

	IMP-PM 13.0 Testimony	
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	<i>Revision #: 1</i>	<i>Issued Date: 10/18/2018</i>
	<i>Document Manager: Cheryl Lozen</i>	<i>Approved By: Jeffrey Nye</i>

Footwear/Tire Track Testimony Guidelines

This document provides the acceptable range of opinions expressed during expert witness testimony while acknowledging that this document cannot address every variable in every examination.

Statements Approved for Expert Witness Testimony Regarding Forensic Examinations of Footwear and Tire Track Impressions:

The examiner may state comparison conclusions as listed in procedure manual IMP-PM 2.0 General Guidelines and Report Conclusions for Footwear/Tire Impression Evidence Analysis under 2.8 Conclusions and Opinions - Report Content.

An examiner may report or state the likely/possible manufacturer and model of footwear or tire that made an impression based on resources available to the laboratory such as databases, industry published information and industry contacts. This may include a statement that explains that other manufacturers may also utilize a similar tread design.

An examiner may report and/or state the likely size of the footwear or tire that made an impression based on visible features in the impression (a number or partial number) or resources available to the laboratory such as specific information from industry contacts.

The examiner may report and/or state the limitations of his/her examinations and opinions.

Statements Not Approved for Expert Witness Testimony Regarding Forensic Examinations of Footwear and Tire Track Impressions:

The examiner may not state that a shoe/tire is the source of a questioned impression to the exclusion of all other shoes/tires because all other shoes/tires have not been examined. Examining all of the shoes/tires in the world is a practical impossibility.

The examiner may not state an association between a questioned impression and a source without qualifying the association.

An examiner shall not assert that the analysis/examination is infallible or has a zero error rate.

The examiner may not state a numerical value or probability associated with his/her opinion. Accurate and reliable data and/or statistical models do not currently exist for making quantitative determinations regarding the forensic examination of footwear/tire impression evidence.

An examiner shall not cite the number of examinations performed in his or her career as a direct measure for the accuracy of a proffered conclusion. An examiner may cite the number of examinations performed in his or her career for the purpose of establishing, defending, or describing his or her qualifications or experience.

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An examiner shall not use the expressions 'reasonable degree of scientific certainty,' 'reasonable scientific certainty,' or similar assertions of reasonable certainty in either reports or testimony unless required to do so by a judge or applicable law.