

	ARSON-PM 6.0 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>

Ignitable Liquid Residue Analysis 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 Ignitable Liquid Residue:

The examiner may report results of examinations and/or state opinions/conclusions about the presence or absence of an ignitable liquid or ignitable liquid residue.

The examiner may report and/or state an opinion as to the identification or chemical classification (if an identification was not achieved) of a substance. The examiner may also report and/or state potential uses of the substance or class of substances.

The examiner may report and/or state an opinion that the conclusions apply to the entirety of an item (or a percentage of the item) when there is a reasonable assumption of homogeneity of the item.

The examiner may report results of examinations and/or state opinions/conclusions regarding a chemical comparison that was performed between items, provided that the opinions/conclusions are supported by the appropriate chemical analyses.

An examiner may report and/or state the manufacturing process used to produce an item and may explain the variability possible between products.

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 Ignitable Liquid Residue:

The examiner may not report or state an opinion that definitively concludes how a chemical originated on/within an item or how long that chemical has been there.

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

An examiner shall not provide a conclusion that includes a statistic or numerical degree of probability except when based on relevant and appropriate data.

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.

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.

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