

# INFORMATION REGARDING STATUS FORENSIC VOICE IDENTIFICATION

April 10, 1996 by Lonnie Smrkovski and Steve Cain

## Court Decisions:

The most recent appellate decisions include:

U.S. v Tonya and Tanya Smith, 869 F2d 348,354, Circuit Court of Appeals for the 7th Circuit

1989. Admissibility affirmed.

U.S. v Maivia, 728 F. Supp. 1471, District of Hawaii, 1990. Allowed expert testimony by both prosecution and defense experts.

Earlier decisions include

U.S. v Raymond and Addison, U.S. Dist. Court of Appeals, 498 F2d 741,743,744, 15 CrL

2248,1974. Held evidence inadmissible but affirmed conviction.

U.S. v Frank, 6th Circuit Court of Appeals, 511 F2d 25,16 CrL 2499,1975. Held evidence admissible.

U.S. v Baller, 4th Circuit Court of Appeals, 519 F2d 463,17 CrL 2359 1975.

U.S. v McDaniel, Court of Appeals for the District of Columbia, 538 F2d 408, 19CrL 2234,

1976. Held evidence inadmissible but affirmed conviction.

U.S. v Brown, Court of Appeals for the District of Columbia, 557 F2d 541,21 CrL 2356,1978.

Held evidence inadmissible but affirmed conviction.

U.S. v Williams, 2nd Circuit Court of Appeals, 583 F2d 1194, 1199. Held evidence admissible.

## Present Use of Forensic Voice Identification:

Forensic voice analysis for the purpose of identification and elimination has been and continues to be applied in criminal and civil cases on a regular basis since 1971. The method has been extremely useful in identifying and eliminating suspect voices. Errors of identification by lay persons occur in many cases because voices can be sufficiently similar in pitch, vocal quality resonance, and dialect to fool the human ear, i.e. identical twins, other siblings, parent and child, as well as unrelated speakers. The acoustic environment and transmission carrier bandwidth, transmitter and receiver, and recording device can impact on the sound of the voice.

Aural/spectrographic analysis has been paramount in eliminating falsely accused suspects in both criminal and civil cases and subsequently applied to identify the responsible caller. Following ethical standards and applying adopted protocol and standards of the International Association for Identification, certified examiners conduct voice analysis and make determinations completely independent of a perhaps desired result by clients. The examiner conducts analysis in search of a factual finding

Aural/spectrographic voice analysis is used by major foreign police agencies including the Royal Canadian Mount Police, the Japanese National Police Research Center, the Israeli National Police Jerusalem, the Spanish National Police -Madrid. the Ministry of Interior - Forensic Laboratory in Saudi Arabia, the Ministry of Justice Science Research Center - Taipei - Taiwan, the Ministry of the Interior - France, the Dubai Police Force Crime Laboratory- Dubai - United Arab Emirates, the Italian National Police - Rome. The agencies in Japan, Israel, Taiwan, Spain, Canada, Italy, and United Arab Emirates are offering and giving expert testimony in their respective courts of law. The status of court use in France and Saudi Arabia is not known. Most of the examiners in the countries listed have scientific degrees to include PhD and are considered to be within the scientific community. Examiners in Canada, Japan, Italy have been employing this method of identification/elimination for approximately 15 years.

Prior to retirement Dr. Len Jansen worked for the South African National Police as a forensic voice examiner. He continues in private practice since he left the police agency. He too, is a scientist and has been working in this area for about 15 years.

The Ministry Of Interior, Directorate Of Security, Ankara, Turkey has 3 degreed persons presently being trained in the United States and the Gendarmeria in Argentina has requested training for 3 people. The Vietnamese government recently purchased equipment for forensic voice analysis and likewise is requesting training.

Aural/spectrographic voice analysis has been available from police agencies, several private laboratories, and several universities in the United States since 1970 and continues to be available to the public and private sector.

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