



Obtaining Collected or Nonrequest Known Writings

When the questioned writing is suitable for comparison purposes, normal and naturally written, and has sufficient individuality to reach a meaningful opinion of authorship, then it may be sufficient to have normal, natural, contemporaneous **requested** known writing, written during that same period for comparison purposes. In some instances, it is necessary to supplement the requested known writing with collected or nonrequest known writings (CNRKW).

What are collected or nonrequest known writings?

CNRKW is writing usually written during the normal course of business and daily activities of life. However, under no circumstances can it be assumed that all CNRKW is, in fact, the writing of their purported writer and/or naturally written. When properly authenticated, they can be useful for comparison purposes.

When naturally written, they should reflect the writer's normal handwriting habits and range of variation. However, like requested writings, they, too, are subject to the effects of transitory factors that can affect any writer, such as illness, injury, writing deliberately or using intentional disguise, effects caused by a malfunction of the writing instrument, a sudden and unexpected change in the writing surface, etc. Notwithstanding the potential limitations of CNRKW, it still may be desirable to have some CNRKW for comparison purposes. However, there are some cases when CNRKW will be of no value for comparison. In these instances, a sufficient quantity of properly witnessed known writing is all that is needed for comparison. Each case must be evaluated on its own merit.

CNRKW is not always truly representative of the writer's normal, natural writing. They should always be viewed conservatively and with a certain amount of caution and skepticism. Occasionally, CNRKW, written while the writer was deliberately trying to alter his writing habits, has been collected and submitted for comparison purposes. In one such case, among the collected known writings, were several sheets of paper on which the writer was practicing how to simulate the writing of another person. Coincidentally, it was the same name as on the questioned document.

Writing is natural when the writer:

- 1) Has no doubt about the content of what he is writing;
- 2) Knows how the letters and letter combinations are suppose to be written, and the pen movements required to make them are the result of writing habits developed over time;
- 3) Knows his writing reflects his normal level of skill—low, medium, or high—and graphic maturity.

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Unnatural writing occurs when the writer is affected by some transitory or permanent factor that alters and/or changes his normal writing habits. Some transitory factors are:

- 1) The influence of alcohol or drugs on the writer;
- 2) A rough or uneven writing surface that interrupts the normal rhythmical movement of the pen;
- 3) Deliberate alteration of normal handwriting habits to create a disguise for the purpose of trying to avoid detection;
- 4) Cramps that affect the normal contraction and relaxation process of the muscular interaction of fingers, hand, and arm during writing. If the writer holds the writing instrument with his mouth, toes, etc., the cramping of the muscles used when writing like this can also affect pen grip and movements.
- 5) Cold or injury to the fingers, hand, or arm that can affect the normal contraction and relaxation of the muscles;
- 6) Writing done while the writer is in an awkward or unnatural writing position;
- 7) Intentional disguise to change or alter writing habits;
- 8) Writing with the unaccustomed hand. If the writer is ambidextrous, he may have developed a virtually identical writing skill incorporating the same style of writing and pictorial appearance of the letters and letter combinations, using either hand. In some cases, the writer may have two different styles of writing, one using the accustomed hand, a second when using the unaccustomed hand. For most writers, using the unaccustomed hand may result in a significant reduction of the writer's skill level. Notwithstanding this reduction, there may be some common characteristics present in the writing done with either hand. Each case must be evaluated on the available observable evidence in the examined writing.

Permanent changes in writing can result from either gradual or sudden and dramatic changes in the writer's skill level. Some factors causing such changes are:

- 1) The muscular changes resulting from aging, disease, or physical conditions such as a stroke, Parkinson Disease, etc. These may be either progressive or result in a sudden effect on the writer's level of writing skill.
- 2) Loss of the writing limb after reaching graphic maturity. There are many examples of writers losing their writing limb, and over time, and with a great deal of practice developing writing habits that are virtually identical to the original ones they had using the lost limb.

As shown, the presence of transitory or developing permanent conditions can have a short or long term affect on a person's writing. When gradual changes occur, it can be important to have CNRKW written during that period of change for comparison purposes. If the questioned material is purportedly written during that period of change, it can be important to have CNRKW written both before and after the purported date of the questioned writing. The importance of having CNRKW during this period is case dependent.

The extent of change in writing over time is a function of the writer and his reaction to whatever is causing the change. If the amount of variation becomes greater over shorter periods, and the questioned writing is written during that period, then it can be important to have CNRKW written during the same period for comparison. Again, each instance and each writer is case dependent.

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There is a very practical limitation concerning the availability of CNRKW. It is not always possible to obtain CNRKW written under the same circumstances and conditions as those when the questioned writing was written. Some examples will help illustrate the point. If the questioned writing was written:

- 1) While the writer was sitting in his car, using the hub configuration of the steering wheel as a writing surface;
- 2) While the writer was standing in line at the bank, using the palm of his hand or the back of the person in front of him as a writing surface;
- 3) While the writer used a concrete block, or other rough writing surface;
- 4) While the writer was lying in bed and had restricted use of his writing hand and arm;
- 5) While the writer was in some stage of withdrawal after using alcohol or drugs, etc.

CNRKW writing done under these same circumstances may not be available. Establishing that the questioned and known writing was, in fact, written under exactly the same circumstances as the examples above, it would be desirable to have CNRKW written under the same circumstances for comparison purposes.

Many times, it is advantageous to have both CNRKW and requested known writing for comparison purposes. Whether both types of writing are necessary for any given examination is case and situation dependent. There is no hard and fast rule that both kinds of writing must always be obtained and submitted in each, and every case.

If the questioned and requested known writing are contemporaneous and naturally written, then the necessity for having CNRKW becomes less important. If there is a question about whether or not the known writer is writing unnaturally or disguising his writing, then yes, it may be of value to have some CNRKW to establish whether-or-not he is or is not writing naturally.

What should collected or nonrequest known writing consist of?

Regardless of what documents and writings are to be submitted for examination and comparison, it is essential to remember:

- 1) If the questioned writing is cursive or long hand, then the CNRKW obtained for comparison with it must also be cursive or long hand. If hand printed, then hand printing
- 2) In handwriting and hand printing comparison, to conduct a meaningful examination and comparison between questioned and known writing, it is essential to have like writing styles consisting of repeated letters and letter combinations. It is not possible to conduct a meaningful examination and comparison between two or more writings if they are not the same style of writing, and do not contain common letters and letter combinations.

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The letters and letter combinations found in the questioned writing must be present in the collected or nonrequest writing **in sufficient number** to establish the writer's habits and normal variation when writing the same letters and letter combinations, if a meaningful examination and comparison is to be conducted.

Further, a capital "B" cannot be compared with a capital "C," or even with a lower-case "b," without reaching the conclusion that there are **no** handwriting characteristics in common between the writings to conclude whether or not they are written by the same person. A capital "M," cannot be meaningfully compared to an "N." The "M" and "N" may have the same approach stroke, and the arch formation of the "N" may be similar to the first arch of the "M," but that is not sufficient similarity to conclude that both letters are written by the same writer. What can be concluded? That they have some limited characteristic, qualities, and features in common.

The FDE knows that in the absence of observable evidence in the examined documents, he is not able to reach a meaningful conclusion concerning authorship of the questioned writing. That observable evidence and its significance provide the basis for the opinion. If he either does not accurately determine the significance of the observable evidence, or relies solely on purported circumstances surrounding the document or writing, he will in all probability arrive at the wrong conclusion. In fact, in doing so his opinion may be nothing more than speculation. Speculation is never justified, because, it is not based on observable evidence.

With this background, what else is important to know when dealing with CNRKW? If any of the writings submitted to the examiner for comparison purposes are not admissible as evidence in court, do not submit them for examination purposes. Why? Several reasons are:

- 1) If they are used for examination and comparison purposes, the opinion rendered is partly based on the observable evidence on those documents;
- 2) If they are excluded at the time of trial, the opinion rendered using them in the examination and comparison process is no longer valid, and the examination and comparison will have to be redone without them;
- 3) If an illustration has been prepared for court using portions of the nonallowed writing, where the nonallowed writing appears on the illustration is going to be cut out before the illustration is shown to the jury. Having a hole in the illustration immediately raises questions, not to mention the adverse affect it will have on the illustration's aesthetics.

To repeat, when it is necessary to remove known writing because it is not admissible in court, the opinion rendered and recorded in the report is no longer valid. It will be necessary to reexamine the case without that writing and determine if the opinion remains the same or needs to be changed. If it changes, the opinion rendered will most likely be weakened.

Some sources of CNRKW

What are some of the sources for CNRKW? The following list consists of numerous possible sources that may be of value to the investigator. These sources are not meant to be all inclusive. There may be others that can be used because of the uniqueness of the activities of the writer. The list provided may be of assistance to the investigator.

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The origin of this list is unknown. Over the years, it has been attributed to the Federal Bureau of Investigation (FBI). If, indeed, they are the ones who compiled the list, it is to them that the reader should be indebted if he finds the list of value.

<u>ITEM NO.</u>	<u>SOURCE</u>	<u>ITEM NO.</u>	<u>SOURCES</u>
1	Account books	51	Inventories
2	Affidavits	52	Leases, real property
3	Assignments	53	Letters
4	Autographs	54	Library card applications
5	Automobile insurance applications	55	Light company applications
6	Automobile license applications	56	Life insurance applications
7	Automobile title certificates	57	Loan applications
8	Bank deposit slips	58	Mail orders
9	Bank safe deposit entry records	59	Manuscripts
10	Bank savings withdrawal slips	60	Marriage records
11	Bank signature cards	61	Membership cards
12	Bank statements, receipts for	62	Memoranda of all kinds
13	Bible entries	63	Military papers
14	Bills of sale	64	Mortgages
15	Bonds	65	Newspaper advertisement copy
16	Books, signatures of owner on cover	66	Occupational writings
17	Building "after hours" registers	67	Package receipts
18	Business license applications	68	Parents signatures on report cards
19	Charity pledges	69	Partnership papers
20	Check book stubs or record book	70	Pawn tickets
21	Checks, including endorsements	71	Passports
22	Church pledges	72	Payroll receipts
23	Convention registration books	73	Pension applications
24	Contracts	74	Permit applications
25	Cooking recipes	75	Petitions, referendum, etc.
26	Corporation papers	76	Photograph albums
27	Criminal records	77	Pleadings
28	Credit applications	78	Postal cards
29	Credit cards	79	Probate court papers
30	Deeds	80	Promissory notes
31	Deeds of trust	81	Property damage reports
32	Depositions	82	Receipts for rent, etc.
33	Diaries	83	Registered mail return receipts
34	Dog license applications	84	Releases of mortgages
35	Drafts	85	Rental contracts for equipment
36	Drive-it-yourself applications	86	Reports
37	Drives licenses and applications	87	Retail store sales slips
38	Druggists' poison registers	88	School and college papers
39	Employment applications	89	Social security cards and papers
40	Envelopes	90	Sport and game score cards
41	Fishing licenses	91	Stock certificates, endorsements on
42	Funeral attendance registers	92	Surety bond applications
43	Gas service applications	93	Tax estimates and returns
44	Gasoline mileage records	94	Telegram copy
45	Gate records at defense plants	95	Telephone service applications
46	Greeting and Christmas cards, etc.	96	Time sheets
47	Hospital entry applications, etc.	97	Traffic tickets
48	Hotel and motel guest registers	98	Voting registration records
49	Hunting license	99	Water company service applications
50	Identification cards	100	Wills
		101	Workers' Compensation papers