

## **Bank Fraud Newsletter**

### **Investigator's Corner**

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#### **Evidence**

Fraud schemes often leave a paper trail, that helps investigators and prosecutors identify the individual(s) responsible and estimate the scope of the loss. Documents used to facilitate the fraud link the perpetrator to the crime and become key pieces of evidence. Evidence, regardless of the type, must be preserved and documented to be useable in criminal trials or employment hearings.

Opposing counsel will often attack the admissibility of evidence in terms of its relevancy and chain of custody. Especially in the early stages of an investigation, the relevance of a piece of evidence may not be evident. As a result, every item recovered should be treated as though it is relevant. Seemingly useless items may later play key roles in the prosecution of the case.

#### **Best Evidence**

The best evidence is always the original document or item itself. Originals should be obtained, whenever possible. The investigator should document the recovery of each piece of evidence, noting the date, time, location, and by whom the item was recovered. The investigators may wish to create copies of the document for the working file, or for a business necessity. Any copies should be clearly marked, "Copy", while the original should be preserved as it was found.

#### **Chain of Custody**

The investigators must maintain the chain of custody of any evidence that comes into their possession. A break in the chain of custody may result in the item or document being inadmissible at trial. Chain of custody assures both the defense and prosecution of the evidence's integrity.

To maintain a chain of custody, the evidence must be stored in a secure location. The secured location can be as simple as a locked door or as large as a room, with access controlled by the "evidence custodian". When evidence is transferred from one person to another, the transfer must be documented. Evidence sent to a crime lab, document examiner, or police must be accounted for as well. The simplest way to do this is to create an evidence log that lists each item by number and description. Then any transfer is noted, by the evidence custodian, maintaining the item's chain of custody.

## **Forensic Study**

Evidence should be preserved for possible forensic study. The original document should not be altered or written on, with the exception of an unobtrusive notation for identification purposes. Original documents should not be handled unnecessarily, instead, create work copies while preserving the original in an envelope or plastic cover. Folding, creasing or marring the original may destroy opportunities to derive additional evidence from the item.

## **Document Examiner**

A forensic document examiner may be able to link the subject to the fraud in a variety of ways. Handwriting can be analyzed to determine whether it is authentic or forged. It may be possible to identify the author of a particular writing, signature or number. The examiner may link typewriting or typist identification. He or she can also be useful in determining the sequence of entries or in deciphering alterations, obliteration's, and erasures. Examination of ink formulas may reveal a change of entries, such as a (1) to a (4) by the addition of an added stroke. The ink can also be analyzed to determine when it was produced. This may identify forgeries created after the date of the document.

The document examiner can also analyze the paper for watermark and date of production. These types of forensic investigations into a document may reveal significant information important to the investigation.

Document examiners are highly trained members of the law enforcement forensic team. This position requires years of study, training as well as certification by the American Board of Forensic Document Examiners. To locate an examiner in your area, contact the local or federal crime laboratory. Of course the best way may be to contact the American Board of Forensic Document Examiners in Houston, Texas at (713)784-9537 for a qualified examiner in your area.

## **Types of Available Forensic Document Examination**

**Handwriting** - The identification and elimination of questioned entries.

**Sequence** - The determination of the sequence of entries.

**Alterations and Obliterations** - The detection and decipherment of erased, obliterated, and altered entries.

**Typewriters and Printers** - The identification and comparison of typewritten entries to determine the original.

**Copiers** - The identification and comparison to determine the source of copy exhibits. It is also possible to make a determination of authenticity of reproduction copies.

**Inks** - The examination and comparison of inks and ink dating. It is also possible for a document examiner to differentiate between inks produced by different writing instruments.

**Paper** - The differentiation of papers to determine authenticity. Watermark files are also available for paper dating.

**Burnt, Charred, and Faded Documents** - Document examiners can often reconstruct text and preserve burnt, charred, or faded documents for evidence.