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The Question of Disguise in Handwriting

Is the handwriting disguised? This question almost constantly confronts the document examiner making comparisons of handwriting in the criminal evidence field. If the questioned writing is not disguised, the known specimens very likely may be. The question of whether the disguise, if present, has an effect on the comparison being made must be resolved before any positive results can be achieved, and there are times when skillful disguise may make it impossible to reach positive results.

This is not a new subject, but it is worthy of frequent reconsideration by document examiners. Much has been written and said about disguise in handwriting. There is hardly a book, a text, or an article written relating to handwriting identification that does not address the subject of disguise. It is a reason frequently given to account for variations and inconclusive results.

Definition

The reason for disguise in handwriting is obvious. The perpetrator of a crime does not want to be identified. A clever burglar will wear gloves and possibly even dispose of his shoes. A murderer will dispose of the murder weapon. The robber will conceal his physical features with a mask or wig. The clever embezzler will attempt to assume handwriting characteristics other than his own. In like manner the writer of a threatening letter, a fraudulent check, a false entry, or some other incriminating evidence must alter or cover his handwriting characteristics so that the writing will not be associated with him. The result is disguised handwriting.

Approach to the Disguise Problem

The author of handwriting evidence does not often voluntarily come forth and acknowledge that evidence. The expert document examiner must resolve such problems. The solution is fully dependent on the quality and comparability of the specimens and the expertise of the examiner. The quality and comparability of the specimens are frequently not controlled by the document examiner. However, they do concern him because the application of his expertise cannot be effective without comparable materials of sufficient quality for examination. The investigator who must collect and submit the evidence must be fully knowledgeable concerning the requirements for the quality and comparability of evidence submitted for handwriting comparisons. The problem of obtaining from a sus-

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pect dictated handwriting probably calls for more of the investigator's skill than most other evidence collection problems. To obtain the kind of handwriting specimens required, the investigator must be able to confront and pursue this matter skillfully with a suspect, another human being, which is a problem far different from the collection and labeling of physical items of evidence. Training the investigator through conferences, seminars, and training sessions in the psychology, the science, and the art of obtaining handwriting evidence can be most effective. A continuing and close working relationship, either by telephone or personal visit, between the investigator and the examiner also will usually assist both. Investigators who are trained and knowledgeable in the methods and requirements for adequate handwriting specimens can greatly enhance the possibilities for positive results, and the untrained investigator can do just the opposite.

Occasionally a case will be resolved without an examiner completing an investigation when coordinated procedures established for properly obtaining and collecting handwriting specimens have been followed.

Elements of Disguise

Undetectable disguise of handwriting is difficult for any individual to accomplish. It is a most difficult and complex task to eliminate one's own normal handwriting characteristics, most of which are produced by unconscious or at least subconscious involuntary action, and to substitute for them different characteristics that require conscious effort. Most writers will not even recognize what are significant characteristics and what are not. Some writers apparently find it so difficult that no disguise at all is attempted.

Because of the difficulties encountered and the inexperience of most writers, disguise usually takes the form of overall superficial alterations that may produce drastic changes in the general appearance of the writing. These alterations are recognized to be (1) a change in slant, either from forehand to vertical or backhand or from vertical or backhand to forehand; (2) a change in the size of writing, either larger or smaller than normal; (3) a change in the speed of writing, either faster or slower than normal, with attendant changes in pressure, rhythm and flow; (4) use of a different style of some selected letters, particularly capital letters; (5) use of the hand other than that normally used; (6) use of printed letters in place of script; and (7) use of a less careful form of writing. The latter disguise may take the form of inconsistencies in the sizes and forms of letters, the use of angular or boxy strokes, adopting a cramped style, inconsistent spacing, or other changes. It is, of course, recognized that a writer cannot produce handwriting of higher quality than that demonstrated in his normal handwriting, but a writer may be able to feign handwriting of poorer quality than his own. The quality of the handwriting will usually be demonstrated by the freedom and the coordination of the strokes producing the writing, sometimes termed the fluency and rhythm. Quality may also relate to uniformity of characters and spacing, rhythmic changes of pressure, artistic letter forms, and so forth.

It stands to reason that if the disguise is present in the handwriting on a questioned document it will likely be more difficult to identify such handwriting with a known individual. Such a document will probably be the result of careful preparation with sufficient time devoted to camouflaging the writer's characteristics. The author of such a document may be able to furnish request specimens in his normal handwriting with little apprehension, and it may be difficult to get the subject to write in a manner consistent with the originally chosen disguise technique. In these situations it is important that the investigator taking specimens be sufficiently experienced and alert to recognize the presence of disguise in the questioned handwriting and to analyze it sufficiently to determine the disguise technique that was adopted. By skillfully directing a suspect to furnish comparable specimens written in a manner simulating the adopted disguise technique, the document examiner can be furnished with the evidence necessary for the proper resolution of the

matter. In these kinds of carefully prepared documents the disguise is frequently only superficial, and the experienced document examiner can usually discover overlooked characteristics and inconsistencies that he may be able to relate to the subject, particularly if he is furnished adequate, comparable specimens.

Documents such as anonymous hate letters, extortion or ransom notes, and similar documents are more likely to be those involving extensive and sometimes skillful disguise. Here the subject is more likely to be concerned from the first that he will be recognized, sometimes by the recipient himself, as the writer. Documents involved in financial transactions such as checks and credit receipts are less likely to be disguised since the great concern at the moment of preparation is that the document be acceptable to the completion of the transaction. In these cases where there may be no disguise or where the disguise may be only superficial, the subject will have difficulty in producing request specimens that will not link him to the questioned handwriting.

Certainly it is less difficult to disguise successfully a small quantity of writing such as an endorsement on a check than a document involving a full page or more of writing. The concentration required to write in an unfamiliar manner could reasonably be expected to persist effectively through small amounts of writing, whereas difficulties could be expected where larger quantities of writing are involved. In some instances like a simulated forgery the writer may be able to assume the characteristics of another so that there will be no characteristics present by which the forger can be identified. Cases involving small quantities of disguised writing are nearly always troublesome and difficult.

Importance of Request Specimens

Request specimens become important to the determination of the identity of the writer of both classes of documents. The writer of the skillfully disguised document will seldom be determined without comparable request specimens. While the identity of the writer of normally written questioned documents may be determined from nonrequest specimens such as school and business records, request specimens are more likely to be fully comparable and will usually be more acceptable in court.

Many cases involving the determination of the authorship of a document, particularly where disguise is a part of the problem, center on the process of obtaining known handwriting samples. This is usually the problem of the investigator in criminal cases, and the investigator trained to take known handwriting samples can provide important tools to make the document examiner effective in cases involving disguised handwriting. Close cooperation between the investigator and the document examiner is also important in many of these cases.

Today there is an opportunity to succeed in many more cases involving disguised handwriting than in earlier years. Though the process is slow, the judiciary is becoming knowledgeable about the important test of handwriting comparison and investigators are becoming educated in the important requirements for such a test.

In earlier years the need to rely on nonrequest known standards in many cases made positive conclusions most difficult. Sometimes, as is true today, such specimens would not be available at all.

Court-Ordered Specimens

Today, rulings of the courts requiring a suspect to furnish handwriting specimens have significantly extended the application of this most important technique in the resolution of crimes where handwritten and hand-printed documents are involved. In some jurisdictions it has become routine for the courts to grant requests that handwriting specimens be

ordered; in fact, some defense attorneys now agree to their clients' furnishing such specimens without the need for a court order.

It is important in many cases to be able to go into court and request that the suspect be ordered to prepare handwriting specimens, but there are pitfalls that must be avoided. For example, the prosecutor must avoid agreeing to conditions that would tend to limit the usefulness of the specimens in a comparison and might place the suspect in a better light than if no specimens at all had been requested. A court order that does not result in comparable specimens being provided is not worth pursuing. Although it is not necessarily required, the specimens are usually taken in the presence of both attorneys but should not be taken by either of them. Investigators who know about the case and who know the requirements for adequate comparable specimens and how to obtain them should perform this task. Properly obtained court-ordered specimens can result in the fair adjudication of cases where questioned documents involving handwriting are involved.

Here lies one of the greatest potentials for solving the disguised handwriting problem. Obtaining, by court order where necessary, known specimens written under conditions similar to those under which the questioned writing was prepared will result in controlling many of the elements of disguise. To accomplish this effectively the court order must describe in some detail what is to be written and how it is to be written. For example, if the questioned writing is in a backhand slant (a common disguise technique) the court order should direct that specimens with comparable wording be written in a backhand slant. The effect of this disguise technique on the individual's normal characteristics will then be available for consideration, substantially eliminating the effectiveness of this disguise technique.

In like manner certain other techniques of disguise such as changes in size or speed and use of the unaccustomed hand can be eliminated by obtaining specimens in a properly controlled manner. In many instances control can be established by use of similar forms or, as in the case of a receipt such as a gasoline credit card invoice, providing rectangular boxes the same size as those on the invoices. Elimination of as many variables as possible by proper control when test specimens are obtained will make possible reliable positive conclusions in a higher percentage of these cases.

Court Rulings Related to Disguise

Another factor for consideration concerns the situation where a suspect has furnished disguised request or court-ordered handwriting samples, proven to be so by comparison with other available nonrequest writing. Such an act became an issue in a case in which the author participated as the prosecution (government) expert. The defendant appealed his conviction on the grounds that his privilege against self-incrimination had been violated when testimony was elicited that he had intentionally varied or disguised his handwriting when he provided court-ordered specimens.

The case referred to is *United States v. Izzi* [1], a landmark case. A jury convicted Izzi of the interstate transportation of stolen securities valued well in excess of one million dollars. In the process of disposing of the stolen securities, Izzi traveled from New York to Pennsylvania and registered at a motel as "R. Randolph." Izzi was positively identified with the motel registration after handwriting specimens were obtained in comparable wording. Such specimens were obtained after the government sought and obtained a court order citing such cases as *Gilbert v. California* [2], *United States v. Wade* [3], and *United States v. Doe* [4]. Testimony to the handwriting identification gave strong corroboration to several eyewitnesses who had briefly observed Izzi in Pennsylvania.

Izzi based his request for appeal on the fact that the prosecution expert had explained the absence of a characteristic feature in his handwriting as being due to the fact that the court-ordered specimens had been written "much slower" than his normal handwriting.

He claimed that this and the cross-examination of defendant's expert concerning differences between the court-ordered specimens and his normal, more fluent signatures tended to violate his privilege against self-incrimination. In other words, he contended that the government improperly emphasized differences between his normal signature and the court-ordered specimens, suggesting that he had attempted to disguise his normal handwriting and by so doing had indicated consciousness of guilt. The appeal court [1, p. 295] noted that

It is apparent to the eye that the "R. Randolph" signatures executed by Izzi in compliance with this order in the presence of his counsel are noticeably less fluent than his normal signature. . . . Under *Gilbert*, the government may compel the execution of handwriting exemplars and introduce them into evidence in order to determine the authorship of another writing. If *Gilbert* is not to be rendered meaningless, the government must be allowed to explain differences between the exemplars and the signature sought to be identified particularly where the defense points to these differences as evidence of non-common authorship.

In a footnote to the above opinion, the appeal court suggested that there may be a problem if the government attempted to use affirmatively the fact that the defendant may have deliberately altered his handwriting in samples produced on court order as evidence of consciousness of guilt. The court, however, left this matter up in the air [1, p. 295]:

If an accused were free to disguise his handwriting, by writing the requested words in block capitals or with his opposite hand, without fear of any sanction, exemplars would be worthless and the authorization to compel their execution granted by *Gilbert*, illusory.

It can be inferred from this that the "sanction" would be applied by the court that had ordered the specimens if specimens other than those specified by the order were provided.

This case exemplifies the need to take the necessary steps to ensure that any court order issued for handwriting specimens specifies the wording, the manner of writing, and other factors so that the resulting specimens will be comparable with the questioned handwriting. Some special feature about the questioned writing that needs to be recognized (such as backhand slant) should be a part of the court order. If the court order is to be worth the effort it should provide that an investigator experienced in obtaining handwriting specimens be responsible for carrying out the order.

Summary

The potential for handwriting under examination to be disguised is a matter that almost constantly confronts the document examiner. Disguise of handwriting in such cases is to be expected since subjects can be identified by their handwriting. Identification by handwriting depends on the quality and comparability of the specimens obtained by an investigator. A skilled investigator will obtain exemplars that will greatly enhance the possibility of a definite opinion.

Undetectable disguise of handwriting is difficult to accomplish. Most disguise takes the form of superficial form changes or a shift in slant, size, or speed. Where disguise is present in a questioned document, the problem can often be resolved by obtaining request specimens written with explicit directions concerning what is to be written and the manner of writing on forms obtained or prepared with some thought before the interview.

The courts have ruled that a defendant may be constitutionally compelled to give samples of his handwriting. Proper use of the court order to include the disguise technique can serve to eliminate problems created by disguise in handwriting. It seems unlikely that the courts will allow affirmative testimony that a defendant may have deliberately disguised his handwriting samples, but courts have held that such may be used to explain variations and to counter any attempt to impeach a handwriting identification. The courts also recognize [1, p. 295] that "If an accused were free to disguise his handwriting . . .

without fear of any sanction, exemplars would be worthless and the authorization to compel their execution granted by *Gilbert*, illusory.”

References

- [1] *United States v. Izzi*, 427 F.2d 293 (1970), cert. denied 399 U.S. 928 (1970).
- [2] *Gilbert v. California*, 388 U.S. 263 (1967).
- [3] *United States v. Wade*, 388 U.S. 218 (1967).
- [4] *United States v. Doe*, 405 F.2d 436 (2d Cir. 1968).

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