

**This document provides examples of the scientifically-supported conclusions and opinions that may be contained in Department of Justice reports and testimony. These examples are not intended to be all inclusive and may be dependent upon the precedent set by the judge or locality in which a testimony is provided. Further, these examples are not intended to serve as precedent for other forensic laboratories and do not imply that statements by other forensic laboratories are incorrect, indefensible, or erroneous. This document is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable by law by any party in any matter, civil or criminal, nor does it place any limitation on otherwise lawful investigative and litigative prerogatives of the Department.**

**DEPARTMENT OF JUSTICE  
PROPOSED UNIFORM LANGUAGE FOR TESTIMONY AND REPORTS  
FOR THE FORENSIC GEOLOGY DISCIPLINE**

**Purpose and Scope**

If adopted, this document will apply to Department of Justice personnel who perform forensic examinations and/or provide expert witness testimony regarding the forensic examination of geologic evidence. This document does not imply that statements made or language used by Department personnel that differed from these proposed statements were incorrect, indefensible, or erroneous.

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

**Statements Approved for Use in Forensic Geology Testimony and/or Laboratory Reports**

**Geologic Materials**

1. An examiner may state or imply that the geologic materials were once part of the same broken object. This conclusion can only be reached when two or more geological materials (e.g., rock fragments) physically fit together.
2. An examiner may state or imply that the possibility that the geologic material(s) originated from the same source as the known exemplar cannot be eliminated. This conclusion is reached when there is sufficient quantity of material for reliable and reproducible results and the material(s) cannot be differentiated from the exemplar using all observed or measured characteristics.
3. An examiner may state or imply that no conclusion can be reached as to whether or not the geologic materials could have originated from a common source. This conclusion can be reached for several reasons, including insufficient quantity for either the material or the exemplar, or when there is mixing with other sources of geologic materials.

4. An examiner may state or imply that the possibility that the geologic material(s) originated from the same source as the exemplar is eliminated. This conclusion is reached when the material(s) can be differentiated from the exemplar, and no mixing is indicated.
5. An examiner may state or imply the limits of the areal extent of a geologic body based on published map data.

### **Geologically-derived Materials**

6. An examiner may state or imply that the geologically-derived materials were once part of the same broken object. This conclusion can only be reached when two or more geologically-derived materials (e.g., concrete blocks) physically fit together.
7. An examiner may state or imply that the possibility that the geologically-derived material(s) originated from the same source as the known exemplar cannot be eliminated. This conclusion is reached when the material(s) cannot be differentiated from the exemplar using all observed or measured characteristics.
8. An examiner may state or imply that no conclusion can be reached as to whether or not the geologically-derived materials could have originated from a common source. This conclusion can be reached for several reasons, including insufficient quantity for either the compared material(s) or the exemplar, when there is mixing with other materials that can appear as components of that class of material, or when there has been deleterious change of the material(s) or exemplar.
9. An examiner may state or imply that the possibility that the geologically-derived material(s) originated from the same source as the exemplar is eliminated. This conclusion is reached when the material(s) can be differentiated from the exemplar, and no mixing or deleterious change is indicated.

### **Statements Not Approved For Use in Forensic Geology Testimony and/or Laboratory Reports**

#### **Geologic Materials**

1. An examiner may not state or imply that two or more geological materials (e.g., rock fragments) were once part of the same broken object unless they physically fit together.
2. An examiner may not state or imply that a geologic materials exemplar is representative of all geologic materials in the area of interest.
3. An examiner may not state or imply that the boundaries of a homogenous geologic material can be predicted with absolute certainty.

## **Geologically-derived Materials**

4. An examiner may not state or imply that two or more geologically-derived materials (e.g., concrete blocks) were once part of the same broken object unless they physically fit together.
5. An examiner may not state or imply that the total number of objects within a group of similar geologically-derived materials can be predicted with absolute certainty.

**DEPARTMENT OF JUSTICE PROPOSED UNIFORM LANGUAGE  
FOR TESTIMONY AND REPORTS REVIEW SHEET**

**Directions:** This review sheet is designed to assist you in evaluating the attached Proposed Uniform Language for Testimony and Reports document against certain criteria while maintaining internal consistency in review and assessing comments.

Your use of this rating sheet is completely **optional**. While it is anticipated this review sheet will encourage comments on issues of particular importance, you are welcome to submit comments in any format that you believe appropriate. This review sheet is not intended to limit comments in any way.

If you elect to use the review sheet, you may find it helpful to frame your comments as suggested below.

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**Proposed Uniform Language Discipline Reviewed:**

**Reviewer Name:**

**Reviewer Organization:**

**Reviewer Email:**

**Statements Approved for Use in Laboratory Reports and Expert Witness Testimony**

Provide a summary of your assessment of the statements approved for use, including the most important highlights from the individual criteria comments.

- The statements approved for use are supported by scientific research.
- The statements approved for use accurately reflect consensus language.
- The statements approved for use are stated clearly.

**Statements Not Approved for Use in Laboratory Reports and Expert Witness Testimony**

Provide a summary of your assessment of the statements not approved for use, including the most important highlights from the individual criteria comments.

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- The statements not approved for use accurately reflect consensus language.
- The statements not approved for use are stated clearly.