

Questioned Document Examination for the purpose of counter-terrorism

English Summary

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English summary

Introduction

The Netherlands Forensic Institute (NFI) in 2015 decided to discontinue questioned document examination as a discipline. The demand for this 'small area of expertise' was insufficient, according to the Minister of Security and Justice. However, the work council of the NFI withheld support for the proposed reorganisation and this prompted the introduction of accompanying policies for questioned document examination: in 2016 and 2017, this type of investigation will be outsourced by the NFI to other accredited investigative bureaus. Clients can still send their documents to the Front Desk of the NFI, which will see to it that the investigation is carried out. This new procedure took effect on March 1, 2016 and the four document examiners employed at that time were outplaced or given another role within the NFI.

Signals from Australia prompted the question whether other countries have witnessed a rising trend in the use of questioned document examination, specifically for counter-terrorism. Possibly, terrorists deliberately prefer hand-written communication over digital messages because the latter leave too many traces. The board of the NFI decided to commission the Scientific Research and Documentation Center (WODC) of the Dutch Ministry of Security and Justice to carry out a research into the importance of questioned document examination (QDE) for counter-terrorism. This report is the result.

Study

The aim of this study is to evaluate the demand for questioned document examination for counter terrorism in the Netherlands and other countries. In addition, we want to find out how the need for these analyses develops and whether trends can be seen. In the course of the research, the question was added what the reasons are that the latent need for questioned document examination does not lead to actual requests.

Three sources of information have been used in this research: literature review, registrations and interviews. The interviews proved to be the most useful source of information. We spoke with fifteen Dutch experts: 6 from the NFI, 3 questioned document examiners and 6 from organisations that use or could use questioned document examination. In addition, we talked with sixteen foreign experts from eight different countries: Australia, Canada, Denmark, Germany, France, Spain, United Kingdom and Sweden (8 questioned document examiners and 8 experts from the field of counter-terrorism within the police or within the intelligence- or security services). The research was overseen by an advisory board consisting of experts from science and practice.

The scope of this study is limited to the importance of questioned document examination for the prevention of and fight against terrorism. It does not address the question whether there is a need at all for questioned document examination in the Netherlands, nor whether or how the NFI should address that need.

Questioned document examination: in general

Questioned document examination is a forensic science aimed at identification. This is done by comparing a questioned document with a reference document that was written by a person whose identity is known. The goal of the examination is to find evidence that can assist a judge in ascertaining the identity of the writer of the questioned document. Questioned document examiners do not examine the contents of the written text.

The number of questioned document examinations at the NFI has decreased sharply over the past decades: from roughly 600 yearly in 1985 to circa 60 a year over the past five years. Information on the goal or content of investigations is not documented by the NFI which means we are unable to determine the number of document examinations that were part of counter-terrorism investigations. We do know, however, that the General Intelligence and Security Service (AIVD) and Military Intelligence and Security Service (MIVD)

were not registered as clients of this type of investigations in the past five years. But this does not necessarily mean that no investigations for counter-terrorism were conducted: the police – responsible for 69 percent of all requested questioned document examinations during the past five years – also conducts investigations for counter-terrorism. That means there is a possibility that questioned document examination for counter-terrorism has been carried out. There is no quantitative information available to answer the question how many questioned document examinations have been carried out for the purpose of counter-terrorism or whether a trend is visible. For this type of information, we need to rely on the interviews.

Questioned document examination is more relevant than several other forensic disciplines, according to a large number of our interviewees. The handwritten text on a document not only contains information on the source ('who wrote this?') but also on activity ('what did this person do or think?'). This makes questioned document examination specifically relevant for those involved in counter-terrorism: these investigators not only want to identify the writer of a text, but also want to get information about the plans and convictions of the people they investigate. The forensic document examiner provides the link between writer and document and the investigator can subsequently connect the writer to what was written.

Status quo

The three Dutch handwriting examiners we interviewed did not carry out investigations for the purpose of counter-terrorism in the past years. The organisations involved in counter-terrorism that could have requested this type of investigations did not do so, or hardly at all. In the Netherlands, questioned document examination is hardly ever used in counter-terrorism: 'at most a few times each year'.

Abroad, the picture is more diverse. In three countries (Denmark, United Kingdom, Sweden) questioned document examination hardly plays a part in counter-terrorism – the same as in the Netherlands. In contrast, in the other five countries we reviewed (Australia, Canada, Germany, France, Spain) questioned document examination for the purpose of counter-terrorism is very important. In two of these countries, this investigation is a standard part of any major counter-terrorism investigation.

Trends

The demand-side for questioned document examination in the Netherlands expects a diminishing need for handwriting examination because of the digitization of communication: the number of hand-written documents decreases and nowadays even threatening letters are often digital. In addition, the amount of material available for comparison has dwindled. The Dutch questioned document examiners witness the same trend, but believe that the pen will not disappear the coming decades.

The need for questioned document examination for the purpose of counter-terrorism has not changed over the past few years, most Dutch interviewees contend: there was and still is a small need for this. Two interviewees have a different opinion. One of them received a request in 2016 for a large number of examinations. Because the NFI no longer offered this expertise in-house and because outsourcing to a commercial supplier was unacceptable to this client, the examinations had to be forwarded to forensic laboratories abroad. A second interviewee is convinced of an 'enormous need' for questioned document examination for the purpose of counter-terrorism.

In the other countries, there is in six of the eight countries a large or growing need for questioned document examination for the purpose of counter-terrorism. In Denmark and Sweden our interviewees did not report any trends, but in the other six countries in this research there is a constant and large need (Germany, France and United Kingdom) or a growing need for questioned document examination for the purpose of counter-terrorism (Australia, Canada, Spain). In two of these countries, Australia and Spain, separate forensic divisions have been formed for (questioned) document examination for the purpose of counter-terrorism.

Most respondents are unable, or not cleared, to discuss the question whether terrorists deliberately prefer handwritten over digital communication. The three Dutch interviewees who did comment on this think terrorists do not deliberately choose this. The signs from

abroad are different: in one documentary and according to four experts in three countries. Firm conclusions are impossible for lack of data: the evidence is anecdotal, with one exception in which the claim was substantiated by actual investigative experiences.

Turning needs into requests

To turn the need for questioned document examination for the purpose of counter-terrorism into actual requests, the interviewees in the Netherlands and abroad believe a number of conditions would have to be met. Marketing is necessary to better familiarize possible clients with questioned document examination. Five potential clients of questioned document examination in the Netherlands were under the (false) impression that the NFI no longer provides opportunities for questioned document examination. But marketing is not enough: there are other impediments. First of all, the examination of Arabic language texts would have to be possible, however complex that may be. But even then intelligence- and security services will not hand over their documents to examiners, because of the confidentiality of the documents involved and the necessary level of security. This would mean that the questioned document examiners would have to be screened and actually work from within the secured work environment of the services. The current choice to outsource these examinations to commercial third parties is unacceptable. A final important point is that counter-terrorism is not just about gathering evidence, but also about intelligence-gathering which requires more flexibility on the part of the questioned document examiners. This was well understood by some of the questioned document examiners we interviewed. They told us it would make sense to consider and assess all available information with a broader team of varying experts. In Australia and Spain, special units have been founded for (questioned) document examination for counter-terrorism. This solution proves to be able to connect supply and demand in these countries, increasing the number of requests for questioned document examination for counter-terrorism.

Research questions & answers

Based on our findings, the research questions can be briefly answered as follows:

In what way and to what extent do organisations in the Netherlands that are involved in counter-terrorism use questioned document examination for the purpose of counter-terrorism?	The handwriting examiners at the NFI have not investigated documents for counter-terrorism in the past few years. The demand-side confirms that this hardly happened: 'a few times a year at most'.
In what way and to what extent do organisations abroad that are involved in counter-terrorism use questioned document examination for the purpose of counter-terrorism?	Hardly in Denmark, United Kingdom and Sweden. Questioned document examination for counter-terrorism is very important in Australia, Canada, Germany, France, Spain. In Australia and Spain it is a standard part of any major counter-terrorism investigation.
Within these organisations, is there a decrease or increase in the need for the use of questioned document examination for the purpose of counter-terrorism?	Netherlands: this need has not changed over the past years, according to most Dutch interviewees: the need was and still is small. Two interviewees see a large (latent) need. Other countries: unchanged (but sizeable) need in Germany, France and United Kingdom. Growing need in Australia, Canada and Spain.
Is there a domestic or international trend in the need for questioned document examination for the purpose of counter-terrorism (if possible compared to the use of digital investigations, DNA, fingerprints and weapons	The number of handwritten texts decreases, the number of digital texts increases, according to the demand-side. But handwritten documents will not disappear the coming decades, according to questioned document examiners themselves.

and ammunition).

The relative importance of questioned document examination is big because results inform on the source as well as on activity/intent. Dutch interviewees: terrorists do not deliberately prefer handwritten texts. But anecdotal evidence (one documentary and four experts from three countries) suggests otherwise: terrorists do so to avoid digital traces. NFI assessed the need for examination of Arabic handwriting most recently in 2009, but only among police – not intelligence- or security services. This research has not been repeated since. Need for examination of Arabic handwriting is substantial according to Dutch questioned document examiners and (potential) clients but complex to address.

What are the reasons the latent need for questioned document examination for the purpose of counter-terrorism is not turned into manifest requests for this type of examination?

The possibilities offered by questioned document examination are not known by the demand side. But even if marketing was increased, this need would not lead to actual requests. First of all because there is no possibility to have Arabic language texts examined. In addition, examiners would have to be screened and would have to work within the secured environments of the intelligence- and security services because of the confidentiality of the documents. Besides these, questioned document examiners would have to be more flexible and all-round: the emphasis would have to shift from evidence gathering (ex post) to intelligence gathering (ex ante). Special units in Australia and Spain provide good examples.

Deze uitgave bevat een rapport van onderzoek dat in opdracht van het Wetenschappelijk Onderzoek- en Documentatiecentrum (WODC) is verricht. De inhoud van dit rapport geeft niet het standpunt van de Minister van Veiligheid en Justitie weer.

De integrale tekst van WODC-rapporten is gratis te downloaden van www.wodc.nl. Op www.wodc.nl is ook nadere informatie te vinden over andere WODC-publicaties.

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