Task Number: 2016-007

Article Title: Law, Probability and Risk Advance Access

Origin: Oxford University Press (2009)

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Author: Simon Cole

Article's Subject Matter:

Individualization is problematic in that its exclusionary power is beyond what can be proved scientifically. According to IAI and SWGFAST (2009) examiners are not permitted to report probabilistic conclusions or ones that narrow a source of similar dimensions and details.

Uniqueness, as a statement of the discernibility of friction skin, lacks scientific backing but instead relies on a statement based on over a hundred years with no two fingerprints being the same. Generally, courts have accepted this, and thus the courts are driving the acceptability of a statement, and not science.

What distinguishes areas of friction skin from each other is not 'uniqueness', it is the way in which we apply parameters of detection and rules governing comparison.

Key Points in Article

- Individualization is unachievable and uniqueness is largely irrelevant to supporting claims of individualization
- Individualization is understood to mean narrowing of sources to one single object in universe
- Uniqueness and Individualization should be discarded as forensic concepts
- 'Knowledge' claims by examiners such as uniqueness and individualization not accepted by scholarly literature (Kwan 1977, Champod and Evett 2001, Thornton & Peterson 2002)
- Scholarly consensus has not dissuaded forensic practitioners from relying on these notions
- Experiments can never prove uniqueness, but only establish that duplication is highly unlikely
- Anatomists do not provide data from which to precisely estimate the variability of friction skin patterns

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Fallacies and or Issues

- Individualization has been dropped by many forensic authorities and practitioners, including OSAC/CanFRWG, seem to be addressing this issue head on.
- The statement of uniqueness and the Forensic Examiner's use of the term, in both testimony as well as a training concept, in Fingerprint Comparison principles may be problematic if overstated or if utilized without knowledge of its limitations.

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