

	FA-PM 12.0 Courtroom Testimony	
	Document #: 1491	Page 1 of 2
	Revision #: 3	Issued Date: 07/31/2019
	Document Manager: Andrew Carriveau	Approved By: Jeffrey Nye

12.0 Standards for Scientific Testimony

12.1 Introduction

This document provides examples of the scientifically supported conclusions and opinions approved for reporting examination results and conveying expert opinion statements during testimony by qualified Examiners within the Firearms/Tool marks unit. It should be noted that these examples are not intended to be all inclusive and may be dependent upon a precedent set by the judge or locality in which a testimony is provided.

12.2 Scope

These standards apply to qualified examiners within the MSP Firearms and Tool marks units who conduct examinations, issue laboratory reports with scientific conclusions and provide court testimony.

12.3 Responsibilities and expectations

The examiner will ensure that the laboratory report being testified to is consistent with the approved standards and requirements outlined in the firearms procedure manual. If it becomes necessary to issue a corrected copy the examiner shall immediately notify the prosecutor. The date and time of the notification to the prosecutor shall be recorded in the Object Repository of the case in Forensic Advantage. The notification must be in a pdf format. The new report shall be reviewed in accordance with LOM 2.6 and FAPM 10.0 prior to releasing it.

12.4 Conclusions

12.4.1 Identification

An Examiner may state or imply the examination result as an *identification* when the comparison of the microscopic marks are in sufficient agreement to conclude they originated or were created from the same individual source. Sufficient agreement is related to the significant duplication of random tool marks as evidenced by the correspondence of a pattern or combination of patterns of surface contours. Agreement is significant when the agreement in the microscopic marks exceeds the best agreement demonstrated between tool marks known to have been produced by different tools and consistent with agreement demonstrated by tool marks known to have been produced by the same tool. When sufficient agreement exists between two tool marks, the agreement of the microscopic marks is of a quantity and quality that the likelihood another tool could have produced the same tool mark is so remote as to be considered a practical impossibility.

	FA-PM 12.0 Courtroom Testimony	
	Document #: 1491	Page 2 of 2
	Revision #: 3	Issued Date: 07/31/2019
	Document Manager: Andrew Carriveau	Approved By: Jeffrey Nye

12.4.2 Elimination

An examiner may state or imply the examination result as an *elimination* when there is a discernible or measurable difference in class characteristics. An examiner may also state or imply the examination result as an elimination if there are discernible differences in machining marks. FAPM 5.6.2.1 describes the criteria for an elimination based on machining marks.

12.4.3 Inconclusive

If the criteria for an identification or elimination are not observed an examiner may state or imply the examination result was *inconclusive*. If there is significant disagreement of individual characteristics an examiner may state that a different firearm or tool may be the source, but the examination result is still inconclusive.

12.5 Statements Not Approved for Testimony

12.5.1 Absolute and Numerical Certainty

An examiner shall not state or imply, using absolute certainty, that a tool mark was created by a specific tool. Or use the phrases: "To the exclusion of all others" or "To a reasonable degree of scientific certainty".

An examiner shall not assign a numerical degree of certainty to a tool mark identification.

12.5.2 Testimony Reviews

In accordance with LOM 2.7 each examiner shall have, at a minimum, one annual testimony technical review per discipline in which they conduct an analysis as defined in ANAB AR 3028 standard 5.2.1.1.