



# Formatted Reporting

The benefits of standardized report language.

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**F**OR THE FORENSIC EXPERT OF ANY DISCIPLINE, THE ROUTINE USE OF SPECIFIC PROCEDURES is the most efficient and scientific way of performing a requested analysis. Experts who routinely perform the same procedures have protocols of some sort on which the collection of data and evidence is based. These protocols may be developed by the investigator, internally by a private company, by a recognized authority such as a professional organization, and/or by a government entity.

It is considered foundationally essential to have, and use, some formalized process or protocol if one chooses to recognize and abide by the scientific method, especially if that investigator hopes to have his testimony reach the trier of fact (judge, jury, arbitrator, etc.). An account of the procedures and protocols usually accompanies the expert's findings and

opinions in a written report.

A report prepared by a forensic expert is the culmination of his investigation into a matter of issue. The expert's opinion is derived, in part or whole, from data collected using standardized procedures and protocols. A properly prepared formal report generally includes the procedures, protocols and data on which his opinion is based.

If an investigator is using the same procedures and protocols during different matters of similar nature, the description of those procedures and protocols will often be of similar form and language in each written report — and for good reason. If the analysis of the evidence and data collected leads the investigator to a conclusion he has drawn in a previous investigation, then all things being equal, the language used to present the opinion may be similar to that of previous reports.

The practice of using similar language in different reports is sometimes looked upon as complacency or laziness on the part of the

reporting investigator. However, this could not be further from the truth.

### The Value of Consistency

When an investigator specializes in a particular area investigation or has performed repeated evaluations of similar circumstances, it behooves that investigator to report his findings and opinions in a manner proven to be an efficient and effective use of descriptive, standardized language regardless of whether that language has been used in previous reports.

It goes without saying that investigators who perform the same type of analysis over and over have, do and will continue to use what has been inappropriately demonized as “boiler plate” or “cookie cutter” reporting (reports that use and re-use language and reference information that has previously been part of another report).

“Cookie cutter” or “boiler plate” reports are those characterized as verbiage that is used over and over again in various reports and documents. Such use of language is commonplace in legal documents to the point that those sections of such documents are often overlooked. However, it has been alleged that the use or re-use of language in forensic reporting is somehow characteristic of inadequacies in the analysis or complacency on the part of the investigator suggesting that he won’t take the time or interest to create new and different ways of saying the same thing when reporting on similar cases. Any seasoned forensic expert knows the great value of re-using verbiage that has passed the scrutiny of testimony and cross-examination.

The Federal Rules of Evidence, Rule 702, outlines the basis for the admission of scientific testimony in the Federal Court System. This rule, citing aspects of prior Supreme Court rulings such as “Daubert vs. Merrill Dow Chemical,” includes the criteria of standardization by requiring that expert testimony “is the product of reliable principles and methods.”

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Consistency and recognition of procedures and protocol is believed to establish the validity of the method and agreement within a scientific community thus making those procedures and protocols “reliable” in the eyes of the court. If consistency in “principle and method” is the basis for reliability, than consistency in the way those methods are reported should naturally follow.

Experts are the educators of the courtroom. Their purpose is often to explain complex concepts, such as transponder immobilizers, to non-technical, non-forensic participants in a trial. Such participants may include attorneys, clients, judges and juries. When a testifying expert can make a technical concept understood by the court, the descriptive manner, demonstrative aids and necessary metaphors should be considered for future testimony.

Texts, technical papers, studies and other writings are often used by educators to develop structured lessons. Year after year, educators at every level use and reuse course formatted outlines, lesson plans, demonstrative aids, and standardized language across their curriculum. Textbooks use and reuse both content and language, often varying only the layout and diagram detail from version to version. Instructor lesson plans and the texts they rely upon are riddled with standardized language. Yet the language and

structure of respected and authoritative texts are never criticized for the use and reuse of verbiage from edition to edition.

### Final Thoughts

It is recommended that where appropriate, the forensic expert use formatted reporting and standardized language for expert reports and testimony. The court system judges the validity of forensic evidence, in part, by the methods used to uncover the evidence. The structure of scientific investigation should naturally continue to the expert’s report through standardized language and formatted reporting.

Forensic reporting is not creative writing. The purpose of the expert’s report is not to entertain, but to educate his reader. The description of routine procedures should not vary from report to report or from testimony to testimony once the expert has come upon a “lesson plan” that has proven effective.

There is no reason for an expert preparing reports to attempt to create new and inventive ways of describing something that has been described simply, accurately and successfully in previous reports. Thus, the forensic expert should attempt to standardize report language and format especially for investigations where procedures are often repeated.

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