



Article Title: Comments on the book “Challenges to Fingerprints”

Origin: The Weekly Detail / www.CIPex.com

Date Published: 2009 Nov 30

Author: Cindy Rennie

Article’s Subject Matter:

The article is a book review of “Challenges to Fingerprints” by Lyn & Ralph Haber who are research scientists in the field of cognitive process of perception, memory & decision making. As of the date of the book in 2009, they had taken 3 courses on fingerprint latent training. The Habers have been called by various defense experts in the US to testify on Daubert hearings. The book was published by Lawyers and Judges Publishing Company Inc.

Key Points in Article

- The book acknowledges the acceptance of the permanence and uniqueness of fingerprints by practitioners, the courts and research scientists.
- Rennie questions the use of the term “pattern” outside of its Henry definition (page 20 of Haber’s book).
- Rennie questions the Habers statement that fingerprint examiners memorize every exemplar they examine (page 23).
- Rennie examines the Habers identification of issues between fingers and exemplar fingerprint images and between fingers and latent fingerprints of fingers (info in tables on page 40-41)
- In the remainder of the article, Rennie sums up a number of challenges that the Habers put forth in their book in regards to the ACE method.
- Rennie ends with stating of the six court cases excluding fingerprint testimony listed in the book, three have been reversed on appeal.

Fallacies and or Issues

- The **Weekly Detail** carried a follow-up to the review in **issue #438**.
 - This was a response by the Habers in addressing three points made by Rennie on description and use of the word pattern; memorization of latents and that only 2 of the 6 cases excluding fingerprints have been reversed on appeal.
 - In the same issue, Rennie responded to the response by the Habers by restating her case on the first two issues and asking Kasey Wertheim to check on the cases.
 - Wertheim states two of the six were reversed on appeal and in a third, the accused plead guilty showing the identification of the guilty person was made correctly.
- The **Weekly Detail** carried a 2nd review of the Habers book on “Challenges to Fingerprints” in **issue #466**. This review was done by Joseph Bono in the Journal of Forensic Sciences.
 - Bono’s review starts with a correction of some data on professional organizations representing and regulating the fingerprint profession (page 6 of Haber’s book).



- Bono challenges the Habers ability and expertise to comment on fingerprints when they have taken only 3 fingerprint courses and have no real world experience with examining fingerprints.
 - Bono states that their review of the fingerprint profession is questionable as they claim everything is done wrong and nothing is right.
 - Bono states that although the Habers state that no identifications are made using AFIS (page 102); their statement of AFIS being used as an identification system for tenprints (page 108) is not true. However, a number of US states do use AFIS “lights out” for tenprint matches.
 - Bono questions the Habers repeated use of the term “error rate” without defining it.
 - Bono concludes with observing that although the Habers identify challenges, they contribute nothing to finding solutions to the “challenges”.
- **I have read Lyn & Ralph Haber’s book “Challenges to Fingerprints.**
 - The book consists of 12 chapters: 1 – into to fingerprints; 2 – fingerprint comparison; 3 – 3 level of fingerprint info; 4 – latent prints; 5 – ACE comparison method; 6 – AFIS; 7 – proficiency and certification testing; 8 – error rates; 9 – bias; 10 – standards; 11 – challenges to claims made by fingerprint profession; and 12 – challenges to fingerprints
 - The Habers goal in writing the book (page 7) is to “help improve the legal system, as it moves toward scientific comparison.” Since the entire book consists only of challenges to fingerprint identification and provides no solutions, they align themselves on the side of excluding fingerprint testimony from courts. In fact in their Preface on page xiii, they state they have given presentations and been called to Daubert hearings by defense lawyers as a result of their “research”.
 - Their audience is fingerprint practitioners and lawyers. The book has been published by Lawyers and Judges Publishing Company Inc. Although they do not provide any solutions, the book is worth reading as a fingerprint expert may be questioned in court by defense lawyers who have read the book and are parroting the challenges.
 - The book contains a table (page 140) listing erroneous identifications attested to by fingerprint examiners in court. The list is compiled from Cole (2005) and Haber & Haber (2006). The list is of 22 cases in which 61 erroneous identifications were made.
 - In reading the book, a person gets a clear picture of what Joseph Bono described in the book as everything the fingerprint community does is wrong and nothing is done right. An example is found in chapter 7 which is on proficiency and certification testing. The Habers outline a number of perceived flaws and inadequacies in the testing that is currently done. There is no acknowledgement that the fingerprint community never conducted any proficiency or certifications testing until recently and that in now doing so, it is a huge step forward in the professionalism of fingerprint examiners and the confidence a court can have in their testimony.
 - The book identifies a number of problems with fingerprint identifications. Committees like SWGFAST and more recently CANFRWG in Canada are addressing a number of these issues with various position papers or standards.