

P. G. Kipouras,

PhD, Prof. Law School-Dimocritus Un.of Thrace (D.U.Th.), Greece, Senior Researcher of South Ural State University (Chelyabinsk, Russia), Document Examiner, Judicial and Professional Graphologist, Expert in Graphometric Signatures, Attorney at Law in Athens, Greece,

ORCID: <https://orcid.org/0000-0002-4021-7584>, e-mail: kipouras.pavlos@hotmail.com

MODERN TENDENCIES OF THE SCIENTIFIC NATURE OF FORENSIC DOCUMENT EXAMINATION

Abstract. Definition of the approaches of Judicial Graphologists (JG) and Forensic Document Examiners (FDE). Reference and analysis of the basic mentality of every tendency. Proof of coincidence of the basic notions and rules. The role of Graphometry. A proposal of merging both mentalities in modern FDE.

Keywords: Judicial Graphology (JG), Forensic Document Examination (FDE), Graphometry, graphic personality, dynamical approach, technical approach.

Анотація. Визначено підходи судових графологів та експертів до вивчення документів. Проведено аналіз основних моментів кожного із підходів. Доведено збіг основних понять і правил. Визначено роль графометрії. Запропоновано об'єднати обидва підходи в сучасній судовій експертизі документів.

Ключові слова: судова графологія, судова експертиза документів, графометрія, графічний матеріал, динамічний підхід, технічний підхід.

Аннотация. Определены подходы судебных графологов и экспертов к изучению документов. Проведён анализ основных моментов каждого из подходов. Доказано совпадение основных понятий и правил. Определена роль графометрии. Предложено объединить оба подхода в современной судебной экспертизе документов.

Ключевые слова: судебная графология, судебная экспертиза документов, графометрия, графический материал, динамический подход, технический подход.

There is an ongoing theoretical conflict regarding the requisites of the scientific nature of Forensic Document Examination (FDE). On one hand the traditional mentality of the theory remains in the old-fashioned approach of the graphological tool considering Graphology as the key-method of investigation in cases of forgery. On the other hand the modern tendency considers the technical part of the research as more efficient to reveal the forensic truth [2]. In practice, we find both methodological approaches applied in different continents of even different countries of the same continent, depending even on the technological and economical evolution of each one, strictly related to its stage of digitalization. Which is the correct point of view?

In the modern era, because of the continuous technological evolution, most scientific sectors are forced into a completely new vision of investigation and research. The digitalization of the procedures has diminished the quantity of documents produced as a result of human handwriting or signatures. Many bureaucratic procedures can nowadays be accomplished in a completely digital form, without demanding any human interference of writing or signing. The technical orientation of a forgery's investigation demands a new approach, which justifies the new tendency of giving priority to lab analysis and

research [9]. In the same time the term “document” acquires a new meaning, not only technically and physically, but even legally. In this new digital environment FDE should evolve its scientific mentality in order to follow the modern challenges of the object of investigation, that is writing, meant in its modern version. Nevertheless, we really have to ask ourselves if we have to change our scientific perspectives or if we have to apply and adjust them in an updated vision according to the new requirements. I personally think that the key of answering this question in the FDE sector is Graphometry.

In the past, there have been some theoretical attempts of founding the scientific basis of FDE in graphometric systems [1], with the first attempts in this direction made by Bertillon and Locard. Following the mentality of the positive sciences, they tried to apply in the handwriting analysis mathematical perspectives and calculations, so as to demonstrate the forgery or originality of the handwritten traces or signatures. The scientific basis used as a point of reference remained on the surface of the problem, because of the fact that these theoretical systems could not deepen the investigation into the dynamical aspect of the graphic gesture. This has always been the characteristic and main advantage of the graphological theories. Nevertheless, could it be possible to apply the graphological mentality in a digital document, since there is no handwritten trace on it? On the opposite direction, is it possible to approach the dynamic aspect of a handwritten document by using only the technical analysis of it (such as paper's quality detection or ink's chronological sequence) [8]? If the lab analysis could indicate that two traces were produced in different times, is this enough to solve the forensic problem? There could be, for instance, a subsequent addition of a number in a bank cheque by the same hand using a different pen. Could that mean that we have to deal with a case of forgery? In another example, the ESDA analysis could reveal latent handwriting, but, does this element indicate a forgery since, very often, we use to write in papers stowed one over the other, as in notebooks? Such findings demand forensic explanation, common sense of forensic mentality and experience. Sometimes, we witness forensic conclusions based on the priority to the technical findings, which cannot be logically reliable.

We have to clarify that there is a misunderstanding regarding Graphology and its application in the FDE. The graphological theory is based on the analytical concept of the revelation of the writer's personality by following the evolution of Psychology. This scientific mentality is not applied in the field of Judicial Graphology (JG or FDE), just because of the fact that the graphological analysis of the personality demands a spontaneously produced handwritten specimen. In the JG-FDE's case, the lack of graphic spontaneity is almost given by

default [4]. For this reason the graphological approach of FDE follows a completely different methodological path by adopting various graphic rules which have nothing in common with the method of Analytic Graphology or Graphological Characterology. We should discriminate between the revelation of the personality of the writer (Analytical Graphology's approach) and the revelation of the graphic personality of the writer (JG-FDE approach). First of all, we have to define the purpose of the JG-FDE's investigation and the object of it [6]. In JG-FDE our investigative purpose is to conclude if a certain specimen was produced by a certain graphic personality, not to reveal the psychological aspect of the personality of the writer. For this reason, the methodological supplies are diametrically opposite. Actually, if we examine the graphic rules followed by JG's of graphological education [3, p. 114], so called Judicial Graphologists, we will find out that the points of reference are common to the ones of FDE's of technical approach. In fact, we have to deal with the same scientific requisites which are baptized as different, just because of a misunderstanding in the definitions of the terms. If we should refer to basic common scientific notions, we could indicate the common acceptance of the cerebral origin of writing or the uniqueness of the writing/signature of every individual, which is analogous to the uniqueness of DNA or fingerprints. Therefore, can we simply conclude that all this discordance is just a simple misunderstanding? In my opinion we have to deal with a case of scientific stridency. Students of a certain educational preparation tend to deify the received instruction. When they become scientists they usually remain in the same restrained view of approaching the issue. The vision of the scientist though (and especially of the FDE) should be based on a wide angle. The experience has taught that FDE cases have many particularities, and although there might be some common elements, every case could have severe discrepancies in respect to a standard case [9]. FDE's -maybe more than in other scientific branches- should have a mentality of elevated scientific flexibility. If we should separate the tendencies in modern FDE, we should indicate in just a simple term the content of the dispute: focusing on the dynamical aspect of the Judicial Graphology's mentality and on the technical aspect of the Document Examiners' mentality. In practice, there are cases which demand the prevalence of the dynamical analysis of the gesture. We can imagine testaments of elderly people having grapho-pathological implications, where the technical approach is completely useless. On the other hand, we can imagine a digitally produced document without handwriting, where the dynamical approach is completely inapplicable.

Apart from these cases, which are placed on the edges of the case studies, we usually face forensic problems which demand a combination of both tendencies and scientific mentalities. Given a bank cheque, it is a question of dynamic analysis if the signature is genuine or not and in the same time it is a question of technical analysis if the number of the amount of it is written by the same ink/pen. If not, then it refers again to a dynamic aspect to define if all the numbers have been written by the same hand, even in different times. In another example, in the case of a document in color, it is a technical aspect to ascertain if the signature is original or not (printed in color) and a dynamic aspect to define the authenticity of it.

Undoubtedly, even Judicial Graphology's mentality is really necessary in FDE [7]. In conclusion, given the above, I personally believe that it would be wiser to merge both mentalities in one and common approach of investigation. Using one or another term is not really the core of the problem, which will remain unsolved if we do not break the chains of this sterile confrontation. The rebirth of Graphometry [5] in its modern aspect could be the triggering event which could help us overcome this dead end, since a graphometric approach can analyze the dynamical aspect of the writing by interpreting the graphical parameters in technical data.

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Ю. С. Ковальчук,

головний судовий експерт Запорізького НДЕКЦ МВС України, м. Запоріжжя, Україна,
e-mail: kovalchuk-yulia2018@ukr.net

ДОСЛІДЖЕННЯ ДОКУМЕНТІВ З ПИТАНЬ ДОКУМЕНТАЛЬНОГО ПІДТВЕРДЖЕННЯ РОЗРАХУНКУ КУРСОВОЇ РІЗНИЦІ ПІД ЧАС ПРОВЕДЕННЯ СУДОВОЇ ЕКОНОМІЧНОЇ ЕКСПЕРТИЗИ

Анотація. Розглянуто документи стосовно правильності визначення курсової різниці підприємством під час судової економічної експертизи.

Ключові слова: курсова різниця, монетарна стаття, немонетарна стаття, судово-економічна експертиза.

Abstract. Documents concerning correctness of determining the exchange rate difference by the enterprise while forensic economic analysis are considered.

Keywords: exchange rate difference, monetary article, non-monetary article, forensic economic analysis.