidence by police officers and identification technicians occur frequently enough in the United States to make publicity of these cases a threat to the credibility of honest latent print and crime scene professionals. In addition, latent print examiners who compare latent prints developed by others run the risk of receiving submissions of fabricated evidence and the signs of fabrication in latent print evidence submitted by others, and they need to follow procedures in their own cases to document absolutely the authenticity of

their latent prints in order to preclude the charge of fabrication against their legitimate evidence.

A review of the literature published on the topics of latent print forgery and fabrication shows two unrelated types of false evidence. The most widely accepted definitions were those given by George Bonebrake in this 1976 presentation to the International Association for Identification.¹ A "forged" latent print is one which actually exists on a surface, but was not left by the person whose fingerprint it represents. A "fabricated" latent print is a representation of a print that never existed on the surface from which it purportedly came.

By considering these definitions in their practical meanings, a forged print would be a latent planted at a crime scene by the true criminal in order to fool the police, while a fabricated print is fabricated evidence produced by a police employee in

order to bolster a case or frame a person. In those terms, forgery of latent print evidence in virtually non-existent. Fabrication occurs disgustingly often. In considering fabrication, two issues arise: **first**, how to protect yourself from getting drawn into a fabrication scheme perpetrated by a dishonest police employee; and **second**, how to protect your evidence from an unsubstantiated charge of fabrication by a defense attorney trying to get his client off the hook.

There are three common methods used by dishonest police employees to fabricate latent prints evidence: 1)

a lift from an inked print, 2) a mislabeled lift, and 3) a staged photograph.² One thing these fabricated latents frequently have in common is that they are "perfect" prints. In other words, a fabricator usually prepares a print so clear no-

body could fail to see the identification. In addition to that, each of the three

methods leaves tell tale clues, to a greater or lesser degree.

Consider the lift from an inked print. Clues to this fabrication are numerous. Ink is a different shade of black than fingerprint powder. Lifted inked prints are usually the fully rolled prints, a phenomenon virtually impossible in real latent print work.



Don't Let the Monster of Untruth eat you up!

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Cont'd.

"Latent Print Fabrication"

Lifts from inked prints usually include paper fibers and microscopic fiber marks.

Next, consider mislabeled lifts. These are often the hardest of the fabrications to detect. The most reliable method of detection is by a close inspection of background noise. Each type of surface leaves a trademark back ground noise, and frequently, fabrications fail to take this into account. A mislabeled latent may also reflect an orientation inconsistent with normal handling. However, a clever fabricator may be able to make a mislabeled latent match expectations of genuineness to such a high degree that it would be virtually undetectable.

The staged photograph is the third type of fabrication. These photographs are usually taken slightly out of focus in an attempt to hide details which would disclose the fabrication. Or such a photograph may be over- or under exposed. Strange lines or shadows may be present.

The photographs may also contain stray images not expected on the surface from which the latent purportedly came or background noise may not be consistent with the surface claimed.

Anytime you have a nagging suspicion about a latent print submitted by another person, back off and take a hard look at that latent. You need not be suspicious of every latent that crosses your desk, but pay strict attention to those that



Just remember 3 rules:

*Document,
Document,
Document*

arouse even the slightest feeling that something is not right. Ask for the opinions of other examiners you trust. Do a critical analysis of the latent to determine what is wrong with the way it looks.

In no case, however, should you report the origin of a latent print you did not personally see on the surface. For example, unless you actually lifted the latent print from the rearview mirror yourself, you should refer to, The latent print lift labeled as coming from the rearview mirror, and not, The latent print from the rearview mirror. For latent prints you do develop, it is important to realize that a defense attorney may still attack the print,

and you personally, on the issue of fabrication. The key to surviving such an attack is good documentation of your latent print evidence. Not all of the following methods are necessary, but the more you use, the stronger your documentation.³

Photography: this is the most time-honored method of latent print documentation, and perhaps the best. Photograph your latents before lifting them, and it is hard to argue with their origin.

Notes: good crime scene notes and good laboratory notes record every surface examined, every method used, and every result obtained.

Witnesses: if a victim, complainant, or another officer is watching you develop latent prints, have them initial the lifts and the evidence. They can then testify to personal knowledge of the latent's origin.

Background noise: background noise is very helpful in establishing the origin of a latent. Create your own background noise. One excellent way to do this is to use a ball point pen. Mark a curved line around the latent, then initial and date next to the line. Re-powder the markings. When you lift, the powder will come up on the lift but the ink will remain on the surface as proof of the origin of the lift.

"Photograph your latents before lifting them, and it is hard to argue with their origin."



Prenumbered lift cards: by using uniquely numbered lift cards and recording the numbers in your notes, you make it virtually impossible to insert or swap latents at a later date. Each latent has, in effect, a serial number that prevents alteration.

Preserve the latent: fuming does exactly this. If the latent is still clearly visible in court on the surface, it becomes impossible for fabrication to become an issue.

Log book: the use of a latent prints log book helps document latent prints. Each case entry should be made as soon as the latent are lifted or brought back to the office from a scene. The entry should contain sufficient detailed information to adequately document every lift.

Reviews and audits: there should be both supervisor review and technical review of the notes and reports in each case file, once completed. Such review should include and inspection of the lifts. In addition, there should be random inspection and evaluation of a few cases by an outside inspector on a periodical basis. More and more, these procedures are being accepted as proper quality control measures.

To adopt all of the foregoing methods of documentation may be overkill. But in a hard-fought court case, some combination of them would certainly help you establish the

validity of your evidence. In the absence of any documentation at all, a skeptical jury may disregard valuable latent print evidence believing that a sharp defense attorney's attack raised a reasonable doubt.

To ignore the problem of fabrication of latent print evidence allows fabrication to flourish. To avoid innocently being caught up in a fabrication scheme one must be aware of the signs of fabrication, and must report and testify to only those things within the realm of personal knowledge. To survive and attack in court alleging fabrication, documentation of your latent print evidence must be so strong as to preclude the possibility of fabrication.

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Foot notes: available upon request.

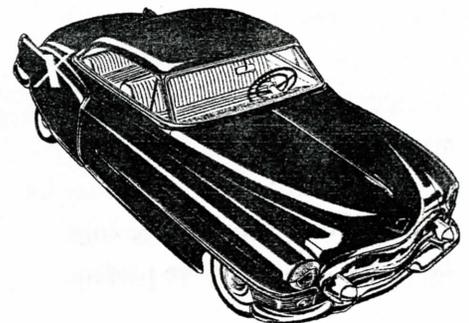
reminded of some of the techniques I incorporated back in 1995 after taking one of Pat's classes.

I had an occasion to dust for latent prints on a car, in a homicide at about 3:00 a.m. one day. A latent palm print became visible on the right rear quarter panel. Before lifting the print I took a Polaroid picture of the latent. At the top of the latent, where the tape is folded down, I put a latent number. For example if there were 17 latent lift tapes on the car, this palm print would have the number 17 on it as well as other identifying letters and numbers showing it is my personal lift. I then lifted all 17 lifts in sequence, listing the date, time, and my initials across the seam of the tape lift on the white 4X6 card. In court I showed the Polaroid with the number, which matched the original lift, both were admitted as court exhibits. I had about 3 minutes of cross-examination and it was mostly concerned about the color of the car that the lift was taken from. That was quickly put to rest after a quick review of the photo. All that was left was to verify the match which was done by our own Charles Illsley.

Commentary



Are you using the tools of your trade?
After reading Pat's article, about how to secure your latent prints against the attack of the defense attorneys, I am





the Editor's Corner

by
LaMar Burns

What do you want first, the good new or the bad news...?. The good news is that we have a name for our newsletter, *The Patent Print*. This was sug-



gested by James May of the Sandy Police Department. We appreciate all your suggestions and comments on the name. The bad news is that this newsletter is late in getting out, so please accept my apologies, the circumstances were beyond my control.

There were three names submitted for a vote. 1. Latent

Tendencies submitted by Darren Jewkes. 2. The Patent Print by James May. 3. The Rap Sheet by LaMar Burns. I think all three names were excellent.

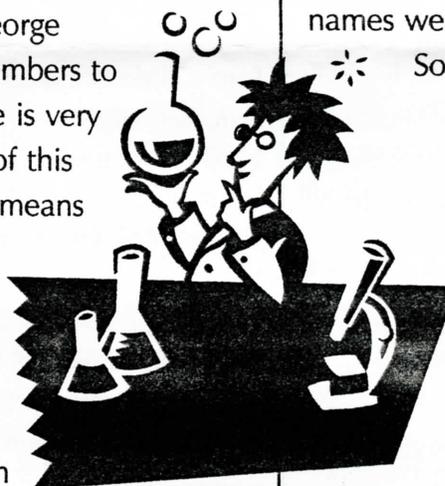
In last October's conference George Throckmorton, the director of the Salt Lake City Police Crime Lab, was given The Distinguished Service Award for his service to the division and to the field of forensics. George wants the members to know that, he is very appreciative of this award and it means a lot to him.

I have yet to receive any articles from our local Utah members. I know you have some interesting stories to be told. The articles can be creative, funny, or dumb.

I do not like to call you up and assign an article for publication, but if I do not receive any for future issues I may have to do just that. I am giving you fare warning, a call may be forthcoming.

MISTAKES: In the last issue James May's and Pat Wertheim's names were spelled wrong.

Sorry for the mistake. []



Submitting any science project is acceptable.

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The Bulliten Board

Forensic Odontology: No Charge

March 31, 1999

West Valley City, Utah

Sue Brown

Shooting Incident Reconstruction: \$295.00

April 12-14, 1999

Salt Lake City, Utah

Edward E. Hueske

Footwear & Tire Tread Evidence & Recovery Techniques: \$295.00

September 14-16, 1999

Salt Lake City, Utah

William J. Bodziak

Footwear Examination Course: \$585.00

April 12-16, 1999

Burbank, California

William J. Bodziak

November 1-5, 1999

Gresham (Portland) OR.

William J. Bodziak

Managing Law Enforcement Property & Evidence Systems: \$295.00

September 14-15, 1999

Gresham (Portland), OR

Izzy Flores.

Advanced Ridgeology Comparison Techniques: \$425.00

~~March 8-12, 1999~~

~~Salt Lake City, Utah~~

~~Pat Wertheim~~

Canceled

April 5-9, 1999

Mesa, Arizona

Pat Wertheim

Utah Division Spring Conference: Scene Documentation Through Diagraming.

April 22, 1999 09:00

Territorial State House, Fillmore, Utah

Utah Forensics Association: Photography, Basic, ALS, Digital.

May 20-21, 1999

West Valley City Hall, West Valley, Utah



International Association for Identification

Utah Division of I.A.I.

The "Patent Print"

West Valley City Police Department

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