

## Forensic Handwriting Analysis: Typical Mistakes at the Appointment Stage and Ways for Their Prevention

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*The article is devoted to a comprehensive analysis of the issues associated with definition of expert tasks and preparing materials for forensic handwriting examination as one of the most popular types of forensic research in legal proceedings. Research relevance due to significance of written documents as evidence and prevalence of cases of improper preparation of materials, incorrect formulation of questions to be resolved that significantly limits possibilities of expert examination of handwriting material or makes impossible to provide categorical conclusions. The purpose of this article is to analyze typical errors that arise at the stage of assigning forensic handwriting examination, and to provide recommendations on ways to increase the effectiveness of the use of this type of expert examination in the process of proving. The methodological basis of the research includes*

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*general scientific and special research methods: analysis and synthesis, induction and deduction, formal-logical, system-structural and comparative-legal approaches, as well as a method of generalizing investigative and expert practice. Requirements for the materials provided to a forensic expert have been systematized, scope of competence of a handwriting expert has been clarified, the need to use original documents as objects of research has been substantiated, and the issue of selecting free, conditionally free and experimental samples of handwriting and signature has been considered in detail. The scientific novelty of the research lies in comprehensive presentation of the relationship between the quality of preparation of materials and the evidentiary value of forensic expert conclusion, as well as in the formulation of practically oriented recommendations for ensuring the sufficiency, representativeness and informativeness of comparative materials. Practical significance of the study lies in the application of its conclusions and recommendations by investigators, prosecutors, lawyers and judges in order to optimize establishment of factual circumstances in judicial proceedings and prevent errors at the stage of involving forensic handwriting expert.*

**Keywords:** forensic science; forensic handwriting analysis; samples for comparative research; preparation for appointment of forensic examination; formulation of questions to forensic expert; forensic expert conclusion; typical mistakes of forensic expert.

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## Research Problem Formulation

Forensic handwriting analysis is one of the most common types of forensic science as in criminal proceedings as in civil, commercial and administrative cases carried out with the aim of identifying the author of the writing and/or signature of the document under research or establishing conditions of its creation. Important role of this forensic examination is due to the fact that even in current conditions of global digitalization of society, written documents do not lose their relevance and remain one of the important sources of evidence. At the same time, improper preparation for conducting this forensic exam-

ination, poor-quality design of materials, incorrect formulation of questions can significantly reduce possibilities of such an investigation and sometimes make impossible to provide answers to the questions to be clarified. Lack of quality preparation at the stage of making a procedural decision on the appointment of a forensic examination affects the effectiveness of using this type of forensic examination to ensure the fulfillment of justice tasks.

## Analysis of Essential Researches and Publications

The following scientists and practitioners studied the topic of ordering and conducting forensic handwriting examination:

L. Svyrydova with co-authors <sup>1</sup>, L. Arotsker with co-authors <sup>2</sup>, V. Kostetskyi with co-authors <sup>3</sup>, O. Boitsova with co-authors <sup>4</sup>, O. Vorobei and Z. Melenevskaya <sup>5</sup>, N. Vorobiova <sup>6</sup>, M. Bondar with co-authors <sup>7</sup>, S. Honhalo <sup>8</sup>, T. Nikolaichuk with co-authors <sup>9</sup>, E. Ivakin <sup>10</sup>, S. Kachurin and M. Semeniukhin <sup>11</sup>, N. Karpenko and N. Klymenko <sup>12</sup>,

- 1 Комплексне почеркознавче та авторознавче дослідження рукописних текстів : метод. рек. ; звіт про НДР (остат.) / кер. Л. В. Свиридова; викон.: Т. В. Сохранич, В. Г. Абросимова, Н. В. Сиротенко-Кацман. Реєстр. код 0196U013967. Харків, 2012. 27 с.
- 2 Ароцкер Л. Е., Бродская А. Б., Мажар И. М., Рожкова Г. В. Теоретические проблемы оценки экспертом признаков почерка. Харьков, 1963 ; Ароцкер Л. Е., Вул С. М., Бродская А. Б., Гордеева Г. Н., Грузкова В. Г. Неидентификационные исследования в почерковедческой экспертизе. Киев, 1972. 96 с. URL: <https://studfile.net/preview/13607022/> (date accessed: 05.02.2026).
- 3 Термінологічний словник з судової почеркознавчої експертизи : звіт про НДР (остат.) / кер. В. С. Костецький; викон.: І. В. Білоус, І. П. Красюк, Я. Р. Полтавська, І. М. Тарасюк, І. Ю. Рябенко, М. П. Молибога, О. А. Гуменський, О. О. Довгань, Н. С. Олійник, Т. П. Кривак, Н. М. Баюрко. Реєстр. код 0119U0001896. Київ, 2020. 53 с.
- 4 Бойцова О. В., Бондар М. Є., Гриненко Л. Г., Довженко О. В. та ін. Удосконалена система загальних та окремих ознак почерку : метод. посіб. Київ, 2004. 92 с.
- 5 Воробей О. В., Меленеvська З. С. Криміналістичне дослідження підписів : посібник. Київ, 2006. 84 с. URL: <https://elar.navs.edu.ua/jspui/handle/123456789/1711> (date accessed: 05.02.2026).
- 6 Воробйова Н. В. Питання підготовки порівняльного матеріалу при призначенні судово-почеркознавчих експертиз. *Сучасні тенденції розвитку криміналістики та кримінального процесу* : мат-ли наук.-практ. конф. (Харків, 08.11.2017). Харків, 2017. С. 71—73. URL: [https://univd.edu.ua/general/publishing/konf/08\\_11\\_2017/pdf/28.pdf](https://univd.edu.ua/general/publishing/konf/08_11_2017/pdf/28.pdf) (date accessed: 05.02.2026).
- 7 Бондар М. Є., Головченко Л. М., Лисенкова В. В. та ін. Встановлення характеру збиваючих факторів при дослідженні підписів, що виконані з порушенням координації рухів : метод. рек. Київ, 2001. 36 с. ; Створення експертної системи з діагностичного дослідження підписів з ознаками порушення координації рухів їх виконавців : звіт про НДР / викон.: М. Є. Бондар, Т. О. Сукманова, Ю. М. Беляк та ін. Київ, 2001. 73 с.
- 8 Гонгало С. Й. Графологія як перспективний метод вирішення окремих діагностичних завдань у судово-почеркознавчій експертизі. *Актуальні питання судової експертології, криміналістики та кримінального процесу* : мат-ли II міжнар. наук.-практ. конф. (Київ, 19.11.2020). Київ, 2020. С. 134—138. URL: <http://eprints.oa.edu.ua/id/eprint/8444> (date accessed: 05.02.2026).
- 9 Удосконалення методики почеркознавчого дослідження підписів, виконаних особами похилого та старечого віку : звіт про НДР (остат.) / кер. Т. В. Ніколайчук; викон.: Ю. В. Соломаха, А. В. Забуга, В. М. Здор, Д. О. Ус., М. Ю. Будзівський. Реєстр. код 0120U102647. Дніпро, 2022. 116 с.
- 10 Івакін Е. О. Теоретичні та методичні питання неідентифікаційних досліджень в судовому почеркознавстві : автореф. дис. ... канд. юрид. наук. Київ, 2002. 18 с.
- 11 Качурін С. Г., Семеніхін М. В. Тактичний арсенал слідчого: системи тактичних прийомів одержання експериментальних зразків почерку та підписів. *Актуальні проблеми права: теорія і практика*. 2019. № 2 (38). С. 112—123. DOI: 10.33216/2218-5461-2019-38-2-112-123 (date accessed: 05.02.2026).
- 12 Карпенко Н. Б., Клименко Н. І. Щодо визначення предмета судово-почеркознавчої діагностики. *Сучасні тенденції розвитку криміналістики та кримінального процесу* : мат-ли наук.-практ. конф. (Харків, 08.11.2017). Харків, 2017. С. 95—97. URL: [https://univd.edu.ua/general/publishing/konf/08\\_11\\_2017/pdf/40.pdf](https://univd.edu.ua/general/publishing/konf/08_11_2017/pdf/40.pdf) (date accessed: 05.02.2026).

N. Komissarova<sup>13</sup>, T. Drozdova with co-authors<sup>14</sup>, Z. Melenevska with co-authors<sup>15</sup>, H. Denysiuk<sup>16</sup>, O. Shvedova with co-authors<sup>17</sup>, N. Shpakovych<sup>18</sup> et al. Despite the large number of scientific developments in this field and significant experience in conducting relevant research, issues associated with the preparation of materials for forensic handwriting examination remain relevant. It is due to improvement of methods and means of forging documents, the evolution of writing instruments, changing conditions of document circulation, lack of communication between forensic expert and the initiator of the forensic examination, etc.

### Article Purpose

The purpose of this research is a comprehensive analysis of typical problems that arise during the preparation of materials for forensic handwriting examination, as well as development of practically oriented recommendations for improving this

stage of the process in order to increase efficiency of using forensic expert conclusion in evidentiary system.

### Research Methods

Methodological basis of the study is a combination of general scientific and special methods of cognition providing systematic approach to the analysis of the problem of preparing materials for forensic handwriting examination. Analysis and synthesis were used to isolate the main components of the process of preparing materials and integrate the results into a holistic picture of the problem situation; induction and deduction made possible to isolate general patterns from empirical observations and verify theoretical assumptions using the example of individual cases of expert and investigative practice; formal-logical method was useful for building arguments, forming statements and clarifying the boundaries of expert's competence; the system-structural approach made it

- 13 Комісарова Н. О. Криміналістичне дослідження підписів, виконаних в умовах обмеженого зорового контролю : автореф. дис. ... канд. юрид. наук. Київ, 2003. 20 с. URL: <http://www.irbis-nbuv.gov.ua/aref/20081124019217> (date accessed: 05.02.2026).
- 14 Методичні основи організації та проведення судово-почеркознавчої експертизи у СЕУ Мін'юсту України : звіт про НДР (остат.) / наук. кер. Т. О. Дроздова; викон.: Ю. Г. Логвіна, О. Д. Добриніна, А. О. Кошеляк, О. А. Полякова. Реєстр. код 0107U006371. Одеса, 2010. 202 с.
- 15 Меленевская З. С. Теория и практика повторных почерковедческих экспертиз. Киев, 1974. 80 с. ; Меленевська З. С., Свобода Є. Ю., Шаботенко А. І. Судово-почеркознавча експертиза : навч.-метод. посіб. / за заг. ред. І. П. Красюка. Київ, 2007. 280 с. ; Меленевська З. С., Шпакович Н. Г. Альбом загальних і окремих ознак почерку. Київ, 2011. 49 с. ; Їх же. Оціночна діяльність експерта-почеркознавця : навч.-метод. посіб. Київ, 2015. 107 с. ; Меленевська З. С., Свобода Є. Ю., Кафанов А. В. Судове почеркознавство : курс лекц. Київ, 2010. 134 с.
- 16 Російсько-український словник професійної лексики почеркознавця : звіт НДР (заключ.) / кер. Г. П. Денисюк; викон.: Т. В. Сохранич. Харків, 1996. 286 с.
- 17 Шведова О. В., Белова Л. М., Білоус І. В. Можливості діагностичних досліджень рукописів, виконаних у незвичних умовах. *Порівняльно-аналітичне право*. 2017. № 5. С. 354—357. URL: <https://dspace.uzhnu.edu.ua/server/api/core/bitstreams/7180865f-1688-48d0-82bd-9a8c50610cce/content> (date accessed: 05.02.2026).
- 18 Шпакович Н. Г. Оформлення висновків експертів при проведенні багатооб'єктних почеркознавчих експертиз : метод. рек. Київ, 2004. 8 с.

possible to consider the preparation of materials as a component of the comprehensive procedure of forensic examination interacting with other elements of criminal proceedings; the method of generalizing practice is based on the study of real cases from forensic and investigative practice, in particular, typical conclusions of experts, resolutions on appointment of forensic examination, research objects.

### **Main Content Presentation**

During criminal and other types of legal proceedings, the need to order a forensic handwriting examination usually arises in the case of availability of documents in the case materials (proceedings) about which there are certain doubts. In particular, such typical situations include: availability of a text or signature, which authenticity raises doubts; denial by a certain person of his participation in writing the text or signing the document; the availability of several handwritings (signatures) in one document and the need to identify them; assumptions about signature execution or text on behalf of another person; the need to establish signs of execution of signature or text in unusual conditions or condition, etc. Specified circumstances must be properly drawn up and reflected in the procedural document on the appointment of the examination (investigator's decision, court ruling, application) as grounds for such appointment. It is worth noting that a formal statement of the grounds without reference to the essence of proceedings generates incomplete or inaccurate conclusions of experts due to the expert's insufficient understanding of the purpose of the study. For example, the purpose of obtaining a handwriting examination report can be: proving the fact of fraud by disproving the person's signing of a prom-

issory note; recovering property from an illegal owner as a result of disproving person's participation in signing a contract and identifying the true signatory; determining the legality of receiving an inheritance and the rightful heirs by confirming or disproving signature in a will or gift agreement of a deceased person; proving the facts of official forgery by examining to determine differences in handwriting and signs of imitation of handwriting (signature) when filling out documents; invalidation of agreements concluded by a person while in an unusual state, under the influence of special circumstances, coercion after establishing signs of execution of a signature (text material) in changed or unusual conditions (for example, in a state of limited motor skills, with signs of tremor, impaired coordination as indirect evidence of a changed physiological state of a person at the time of signing), etc. Therefore, effective use of potential of handwriting research assumes not only availability of the object under research, issues raised for resolution, but clear understanding of what function forensic examination should perform in the general context of evidence.

During research, there are often situations when possibility of providing answers to questions posed to the forensic expert is limited or absent. This is usually due to inadequate organization of material preparation procedure and insufficient consideration of the requirements for the samples provided for research.

For conducting forensic examination, it is necessary to prepare all materials and draw them up in accordance with the requirements of procedural legislation. Such materials include: 1) document on the engagement of an expert; 2) objects, in particular samples for comparative research; 3) case files of proceedings. Document on

engagement of forensic expert shall indicate the following data: place and date of the resolution (resolution); position, title and surname of the person who appointed the examination (engaged the expert); name of the court; name of the case and its number (data on proceedings); circumstances of the proceedings that are relevant for conducting the examination; grounds for appointing the examination; name of the expert or name of forensic science institution whose experts are entrusted with conducting examination; issues submitted for the expert's decision; list of objects to be examined; other data that are relevant for conducting forensic examination<sup>19</sup>.

One of the decisive factors in the effectiveness of forensic handwriting examination is the correct formulation of questions to the forensic expert. According to the requirements of Art. 244 of the Criminal Procedure Code of Ukraine, the resolution (resolution) on the appointment of forensic examination must specify the issues that fall within the competence of the forensic expert during the conduct of forensic handwriting examination<sup>20</sup>. In particular, Law of Ukraine: *On Judicial Examination* and Instruction on Appointment and Conducting Forensic Examinations and Researches define certain restrictions, namely: forensic expert is prohibited from resolving issues of law, establishing the intentions of a person, drawing conclusions regarding the substantive component of a document (object of research), and re-

solving other issues that go beyond the qualifications of the forensic expert in the relevant forensic specialization<sup>21</sup>. Therefore, when formulating questions for a forensic handwriting expert, it is necessary to take into account that they should relate exclusively to graphic signs of writing, identification of the performer by relevant signs, as well as detection of signs of imitation of handwriting (signature), distortion of the object of research and the altered state of the performer.

According to Scientific and Methodological Recommendations on Preparation and Appointment of Forensic Examinations and Forensic Researches (hereinafter referred to as *Recommendations*), the indicative list of issues that a forensic handwriting expert can investigate includes:

*“Is the handwritten text (handwritten notes) in the document (name of the document and its details, column, line) executed by a certain person?”*

*Are handwritten texts (handwritten records) in the document (documents) (name of the document and its details, column, line) made by one person?*

*Is signature made on behalf of the person (surname, name, patronymic of the person on whose behalf the signature is indicated) in the document (name of the document and its details, column, line) by the person on whose behalf it is indicated, or by another person?*

*Is the handwritten text in the document (name of the document and its details, column, line) executed under the influence of confounding factors (natural, artificial)?*

19 Шевчук В. М., Журавель В. А., Шепітько В. Ю. та ін. Криміналістика : підручник / за ред. В. М. Шевчука. Харків, 2024. С. 794—795.

20 Кримінальний процесуальний кодекс України від 13.04.2012 р. № 4651-VI (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/4651-17#Text> (date accessed: 05.02.2026).

21 Про судову експертизу : Закон України від 25.02.1994 р. № 4038-XII (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/4038-12#Text> (date accessed: 05.02.2026) ; Інструкція про призначення та проведення судових експертиз та експертних досліджень : затв. наказ. Мін'юсту України від 08.10.1998 р. № 53/5 (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/z0705-98#Text> (date accessed: 05.02.2026).

*Is the signature made on behalf of the person (surname, name, patronymic of the person on whose behalf the signature is indicated) in the document (name of the document and its details, column, line) under the influence of confounding factors (natural, artificial)?*

*What gender was the handwritten text written by?*

*What group by age does the performer of the handwritten text belong to?"*<sup>22</sup>.

It should be noted that the above indicative list of issues to be resolved allows the investigator and other entities who intend to initiate a forensic examination, taking into account the circumstances of a specific proceeding (case), to submit other issues for the resolution of the forensic expert, provided that they: 1) do not go beyond the competence of forensic expert; 2) do not involve a legal assessment; 3) do not violate the principles of forensic science. However, in practice, investigators who order a forensic handwriting examination are usually not always well-versed in the content of the Recommendations or interpret the indicative list given therein at their own discretion, in connection with which the forensic expert may be asked questions of a general nature (including: "Was the document forged?", "Was there a fact of falsification?") or those that go beyond the competence of the handwriting expert ("Did the person sign the contract voluntarily?", "Did the person realize the content of the document?", etc.). Such questions contain a legal or psychological assessment, therefore, they do not belong to the subject of handwriting research.

Generalizing expert practice allows to identify other typical examples of erroneous

formulation of questions for handwriting examination which content goes beyond competence of handwriting expert:

- "Is the signature on behalf of (surname, name, patronymic of the person) made by the person on whose behalf it is indicated, namely (surname, name, patronymic of the person), or by another person, is the signature on behalf of (surname, name, patronymic of the person) on these documents, defined as the original, copy of the signature?";
- "Does the document contain signs of technical forgery of the signature (surname, first name, patronymic of person) in the form of imitation of handwriting of the person on whose behalf the signature was made, or the use of various technical devices in the signing procedure?";
- "Was the signature (surname, name, patronymic of person) copied from some other signature using technical means, if so, which ones?";
- "Is the signature on the document under study copied from some other signature submitted for comparison?";
- "Does the document contain signs of technical forgery of the signature (surname, first name, patronymic of the person) in the form of imitation of the handwriting of the person on whose behalf the signature was made?";
- "Does the document contain signs of the use of various technical devices during the execution of text of the document?";

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22 Науково-методичні рекомендації з питань підготовки та призначення судових експертиз та експертних досліджень : затв. наказ. Мін'юсту України від 08.10.1998 р. № 53/5 (зі змін. та допов.). URL: <https://zakon.rada.gov.ua/laws/show/z0705-98#Text> (date accessed: 05.02.2026).

- “Is the signature on behalf of (surname, name, patronymic of the person) in the document executed by the same person who executed the signature on behalf of (surname, name, patronymic of another person) in the loan agreement dated (date) for the amount (amount), or by another person?”;
  - “Is the signature on behalf of (surname, name, patronymic of the person) made by the person on whose behalf it is indicated, namely (surname, name, patronymic of the person), or by another person, is the signature on behalf of (surname, name, patronymic of the person) on these documents, defined as the original, a copy of the signature?”;
  - “Was the person (surname, name, patronymic) aware of the true content and legal consequences of the document at the time of signing?”;
  - “Is the signature genuine, or is it a forgery made using computer programs, printer, scanner, facsimile, or other technical reproduction?”;
  - “Was the signature obtained through document substitution, deception, misrepresentation, or use of a copy?”;
  - “Did the signatory (surname, name, patronymic) intend to sign this document, or was the signature made in order to mislead someone?”;
  - “Did the person (surname, name, patronymic) sign the document in a state of insanity, incapacity or limited legal capacity?”;
  - “Does the signature correspond to signature of the person who had the authority to sign the document on behalf of the legal entity (position, details, power of attorney)?”;
  - “Is signature of the person (surname, name, patronymic) executed in a state of illness, old age, tremor or other physiological condition that affected the will of the person?”;
  - “Is signature of the person (surname, name, patronymic) valid, or is it forged in order to seize property / money?”;
  - “Was the signature not executed by another person in a preliminary conspiracy for the purpose of fraud?”.
- Due to insufficient understanding of the initiators of handwriting examination of its differences from other types of forensic examinations, the objects of research of which are documents, the proposal of many scientists and practitioners on advisability of involving specialists in the field of forensic handwriting at the stage of making a procedural decision to involve forensic expert (obtaining preliminary consultation) for correct formulation of questions is appropriate.
- Taking into account the above, it can be concluded that the questions to the forensic expert should be specific (aimed at establishing the factual circumstances), do not go beyond the special knowledge of the forensic handwriting expert, do not contain legal and evaluation issues or issues of double interpretation. Only under such conditions will forensic expert conclusion have full evidentiary force and can be assessed by the court as a proper and admissible source of evidence in court proceedings.
- While preparing for a forensic handwriting examination, the stage of collecting research objects is important. According to the Recommendations, the object of a handwriting examination is handwriting material that reflects the characteristics of a certain person's handwriting

to the extent that they can be detected to perform the tasks set <sup>23</sup>. Traditionally, for a forensic handwriting examination, it is necessary to provide original documents. This requirement is specified in clause 1.1 of Chapter 1, Section I of the Recommendations, namely: *“Original documents shall be provided for handwriting examination of handwritten records and signatures”* <sup>24</sup>. In practice, it is sometimes impossible to provide the original of the relevant document (it has been destroyed or lost), and only a copy is available. In this regard, the question arises of the possibility of conducting a forensic handwriting examination using copies of documents. The scientific literature contains different approaches to this issue. For example, L. Zolota and I. Savchenko note that if it is physically impossible to provide the original document, then it makes sense to conduct an examination based on copies of documents, but the court should take this fact into account in this case, since a copy of a document contains less information than the original <sup>25</sup>. V. Shkabaro, A. Bila and V. Voronin believe that the main difference between handwriting examination and other types of forensic examinations is that handwriting examination cannot be conducted based on photographs and other copies of the object of examination, its descriptions and other materials attached to the case file. Therefore, if the object cannot be provided to forensic expert, this makes impossible to conduct handwriting

research <sup>26</sup>. It is worth noting that the need to provide original documents is due to the fact that during the study, the forensic expert analyzes them not only by external graphic features, but also by the physical characteristics of the strokes (pressure of the writing instrument, deformation of the paper, the presence of tremor or uneven pressure). In addition, the original document makes it possible to exclude falsification of the document under study by editing or reprinting its individual parts.

Therefore, provision of original documents is a mandatory prerequisite for a full and scientifically substantiated forensic handwriting examination, since only the original contains the full range of graphic and physical features necessary for identification research. Handwriting examination based on copies of documents is possible only as an exception if it is objectively impossible to submit the original (for example, due to the refusal of one party to the proceedings, in particular the investigator, to issue a document attached to the case files (proceedings) to the other party to ensure the possibility of conducting an examination in another expert institution), as well as with awareness of the significant limitations of such an examination and with the appropriate reflection of this fact in forensic expert conclusion. There are cases when one document becomes the object of research not only to identify the executor, but also to determine the time of its creation, which

23 Науково-методичні рекомендації ... . URL: <https://zakon.rada.gov.ua/laws/show/z0705-98#Text> (date accessed: 05.02.2026).

24 Там само.

25 Золота Л. В., Савченко І. О. Проблематика призначення почеркознавчої експертизи в цивільному судочинстві. *Науковий вісник Ужгородського національного університету. Серія: Право*. 2022. Вип. 70. С. 175–180. DOI: [10.24144/2307-3322.2022.70.25](https://doi.org/10.24144/2307-3322.2022.70.25) (date accessed: 05.02.2026).

26 Шкабаро В. М., Біла А. В., Воронін В. В. Правові аспекти проведення почеркознавчого дослідження. *Вісник Університету імені Альфреда Нобеля. Серія «Право»*. 2022. № 1(4). С. 53. DOI: [10.32342/2709-6408-2022-1-4-5](https://doi.org/10.32342/2709-6408-2022-1-4-5) (date accessed: 05.02.2026).

requires technical examination of documents, during destructive methods can be used. In this case, it is important to correctly determine sequence of conducting various types of examinations, in particular, to take into account impossibility of conducting handwriting examination due to the effect of mechanical, chemical, and thermal methods on the document during its technical examination. At the same time, use of copies of documents significantly reduces informativeness of research object, limits the range of features under study, and can make impossible for forensic expert to formulate a categorical conclusion that the court must take into account when evaluating evidence.

In addition to the investigated document, in order to conduct a forensic handwriting examination, the forensic expert must provide samples of handwriting and signature of the investigated person or a probable executor. Such samples are divided into three groups: 1) free; 2) conditionally free; 3) experimental. Samples are not evidence in criminal proceedings, but they contain information that is of evidentiary value. Relevant information becomes available, it can be used in evidence in the case only as a result of the examination. That is why samples for a comparative study have a special procedural status: it is material for obtaining a new one or checking the existing evidence<sup>27</sup>.

According to Paragraph 2, Clause 1.3, Chapter 1, Section I of the Recommendations, *“free samples are handwritten texts, handwritten records (letters and numbers), signatures, authentically executed by a cer-*

*tain person before the opening of criminal proceedings, proceedings in cases of administrative offenses, in civil, administrative or economic cases and not related to their circumstances; conditionally free samples are handwriting and/or signature samples executed by a certain person before the opening of proceedings in the case, but related to the circumstances of this case or executed after the opening of proceedings in the case, and are both related to the case and not related to its circumstances; experimental samples of handwriting and (or) signature, performed on the instructions of the body (person) that appointed the examination (involved the expert), in connection with appointment of such examination”*<sup>28</sup>.

Free samples most often include those contained in both official and unofficial documents of various purposes, including: a passport of a citizen of Ukraine and a foreign passport or their copies of proper quality, applications for the issuance or replacement of a passport (form 1), a driver's license, a driver's examination card, official ID card, a receipt, acts, contracts, powers of attorney, receipts, applications for marriage/dissolution, membership cards, payment orders, invoices, cashier's checks, personal records, letters, information, postcards, which are authentically executed by the person being studied. When receiving free samples, it is necessary to take into account: 1) the time of creation of the relevant documents (they must be: a) written (signed) before entering data into the Unified Register of Pre-Trial Investigations or opening proceedings in cases of administrative offenses, in civil,

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27 Юсупов В. В., Свобода Є. Ю., Шрамко О. М. та ін. Судово-почеркознавча експертиза у кримінальних провадженнях про корупційні правопорушення : метод. рек. Київ, 2023. 46 с. URL: <https://elar.navs.edu.ua/server/api/core/bitstreams/0faad692-1b82-4e60-9fe3-62977fda4986/content> (date accessed: 05.02.2026).

28 Науково-методичні рекомендації ... URL: <https://zakon.rada.gov.ua/laws/show/z0705-98#Text> (date accessed: 05.02.2026).

administrative or economic cases; b) close to the date of execution of the documents under investigation); 2) authenticity of the executor (free samples are exclusively handwritten texts, record, signatures, authentically executed by a specific person); 3) lack of connection with the circumstances of the proceedings (case) – such samples should not relate to the relevant criminal proceedings (case), that is, those facts that are established or verified. However, in practice, sometimes the requirements for the authenticity of the executor of the relevant signature or handwriting are violated, and free samples are also provided, the execution of which is significantly distant from the date of execution of the document under investigation, which negatively affects the possibility of resolving the issues raised and the significance of the conclusion of such a forensic examination. In particular, violation of the requirement for the authenticity of the executor creates the risk of the presence of extraneous handwritten objects in the comparative material, which may lead to the formation of false conclusions by experts. As an example, let us cite the situation set out in the complaint of a party in the case, which was submitted to the Disciplinary Chamber of Central Expert Qualification Commission under the Ministry of Justice of Ukraine, when the expert provided a categorical conclusion regarding the executor of the signatures, while at the same time, in order to conduct a handwriting study with the aim of proving the fact of signing the contract for the transfer of a land share for rent by a specific person, the defendant provided similar contracts concluded in previous years as free sam-

ples. In addition, the plaintiff in the case (the owner of the land share) claimed that he did not sign any of these contracts, and that an unknown person signed on his behalf<sup>29</sup>. Providing the expert with free samples made in a period significantly distant from the document under study significantly reduces the representativeness of the comparative material and complicates the possibility of establishing individually stable handwriting features, and also does not allow for proper consideration of natural and situational changes in handwriting caused by age, psychophysiological and other factors. In this regard, it is important to ensure proper preparation of the relevant comparative material taking into account the above requirements in order to ensure the formation of a reliable and procedurally significant expert conclusion based on the results of forensic handwriting examination.

Conditional samples can be executed both before and after opening of proceedings (cases), *id est* in fact, they belong to two types: 1) executed before the opening of proceedings and related to the circumstances of this case; 2) executed after the opening of proceedings and both related to the case and not related to its circumstances. Conditional samples can be contained in the following documents: suspect explanation of his/her commission of certain actions, written at the request of the investigator, which may not even be related to the proceedings; interrogation protocols, written (or signed) in person; a petition to the investigator, prosecutor, judge; a signature in the journal on receipt of a court summons; correspondence from the place of temporary detention

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29 From the practice of considering issues of disciplinary liability of forensic experts by the Disciplinary Chamber of the Central Expert Qualification Commission operating under the Ministry of Justice of Ukraine.

with relatives; complaints about the actions of police officers, etc.<sup>30</sup> Specificity of conditionally free handwriting samples (signatures) is that they could have been made in a deliberately altered handwriting, since their maker could have foreseen that these manuscripts (signatures) could be used as samples for comparative research in the event that the prosecution decides to order an identification handwriting examination<sup>31</sup>. It is important that such samples, although created in the conditions of the investigation, are considered to retain the individual characteristics of the written language of the person under research.

Unlike free and conditionally free samples, experimental samples for comparative research are obtained specifically for conducting a forensic handwriting examination during a procedural action. In order to perform experimental samples, it is necessary to create conditions that are as close as possible to those in which the disputed manuscript was performed (standing or sitting or placing the manuscript on your lap, etc.). It is recommended to select experimental samples repeatedly, in two stages, with an interval from several minutes to several hours or days,

depending on the circumstances of the case. Selection of experimental handwriting samples is carried out under dictation or they are given the opportunity to write any text independently. Copying from document being examined is unacceptable<sup>32</sup>.

Samples for comparative research should be not only qualitative in their informative content, but sufficient in quantity. Sufficient number of samples means such a volume that would ensure the possibility of a complete and comprehensive comparison of all signs contained in the manuscript (signatures)<sup>33</sup>. In practice, optimal number for conducting research is considered to be 10-15 free samples of the signature of the person being studied, 5-7 pages of a sample text (preferably executed in the conditions in which the manuscript under study was created). One of the most common issues that arise during the preparation of materials for research is providing the forensic expert with insufficient comparative material that necessitates forensic expert to send a request for the provision of additional comparative material, which suspends forensic examination for the request duration (limited to 45 calendar days) and, accordingly, postpones the time of receiving forensic

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30 Полякова С. В., Пиріг І. В. Проблемні питання підготовки матеріалів для почеркознавчої експертизи. *Актуальні проблеми кримінально-правового, кримінального процесуального та криміналістичного забезпечення протидії злочинності в сучасних умовах*: мат-ли Міжнар. наук.-практ. конф. (Дніпро, 20.12.2024). Дніпро, 2024. С. 224. URL: <https://er.ddu-vs.edu.ua/handle/123456789/15814> (date accessed: 05.02.2026).

31 Коваленко В. В. Особливості підготовки матеріалів та призначення судової почеркознавчої експертизи під час розслідування корисливих кримінальних правопорушень. *Вісник Луганського навчально-наукового інституту імені Е. О. Дідоренка*. 2025. Вип. 2 (110). С. 63. DOI: 10.32782/2786-9156.110.2.61-71 (date accessed: 05.02.2026).

32 Косигіна Н. А. Проблемні питання підготовки та оформлення експериментальних зразків почерку (цифрових записів, підпису) для проведення судово-почеркознавчих експертиз. *Вісник Одеського науково-дослідного інституту судових експертиз*. 2022. Вип. 12. С. 52. URL: <https://ondise.minjust.gov.ua/wp-content/uploads/2023/04/vipusk-122022.pdf> (date accessed: 05.02.2026).

33 Воробйова Н. В. Зазнач. твір. URL: [https://univd.edu.ua/general/publishing/konf/08\\_11\\_2017/pdf/28.pdf](https://univd.edu.ua/general/publishing/konf/08_11_2017/pdf/28.pdf) (date accessed: 05.02.2026).

expert conclusion. Insufficiency of comparative material provided can not only delay the conduct of the relevant study, but also make it impossible to conduct it fully. In particular, the provision by the initiator of forensic examination of only a few comparative samples of a signature or several samples of a fragment of text does not allow the forensic expert to identify stable individual features of handwriting or signature of the person under investigation and conduct a full-fledged comparative research. At the same time, further procedural actions aimed at obtaining samples of a person's signature (searches, temporary access to documents, sampling) can be ineffective due to concealment or destruction of documents by interested parties; concealment of the person; illness that affects the person's motor or mental activity; his or her death, i.e. events that make impossible to obtain experimental samples of the person's handwriting (signature). In such a case, in practice, forensic experts are forced to state the lack of possibility of conducting a full-fledged research and obtaining categorical answers to asked questions.

In addition, while obtaining samples, one should take into account high informativeness of free samples containing the largest number of general and individual signs of handwriting of the person being examined. This is a consequence of the fact that at the time of their execution, performer did not assume further use of his handwriting samples as comparative material during forensic examination. However, it happens that initiator of forensic examination cannot select a larger number of handwriting (signature) samples from a person, or there is only a certain number of free, conditionally free samples. In this case, forensic expert takes into account complexity of handwriting

(signature): the more complex (in design) handwriting (signature), the more it contains individual signs of the person being examined and the examination becomes possible. Thereby at the stage of preparing case files for research, it is advisable to obtain advice from a forensic expert: it will allow you to determine sufficiency and quality of the available comparative material, clarify possibility of conducting full-fledged handwriting study under actual conditions, and, if necessary to take timely measures to select additional samples. This optimizes timing of forensic examination, prevents unjustified suspension of the expert study and ensures proper implementation of the tasks of forensic examination in legal proceedings.

## **Conclusions**

Use effectiveness of expert handwriting expert conclusion in legal proceedings largely depends not only on quality of performed research, but on the level of preparation of materials for the research by examination initiator and formulation accuracy of issues to be resolved. In this regard, it is necessary to systematically improve the skills of investigators, prosecutors, lawyers and other stakeholders in this area. This approach will contribute to improving the quality of pre-trial investigation, optimizing the timing of expert research and ensuring the proper evidential strength of forensic expert conclusion.

**Судова почеркознавча експертиза:  
типові помилки на етапі призначення  
та шляхи запобігання**

**Вікторія Алексєйчук, Євгенія Демидова,  
Леонід Бараїш, Раса Тамошюнайте**

*Статтю присвячено комплексному аналізу проблем, пов'язаних з постановкою*

експертних завдань і підготовкою матеріалів для проведення судової почеркознавчої експертизи як одного з найбільш затребуваних видів криміналістичних досліджень у судочинстві. Актуальність дослідження зумовлена значимістю письмових документів як доказів і поширеністю випадків неналежної підготовки матеріалів, некоректного формулювання запитань, які підлягають вирішенню, що суттєво обмежує можливості експертного дослідження почеркового матеріалу або унеможливорює надання категоричних висновків. Мета статті — проаналізувати типові помилки, що виникають на етапі призначення судової почеркознавчої експертизи, та надати рекомендації щодо шляхів підвищення ефективності застосування цього виду експертного дослідження у процесі доказування. Методологічна основа дослідження містить загальнонаукові та спеціальні методи дослідження: аналіз і синтез, індукцію і дедукцію, формально-логічний, системно-структурний та порівняльно-правовий підходи, а також метод узагальнення слідчої та експертної практики. Систематизовано вимоги до матеріалів, які надають судовому експертові, уточнено обсяг компетенції експерта-почеркознавця, обґрунтовано необхідність використання оригіналів документів як об'єктів дослідження, а також докладно розглянуто питання відбору вільних, умовно вільних та експериментальних зразків почерку й підпису. Наукова новизна дослідження полягає в комплексному викладенні взаємозв'язку між якістю підготовки матеріалів і доказовою цінністю висновку експерта, а також у формулюванні практично орієнтованих рекомендацій щодо забезпечення достатності, репрезентативності й інформативності порівняльних матеріалів. Практичне значення дослідження полягає в застосуванні його висновків і рекомендацій слідчими, проку-

рорами, адвокатами та суддями з метою оптимізації встановлення фактичних обставин у судовому провадженні й запобігання помилкам на етапі залучення судового експерта-почеркознавця.

**Ключові слова:** *судова експертиза; судова почеркознавча експертиза; зразки для порівняльного дослідження; підготовка до призначення судової експертизи; формулювання запитань до судового експерта; висновок експерта; типові помилки судового експерта.*

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