

**Chemistry Unit (CU) FBI Approved Standards for Scientific Testimony and Report  
Language for Paints and Polymers Materials**

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# Chemistry Unit (CU) FBI Approved Standards for Scientific Testimony and Report Language for Paints and Polymers Materials

## 1 INTRODUCTION

This document provides examples of the scientifically supported conclusions and opinions approved for reporting examination conclusions and offering expert opinion statements during testimony by Paints and Polymers Examiners. It is noted that 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.

## 2 SCOPE

This document applies to CU employees who prepare an FBI *Laboratory Report* and/or provide testimony related to Paints and Polymers materials. This document does not apply to CU employees who provide fact witness testimony.

## 3 RESPONSIBILITIES

- A. The Examiner will ensure that a *Laboratory Report* is consistent with the approved language contained within this document as well as PP-803.
- B. The Examiner will ensure that testimony related to Paints and Polymers examinations is consistent with the statements contained within this document.
- C. The Technical and Administrative Reviewers will ensure compliance of Paints and Polymers *Laboratory Reports* with the statements contained within this document as well as PP-803.

## 4 STATEMENTS APPROVED FOR FBI PAINTS AND POLYMERS TESTIMONY AND/OR LABORATORY REPORTS

For more detailed guidance on report writing regarding Paints and Polymers materials, see PP-803.

- An examiner may report and/or state an association between two or more items based on their physical and/or chemical properties. For the large majority of such cases, these associations are limited to class characteristics and, as such, are not individualizing.
- The examiner may report and/or state the relative strength of the association. The degree to which this association is qualified is stated in the **Report of Examinations** using the *Comparison Conclusion Scale* that is defined in PP-803.
- The examiner may report and/or state that additional significance may be given to examples of cross-transfer and/or if multiple types of evidence appear to have transferred from one source to another.

- An examiner may report and/or state that an *Elimination* is the determination that two paint/tape/polymer items did not originate from the same source due to sufficient differences in their physical or chemical properties.
- The examiner may report and/or state the limitations of his/her examinations and opinion.
- An examiner may report and/or state the polymeric composition of an item according to the terms described in the *Characterization Conclusion Scale*, as well as the possible common uses of the material.
- An examiner may report and/or state the likely manufacturer of an automotive paint or duct tape based on resources available to the FBI Laboratory (e.g., databases, industry contacts) according to the terms described in the *Characterization Conclusion Scale*.
- An examiner may report and/or state that an Inconclusive is the inability to reach a conclusion.
- An examiner may report and/or state the manufacturing process used to produce a paint/tape/polymer item and may explain the variability possible between products.
- An examiner may report and/or state the batch size involved in production, such as how many single rolls can be produced from a jumbo duct tape roll or how many vehicles from an assembly line might contain the same paint layer system.
- An examiner may report and/or state the application process used to paint an item when the physical characteristics permit such an inference.

## **5 Statements Not Approved For FBI Paints and Polymers Testimony and/or Laboratory Reports**

- An examiner may not state or imply that the methods used in conducting paint/tape/polymer comparisons have a zero error rate.
- An examiner may not state or imply a statistical weight or degree of certainty in the conclusions that is absolute or numerically calculated.
- An examiner may not state or imply that a conclusion has been reached to within a “reasonable degree of scientific certainty” as this term has no basis in scientific inquiry or research and has been strongly discouraged for use by the National Commission on Forensic Science.
- An examiner will not cite the number of Paints and Polymers examinations performed in the span of a career as a direct measure for the accuracy of the

proffered conclusion. (An examiner may cite the number of Paints and Polymers examinations performed within the span of a career for the purpose of establishing, defending, or describing the stated qualifications or experience.)

**6 LABORATORY REPORT REVIEWS**

The content of a Paints and Polymers *Laboratory Report* will be reviewed per LAB-100, LAB-200, and CHEM-100, as well as PP-803 to ensure compliance with the statements in this document.

**7 TESTIMONY REVIEWS**

Paints and Polymers testimonies will be reviewed following LAB-100. The review will ensure compliance with the statements in this document.

**8 REFERENCES**

PP-803, Latest Revision

CHEM-100, Latest Revision

LAB-100, Latest Revision.

LAB-200, Latest Revision.

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## 9 REVISION HISTORY

Revision	Issued	Changes
04	07/01/2022	Reformatted document issued per LAB-100 and LAB-200