

# ASTM

American Society for Testing and Materials,  
International

**Committee E30 on Forensic Sciences**

## **The History of Subcommittee E30.02 on Questioned Documents**

Presented by Vickie Willard, AFDE Symposium 2013

**During the 1990s....**

**Subcommittee E30.02  
begin with a handful of people**



**Forensic Document Examiners  
Andrew Sulner (New York City)  
and Peter Tytell (New York City)  
were among the first members.**

**1996: Six people attended the E30.02 meeting – held in conjunction with the AAFS annual conference**

**1996: [Second Meeting] Seven people attended this meeting that was held in conjunction with the ASQDE annual conference**

**Note: Because the ASQDE holds closed conferences, the meeting site was challenged because it was convenient and inexpensive for members of ASQDE to meet and vote on ASTM matters, while inconvenient and expensive for non-ASQDE members who were not permitted to attend the ASQDE Conference. No more meetings were held in conjunction with the ASQDE Conference. All future E30.02 meetings were held in conjunction with the AAFS Conference**

**1997: Ten people attended the meeting**

**1998: Twelve members and two guests attended the meeting**

**1999: Five members and three guests attended the meeting**

**2000: Eight members and nine guests attended the meeting**

**Reno, NV**  
**Feb 20, 2000**



**Enter SWGDOC.....**



**The meeting minutes of the E30.02  
Subcommittee on Questioned  
Documents read:**

**“It is anticipated that a number of SWGDOC  
Guidelines will be moved forward through  
the ASTM/SWGDOC Liason (sic) Task  
Group to become ASTM standards”**

# Who is SWGDOC?

**SWGDOC (Scientific Working Group for Forensic Document Examination), formerly known as TWGDOC (Technical Working Group for Questioned Documents).**

**SWGDOC is a task group funded by the FBI. It restricts its membership to individuals who trained on a full time basis for two years or more, further defined as working almost daily in the laboratory/office of the “supervisory practitioner or other instructor” . This precludes almost all privately trained examiners because a four-year part time training program called a mentorship is the norm in the private sector. The SWGDOC “private examiners” are government examiners who retired into a private practice, with the exception of one or two.**

**SWGDOC was formed to write its Standard Operating Procedures (SOPs) into guides to promote “standardization in procedures used in government laboratories.” \* After a few years, however, SWGDOC decided to write their SOPs into guides and take them to the ASTM for publication as ASTM standards.**

\* Shriver & Nelson Web Site – Farrell Shriver was the first Chairman of SWGDOC



## **2000 -- E30.90 Executive Committee Minutes of February 21<sup>st</sup> Meeting**

The chairman of the SWGDOC requested a meeting with the Executive Committee “to express their concern over some of the pitfalls...” of the ASTM process. “Their main concern centered on SWGDOC’s fear that the documents [the standards they were presenting] would or could be held up at the subcommittee level for an inordinately long time in the subcommittee’s attempt to resolve differences of opinion...in turn, prevent the SOP’s [SWGDOC’s Standard Operating Procedures] from being readily available...”

The SWGDOC chairman “expressed concern over how the FBI would react to a discussion on our part [referring to the E30.90 Executive Committee] not to alter the process to satisfy the concerns of the SWGDOC membership.”



## 2001 -- E30.94 Liaison Committee Minutes of February 18th Meeting

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The chairman of E30.02 states:

“SWGDOC has decided to go with the ASTM System for handling their documents. One issue has surfaced however. SWGDOC is not willing to allow for changes or alterations to the documents based on negatives that may be received between subcommittee and main committee ballots.”

This attitude prevailed in the subcommittee  
through the subcommittee's demise.



## 2003 – Committee E 30 on Forensic Science

### Minutes of February 17<sup>th</sup> Meeting

It was announced that “a good way to get SWG members to be E30 members” was by using “a \$50,000 NIJ grant to pay for committee memberships from public sector laboratories – 350 over the next 3 years”. The grant had been arranged by two E30 members.

*E30 members ultimately have the final vote on passage of any new standard or a revision to a standard submitted by the Questioned Document Subcommittee.*



**2002 Meeting -- 20 members present**

**It was announced that “there has been much work product from SWGDOC. Seven guides came out of the fall meeting and the handwriting guide came out last month.”**

**2003 Meeting -- 26 members present**

▶ ***In Ballot: Training Standard***

**2004 Meeting -- 43 members present, 40 holding proxies**

▶ ***Training Guide recommendations and revisions offered by non-SWGDOC members were to be voted on for merit***

**2005 Meeting -- 69 members attending, 56 holding proxies**

▶ ***More Training Guide recommended revisions from non-SWGDOC committee members were on the meeting agenda***

▶ ***The SWGDOC representative brought pre-written motions to the meeting – motions to defeat all recommendations offered by the non-SWGDOC members of the subcommittee.***

## **E2388-05 Standard Guide for Minimum Training Requirements for Forensic Document Examiners**

### **THE FINAL VOTE TO APPROVE TRAINING GUIDE**

Affirmative:	38
Affirmative Proxies	40
Negative	21
Negative Proxies	16
Abstaining	0
Abstaining Proxies	0

**TOTAL VOTES CAST: 115**

**Votes Required to Pass 77 --- Affirmative Votes 78**

**The training guide passed by one vote.**

**CLASSIFIED**

September 2005

**E30.02 became a Classified Committee**

**Purpose: Promotes “balance of interests” by controlling the number of voters from the public sector and private sector**

### **ASTM Definitions**

**User:** Salaried public agency employee or company employee (i.e., government local, state and federal employees)

**Producer:** Person who sells their services (i.e., individuals who own their own business, known as private examiners)

Was the classification issue really to create balance within the subcommittee or to give the government funded SWGDOC an edge in the vote?

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An ASTM representative stated that the reason for the classification was:

***“The committee had a number of controversial issues that began to divide those in private practice and those working for the government. Therefore we implemented the balance requirements - keeping the number of individuals selling their services (those in private practice) at 50% or less.”***

**CLASSIFIED**

# **BONUS**

*Committee Bylaws were changed to permit full time government employees who moonlight in the private sector to choose whether they want to vote as a User or Producer. Due to ASTM restrictions on the number of Producers allowed to vote, by electing to vote as a Producer, a moonlighting full-time government examiner could displace a full time private sector examiner who previously had voting rights on the balloted standards and standard's revisions.*

# APPEALS



**Appeals challenging due process began in 2004 during the Training Guide balloting process**

**Appeals were filed by numerous E30.02 members, one major appeal signed by forty-four (44) members**

# Challenges to Due Process

Appeals filed

- **Interference in the balloting process by the SWGDOC**

# THE ASTM BALLOTING PROCESS...how it was

1. ASTM Regulations required that a negative vote must contain recommendations for revisions to the content in the standard to which the voter is objecting.
2. ASTM regulations require that a motion be made to find the member's recommendations without merit; **otherwise the recommendations will be deemed to have merit and will be incorporated as a revision to the standard.**
3. Instead of allowing members attending the meeting to make or not make motions, ASTM was permitting the member's suggestions to be sent to the non-ASTM affiliated SWGDOC group for discussion at its meeting.
4. SWGDOC was permitted to decide whether they wanted to accept the voter's recommendations or reject the voter's recommendations.
5. At the next E30.02 subcommittee meeting, a SWGDOC representative would be given the floor and allowed to make continuous motions to reject the recommendations made by subcommittee members.

*The SWGDOC action was consistent with the SWGDOC representatives comments at the 2001 meeting about not permitting changes to their standards. This interference by the SWGDOC infringed upon the rights of E30.02 members attending the subcommittee meeting and tainted the balloting process.*



➤ **Violation of ASTM Regulations**

➤ **Violation of ASTM Bylaws**

**In May 2011, forty-four members of the subcommittee signed an appeal alleging violation of the ASTM Bylaws and Regulations during the balloting of standards and revisions to standards.**

**Seven (7) Regulations and three (3) Bylaws were referenced in the Complaint.**

## ➤ Inappropriate classification of members

Inappropriate because the E30 Committee on Forensic Science revised its bylaws and made a change approved by the ASTM whereby a full-time salaried government employee could elect to vote as representatives of the private sector (i.e., as Producers) if their agency allowed them to moonlight during the year and accept private sector case work, even though their case work was limited due to conflict of interest if a case involved any government agency or criminal defense work. Due to the ASTM restrictions on the number of *Users versus Producers*, this allowed government employed examiners to elect to vote on behalf of the private sector. This practice also displaced full-time private sector examiners who previously had the right to vote on balloted standards.

Inasmuch as the SWGDOC drafted standards were being balloted, and SWGDOC is a government funded organization, at the very least, this created a conflict of interest, if not antitrust issues.

# More Challenges to Due Process

- Robert's Rule of Order not being followed at meetings, thereby denying rights to subcommittee members.
- ASTM Regulations require technical reasons to be stated in a motion to find a negative voter's recommendation for changes in a standard to be declared as having no merit. Many times technical reasons were not provided, thus violating regulations.
- ASTM Regulations require all parts of a negative voter's comments be addressed by motion to find no merit to the recommendations, but often this was not done, thus violating regulations.
- ASTM Regulations require a subcommittee ballot for any substantial changes to an existing standard, thereby requiring subcommittee approval before the item is sent to the main committee for final ballot. Bypassing the subcommittee was advantageous to the SWGDOC in eliminating one stage of the review process, thus quicker publication of their SOP (now standards). Bypassing the subcommittee as an infringement of member's rights.

*(Example – next slide)*

This document is not an ASTM standard, it is under consideration within an ASTM technical committee but has not received all approvals required to become an ASTM standard. You agree not to reproduce or circulate or quote, in whole or in part, this document outside of ASTM Committee/Society activities, or submit it to any other organization or standards bodies (whether national, international, or other)-except with the approval of the Chairman of the Committee having jurisdiction and the written authorization of the President of the Society. If you do not agree with these conditions please immediately destroy all copies of the document. Copyright ASTM International, 100 Bar Harbor Drive, West Conshohocken, PA 19380. All Rights Reserved.



Designation: E 444-07

Item 2 – Wk19366

## Standard Guide for Scope of Expertise of **is** Forensic Document **Examiners** ~~ation~~<sup>1</sup>

This standard is issued under the fixed designation E444; the number immediately following the designation is original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year a superscript option (2) indicates an editorial change since the last revision or approval.

### 1. Scope

1.1 This guide describes, ~~in general, the duties of forensic document examiners, also referred to as examiners, examiners of questioned documents, document examiners, or document analysts, the qualifications of individuals engaged in the scientific practice of forensic document examination.~~

1.2 This document can provide guidance to anyone encountering matters involving forensic docu

### 2. Referenced Documents

2.1 *ASTM Standards*<sup>2</sup>

E 2388 Guide for Minimum Training Requirements for Forensic Document Examiners

### 3. Job Description

3.1 The forensic document examiner ~~conducts~~ ~~makes~~ scientific examinations, comparisons, and anal- to: (1) establish genuineness or nongenuineness, or to ~~reveal exposure, damage, or alterations~~, ~~addis~~ identify or eliminate persons as the source of handwriting, (3) identify or eliminate the source of ~~mas~~ typewriting or other impression marks, or relative evidence, and (4) preserve and restore legibility ~~to testimony, when needed, to aid the user of the examiner's services in understanding the examiner's technical reports and give expert testimony.~~

3.2 A complete forensic examination involves the assessment of all elements of a document to a reasoning and conclusions.

3.3 Qualification as a forensic document examiner is based upon a combination of knowledge education, and training (Guide E 2388) specific to forensic document examination. It is critical the k only the ability to analyze and compare, but also the comprehension of the manufacturing process production and preservation of documents.

3.4 An examiner shall be totally objective in all situations. Each shall be honest, ethical, and al in confidence.

3.5 There are additional professional practices that increase reliability and reproducibility of th are examples of professional practices: reliable chain of custody, accepted evidentiary procedures, i quality assurance and control, professional and trade consultation, methods from peer review

<sup>1</sup> This guide is under the jurisdiction of ASTM Committee E30 on Forensic Sciences and is the direct responsibility of Subcommittee E30.02 on Questioned Documents. Current edition approved April 1, 2007. Published June 2007. Originally approved in 1972. Last previous edition approved in 2006 as E 444-06. For referenced ASTM standards, visit the ASTM website, www.astm.org, or contact ASTM Customer Service at service@astm.org. For Annual Book of ASTM Standards volume information, refer to the standard's Document Summary page on the ASTM website.

Balloted by SWGDOC as having no substantial changes



professional development and participation, case review, routine proficiency testing, adherence to an ethical code and adherence to national standards. Additionally, an examiner should be familiar with relevant emerging forensic

3.5.1 Continuity of education in the field is an obligation of the forensic document examiner because of changing nature of forensic science, changes in scientific knowledge and technology, and judicial expectations

3.4 Forensic document examination does not involve the employment or practice of the study of handwriting to create a personality profile or otherwise analyze or judge a writer's personality or demeanor. Examiners primarily identify or eliminate suspects based on handwriting as only a foundation for the practice of the examination in whole or in part.

3.5.1 Examiners in the following field are not suitable expertise in forensic document examination: off-road road investigation, law enforcement, loss prevention, banking, general criminalistics or other forensic or forensic or laboratory management.

3.5.1 Examiners cannot, forensic review, or forensic training, in and of themselves, do not qualify as forensic document examination.

### 4. General Responsibilities

4.1 Examiners shall be neutral when the genuineness of documents is in question. Examiners in this field are to use a personality profile or otherwise analyze or judge a writer's personality or demeanor. Examiners primarily identify or eliminate suspects based on handwriting as only a foundation for the practice of the examination in whole or in part.

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Delete: crossed out text in red  
Add: new text in red  
Keep: text in black

## Challenges continued

- Attempting to influence and/or pressure members to vote affirmative by using specific language in the ballot cover letters, such as:

*“As previously written [this wording]...is not in agreement with the SWGDOC Guide...”*

*“As modified [this section] is also consistent with membership requirements of the Questioned Document Section of the American Academy of Forensic Sciences.”*

- References in standards include only the articles written by SWGDOC members and members of their support groups.
- Training guide revisions are biased in favor of government-type training programs.

## Challenges continued

- Disadvantaging some members by placing their negative vote recommendations and the SWGDOC comments to defeat the vote into a e-mailed ballot, while others are given the opportunity to discuss their recommendation on the floor of the meeting, hold parliamentary debate, and have other speak on their behalf. Not all members were being treated equally.
- Chairman's refusal to ballot revisions to standards proposed by non-SWGDOC committee members, such as:
  - Revisions to the training guide proposed by a group of subcommittee members not affiliated with SWGDOC in 2008 and their proposal remained un-balloted when the subcommittee closed in 2012.*
- Chairman's refusal to allow non-SWGDOC subcommittee members to form official task groups within the subcommittee to write standards.
- Chairman's refusal to disclose the names of the SWGDOC members who were permitted to determined the merit of the ASTM members' recommendations for revisions to standards.

## Outcome to the appeals....

- ASTM declared many appeals moot because the SWGDOC withdrew the ballots that were being challenged, rather than face the challenge.
- The ASTM's Committee on Standards (COS) and/or Committee on Technical Committee Operations (COTCO) stated they did not have "jurisdiction" to hear the appeal – yet ASTM staff would not identify any other ASTM committee having jurisdiction to hear the appeals – so appeals were simply put aside.
- The COS read the appeal signed by 44 members and stated it did not have jurisdiction. COS, however, stated that "the issues you raise should be addressed.... Therefore, I have requested (and am copying) [name], E30 Staff Manager, and [name] Vice President of Technical Committee Operations, to evaluate these issues and respond to your concerns.... Relative to point 5 of the remedial actions, I have copied [name], President of ASTM, and ask that he include your request for oversight of this activity by a disinterested party as an agenda item for the Board of Directors at their upcoming meeting in October." (July 2011)

***Note: None of the 44 individuals were ever contacted about their concerns. No third party oversight was ever enacted.***

**IN SUMMARY... the closing of E30.02 in  
April of 2012 was the result of:**

**The SWGDOC, an FBI funded task group, wanted complete control over writing best practices and training standards for forensic document examiners. Despite the fact that a majority of the members of ASTM Subcommittee E30.02 on Questioned Documents comprised active and retired government employees, this group was unable to control the ASTM standards-setting process due to challenges and input by private sector members. Faced with allegations that government-affiliated members were violating ASTM's due process requirements and federal antitrust laws, the majority members (government affiliated) voted to close down ASTM Subcommittee E30.02 on Questioned Documents.**

**Simply put, the SWGDOC and its supporters elected to abandon the rigorous due process requirements of ASTM's voluntary consensus standards development process in order to give the FBI's SWGDOC task group unfettered control over writing standards for forensic document examiners.**



**P.S.**

**September 10, 2013**

**Notice e-mailed to E30 Committee on Forensic Sciences  
From Chairman Patricia Manzolillo**

“E30 has struggled to fit forensic science practitioners into ASTM voting classification for many years. E30 felt it was in the best interests of the committee to remove the required classification and committee balance which has prevented some members from having an official vote”. By vote and with the approval of the ASTM’s Committee on Technical Committee Operations (COTCO) the E30 committee is no longer a classified committee. All members NOW have a vote.

## A Reasonable Question to ask is.....

*If E30 has been struggling with the unfairness of the classification system for forensic practitioners “for many years”, then why did officers of E30 and E30.02 defend the classification system over the last several years when E30.02 members were challenging its fairness?*

*Apparently, classification served its purpose for seven years by allowing government affiliated members to control E30.02 Subcommittee on Questioned Documents, but since the subcommittee disbandment the classification system is no longer needed.*