

Improving Forensic Science

Netherlands Register of Court Experts

Experiences 2010-2015

Content

- Introduction
 - Forensic Science: a world apart
 - Current situation EU
 - Accreditation - Certification
 - Current Standards
- A way forward
 - The Dutch approach
 - Regular versus Ad hoc experts
 - Legal professionals
- Not to forget

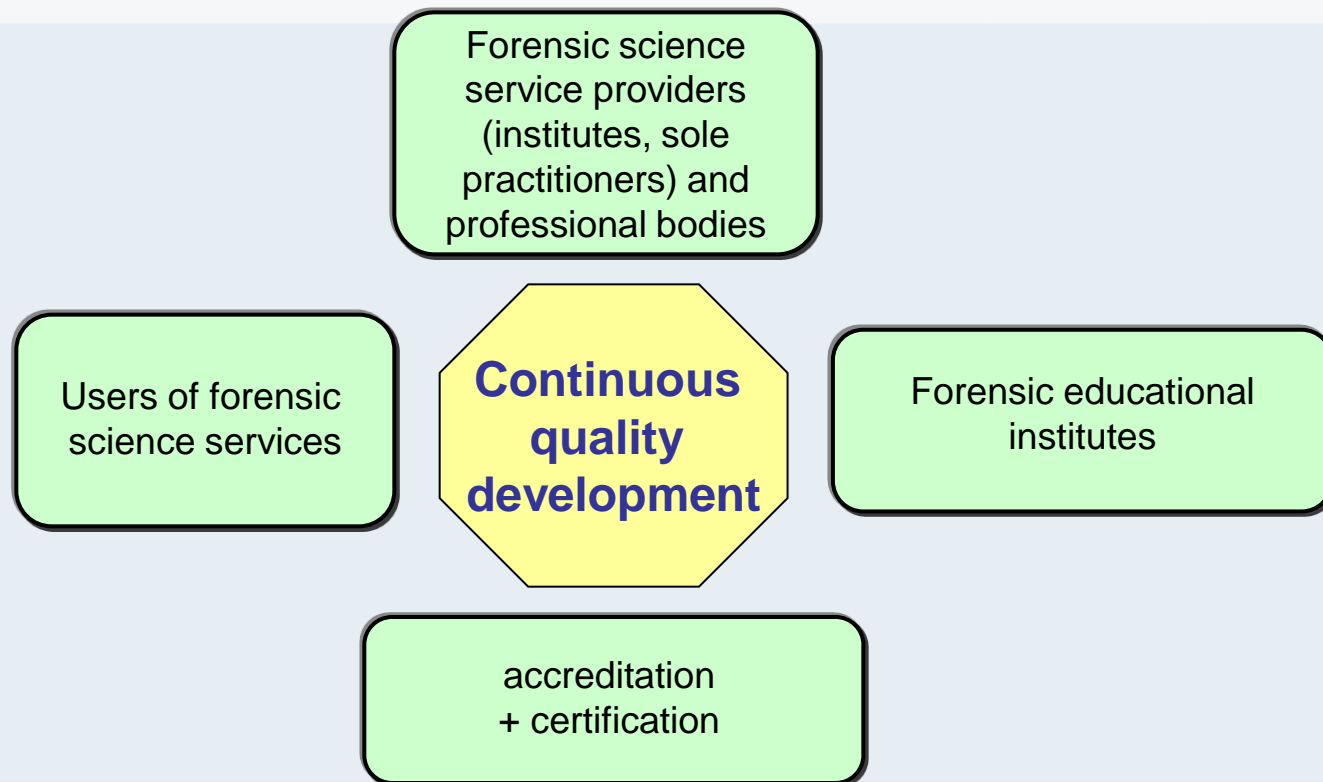
What makes an expert?



Quality must not only be done, but also
seen to be done !



Forensic Quality Circle



Forensic Science - A world apart!

Characteristics:

- Knowledge gap science – law
- Education: on the job
- Quality Assurance structure: professional bodies/institutional (ENFSI), external monitoring
- Governmental responsibility
- Nationally oriented



Lack of clarity about the quality of court experts

European Union – initiatives:

- Framework decision 2009/905/JHA
mandatory accreditation DNA and fingerprints according
ISO/IEC 17025 including the expert opinion
- Council document: creation of a EU Forensic Science Area
by 2020
- CEN/ISO specific standards for forensics from crime
scene to court room

Lack of clarity about the quality of court experts

Netherlands:

Expert in criminal cases Act

- Independent
- Register Court expert in criminal cases Decree
- Focus on competences
- Structural funding

The twins: Accreditation/certification

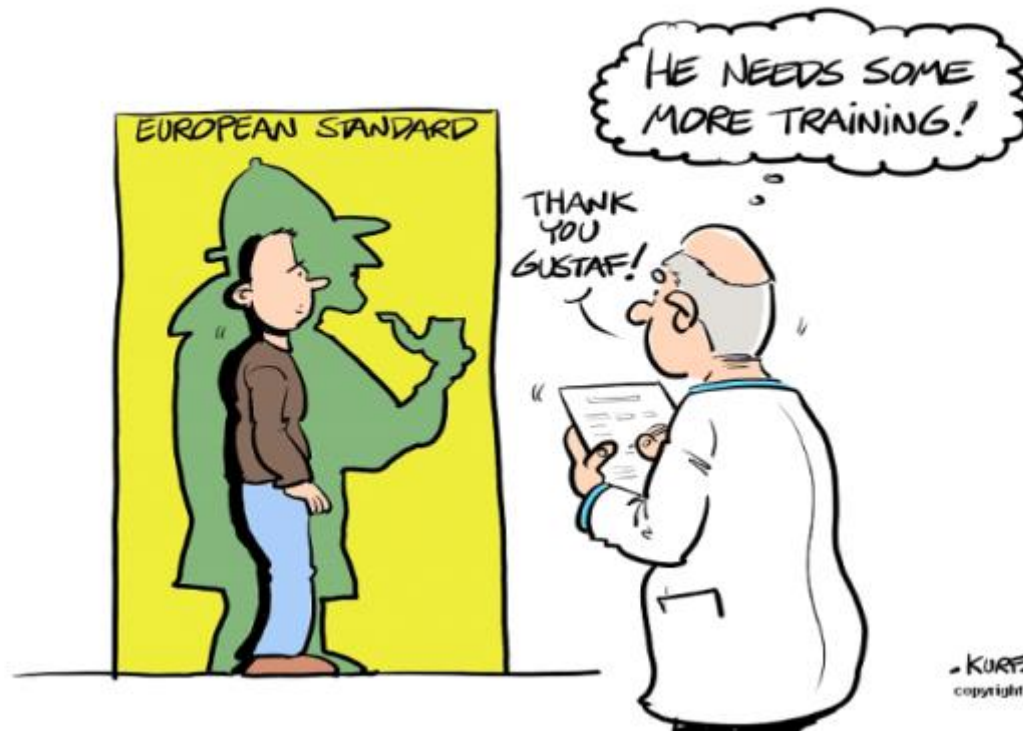
Accreditation vs certification

- Focus on system vs focus on individual
- Focus currently on methods
(What about newly developed methods/validation?)
- Institutional standards vs uniform standards/level standards

Current ISO 17025 requirements vs ILAC-G19

General issue: current standard to open. Repair via ILAC-G19

COMPETENCE ASSURANCE



Current ISO 17025 requirements vs ILAC-G19

ILAC-G19 more specific as to:

- Defining each role
- Training: casework, theory, attitude, Moot court training
- Procedure for assessment
- Demonstrate competence against defined criteria by qualified person
- Keeping individual records
- Procedure for CPD
- Code of conduct
- Verifying competence sub contractors

Current ISO 17025 requirements vs ILAC-G19

Remaining GAPS:

- Uniform specific competence criteria per field
- Knowledge of (specific) relevant legislation
- Reporting requirements
- Proficiency test requirement
- Third party assessment
- Re-assessment
- Specific aspects Crime Scene

Current ISO 17025 requirements vs ILAC-G19

What about sole practitioners??

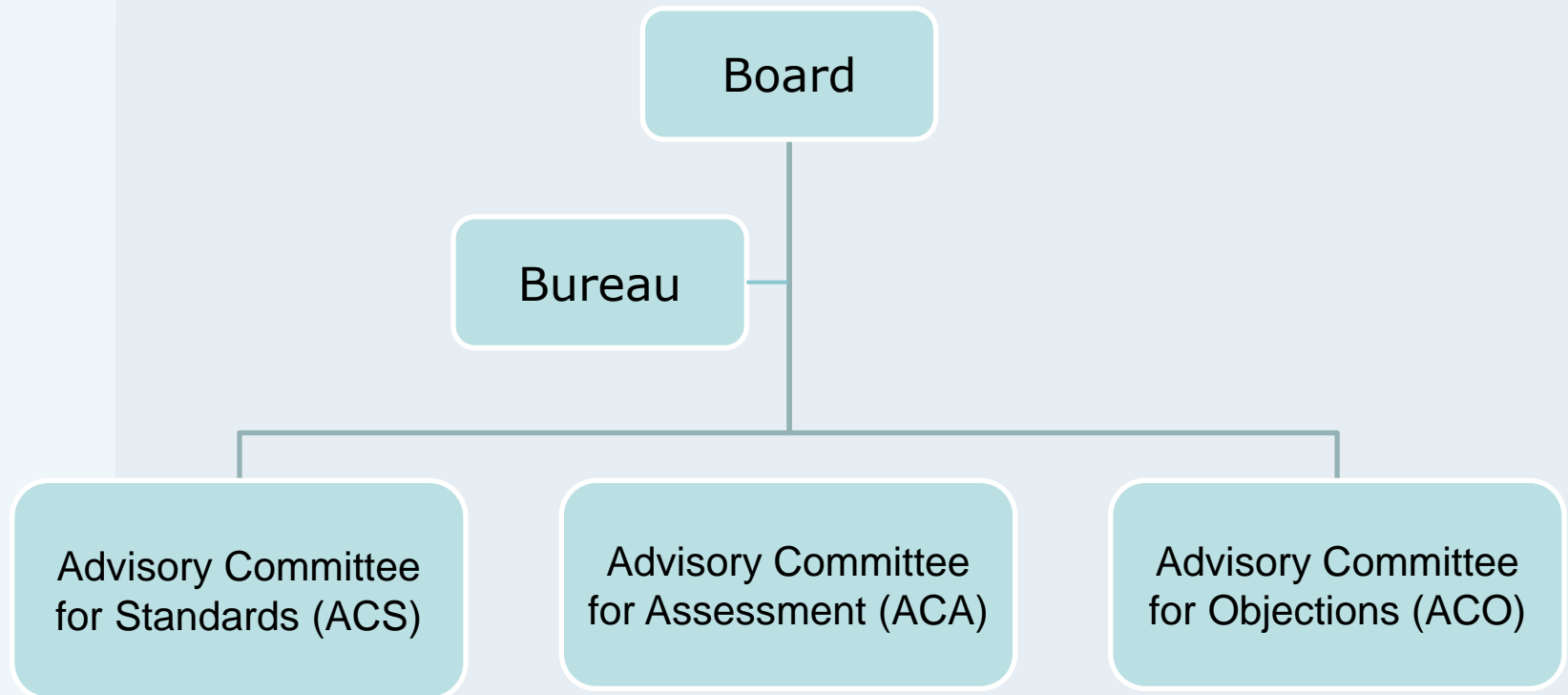
What about ad hoc experts??

Commercial vs non commercial providers??



NRGD

Organisational structure



Organisational structure



Setting standards/requirements

- Advisory committee of standards (ACS) advises the Board
- Preventing closed shop:
 - Broad representative of the forensic field
 - National and international members of ACS
- Task: for specific fields of expertise:
 - Demarcation
 - Registration requirements
 - Assessment procedure
- Open consultation

Standards/Requirements

Standards

1. Education: pre- and post
2. Experience: Casework history
3. Case request and strategy
4. Investigative material and data
5. Investigative methods and interpretation
6. Reporting
7. Criminal law
8. Professional attitude

Result: OBJECTIVE, OPEN and ...REALISTIC

Requirements - example pathology

Standard	
1. Education	<ol style="list-style-type: none">1. a successfully completed medical education and be a currently registered medical practitioner;2. minimally 60 months of relevant postgraduate training. The postgraduate training has to include at least the following elements:<ul style="list-style-type: none">○ clinical pathology;○ forensic pathology;○ forensic-juridical;3. Continued professional education

Requirements - example pathology

Standard	
<p>2. Experience</p> <p>3. Case request and strategy</p> <p>4. Investigative material and data</p> <p>5. Investigative methods and interpretation</p> <p>6. Reporting</p> <p>7. criminal law</p> <p>8. Professional attitude</p>	<p>2. 100 medico-legal or forensic autopsies in the previous 4 years, under collegial review</p> <p>6. Informative: method and hypothesis, all relevant information; verifiable, comprehensible, consistent reasoning etc.</p>

NRGD

Independent Committee for Assessment

Made up of

- (Foreign) representatives of the field of expertise
- Legal professional

Appointment by the Board

Assessment procedure

Advisory Evaluation Form

- Written material, oral assessment when doubts
- Advisory Evaluation form:
 1. Casework history
 2. Education
 3. Case request and strategy
 4. Investigative material and data
 5. Investigative methods and interpretation
 6. Reporting
 7. Dutch criminal law
 8. Professional attitude

Current affairs NRGD (I)

Open for registration:

- Handwriting Examination
- DNA-analysis and interpretation
- Forensic Toxicology
- Drugs- analysis and interpretation
- Weapons and Ammunition
- Forensic Psychiatry and Forensic Psychology
- Forensic Pathology

Next: digital forensics end 2015/2016

Current affairs NRGD (II)

Applications: > 700

Registered: 549

Rejected: 139
(20%)

Pro-Con NRGD

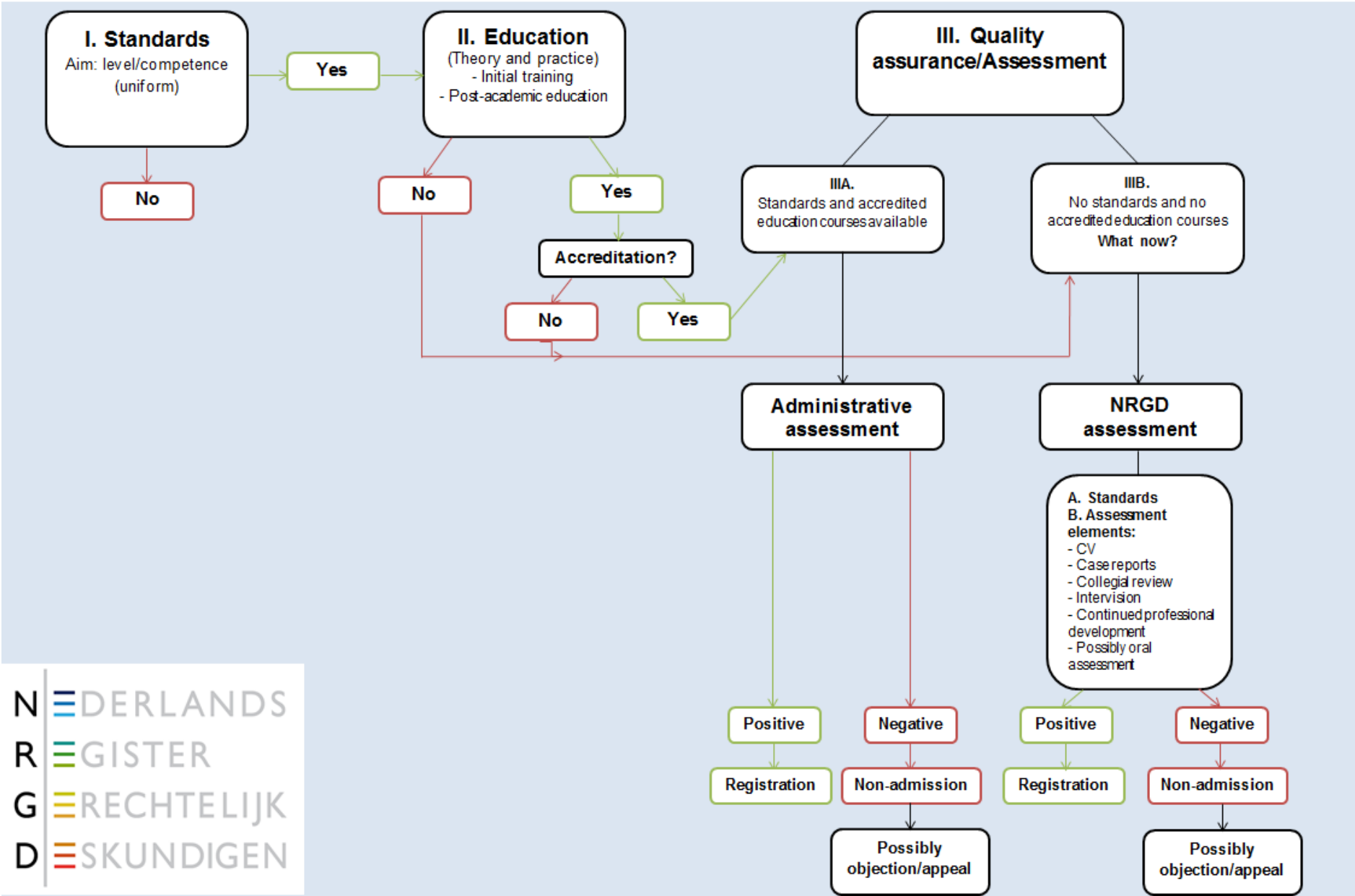
Pro

- Game change
- Individual assessments
- Both institutional and sole practitioners
- Specific, uniform competence standards
- Advice/information – organizations, government, media

Con

- only criminal law
- Police not yet
- costsversus lack of current alternatives!





Ad hoc scientific expertise

Competence assessment framework:

1. Disclosure statement

- CV including copies of educational certificates, legal training?
- Integrity statement
- Case list: cases of the last 5 years, type of case, commissioning party, collegial review performed, court appearance

2. Code of conduct

Ad hoc scientific expertise

3. Requirements report/format: Case request and strategy, Investigative material and data, Investigative methods and interpretation, Reporting (comprehensible)
4. E-learning programme criminal law and code of conduct
5. Peer review

The legal professional

- Education: basic aspects forensic science
- Legal professionals with additional forensic expertise?
 - Dutch support assistants to the judge
 - Dutch prosecutor-specialists
- Pre trial examination of forensic evidence?
(advice British Law Commission; Law no. 325; 2011)
 - court appointed expert
 - pre-trial reliability test

Not to forget

Sticks and carrots

- Voluntary and mandatory
- Funding – growth model
- Monitoring body
- Exchange of know how
- Service fee dependent of quality initiatives?

Forensic Quality System

Develop best practices/ guidelines, new techniques, uniform working methods, proficiency tests, peer review system, limit bias, requirements reports, code of conduct

Forensic science service providers (institutes, sole practitioners) and professional bodies

Users of forensic science services

**Continued
quality
development**

Forensic educational Institutes

Develop/ update curricula or new training programmes

Acknowledged accreditation + certification bodies

Develop uniform standards, assess competence and provide accreditation and certification of expert opinion

Training/speci
liasion
Procedural
changes?

Questions?



Thank you for your attention!

More information

- NRGD Newsletter (via our website)
- www.nrgd.nl
- LinkedIn
- deskundigenregister@nrgd.nl