

# Bridging the Gap

## **Dr James Robertson, Assistant Secretary Forensic Services Division, looks at the gaps that exist between those who collect scientific data and those who scientifically examine it.**

**N**O two states in Australia have an identical structure for their forensic services.

Only two, South Australia and Victoria, have laboratories which can offer comprehensive services in integrated facilities. In most other states forensic science services are carried out by state government analytical laboratories and health laboratories, or their equivalents, with biology and chemistry functions quite separate. In the Northern Territory the police also have control of all aspects of forensic work but with an even smaller laboratory than the AFP.

In the AFP part of our responsibilities are to provide community policing in the Australian Capital Territory. Although this group accounts for less than one quarter of the total AFP staff, this article concentrates on the provision of forensic services to **that** group.

In Forensic Services Division, forensic support is provided to all regions of the AFP throughout Australia. It is responsible for all aspects of forensic investigation, from the crime scene to laboratory examination.

The collection of items (exhibits) in Australia remains the responsibility of police organisations. If there is no uniform model for the forensic laboratories, the situation with police forensic areas is even more diverse. However, in one form or another all Australian police organisations have a group or

groups who have the responsibility for the examination of scenes of alleged crimes. The specific roles, duties and scope of services provided varies widely between forces. The picture is even more confused when one considers the relationship and interactions of crime scene and fingerprint groups. Rarely are these groups under a single command, except at a high non-operational level, and each has a history of rather jealous protectionism of its own territory.

### **From South Australia to the AFP - a personal experience.**

My first contact with forensic science in Australia was as a consultant to the Crown in the Splatt Royal Commission in South Australia. I spent two months in Adelaide in late 1983 reviewing the forensic evidence and appearing before the Royal Commission. The outcome of the commission, the release of the convicted person, Edward Splatt, and the changes to the organisation of forensic services in South Australia are well documented.

The role of the SA police forensic area was criticised along the lines that the police technicians had an inappropriate control over the **what, where and who** conducted laboratory based examinations. In order of course to send physical materials such as hairs, fibres, glass, paint and so on to selected experts these technicians searched

the items collected at scenes and then submitted actual trace materials to other agencies and individuals. There were differing views on the selective nature of this process and it was suggested that the police technicians had acted as so called pseudo scientists.

Whatever the perceived limitations of that system, limitations generally, but not necessarily universally, accepted by all parties, the system could only have developed where there was no integrated forensic facility - where there **was** a dedicated enthusiastic police forensic group and with a government which, for whatever reason, had been willing to live with the status quo. However misinformed or misguided the police forensic group may have been, in the eyes of outside commentators, the system would have been infinitely worse without the dedication of the individuals involved.

I think it must, however, be accepted that gaps did exist in the examination process as a result of this approach. Each scientist dealt with his or her bit of the jigsaw but not necessarily with enough knowledge of the broader picture. I'm sure, even now, not everyone in SA would agree with my summation of forensic science, SA 1980.

The Crammond Working Party recognised the limitations and brought about major changes in the system which resulted in the present set up with an integrated forensic laboratory, independent of both the police and the legal players. The police still conduct the examination of crime scenes and collect materials for subsequent examination which they are obliged to submit to State Forensic Science for scientific examination. Has this new system lead to a better bridging of the gaps?

Depending on whom one listens to the answer could be yes or no!

The forensic scientists will argue "yes". However, even the most blinkered observer would, in my view, have to admit all is not perfect and that the potential for gaps to develop or exist are still there.

The SA model has many excellent features. However, the degree of success achieved depends on information and the flow of that information between the parties involved; communication must be between the police investigator, the police technicians and the scientific staff. While the reality will often be that the police technician will interface between the investigator and the scientist this must not be seen as a brokering role. It is often valuable for the scientist to talk directly with the investigator. Anything which could lead to any party not being in possession of as full information, as is available, must be avoided.

The two way flow of information – effective communication – can become even more difficult when the people involved come from different organisations or, more importantly, see things from a different standpoint.

If this standpoint is one of distrust, competitiveness and negativity it is easy to see how the communication process breaks down and I believe this affects communications between police technical officers and forensic scientists. On the one hand police members worry that the scientist wishes to take over part or all of their role and responsibilities, whilst the scientists for their part, may fear that too much knowledge on the part of the police technical officer risks them becoming brokers in the process.

The answer lies in two main areas, defining roles and responsibilities, and training and qualification. To an extent one relies on the other.

In my own group we have attempted to clearly define the roles of various players. This can involve taking quite hard decisions. Some issues are simply non negotiable. I count amongst these the question of laboratory examination of physical evi-

dence. In our group some crime scene examiners may get involved in basic searching but not sorting.

With regard to who does physical matching, toolmark comparisons and the like, a key issue, lies with the level of training given to police technical personnel. However, if police technicians do this work, it is also vitally important they understand what further scientific testing may be possible and discuss with the scientist what is appropriate testing in the specific case. Of course this is much easier if the two groups work closely together in every sense of the word.

A major part of the problem in making this work lies in society's view of technicians. We do not value technical skills. In my own

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group our starting point is to treat our technical officers as equals to our scientific officers. The two groups have the same pay and conditions and broadly equal promotion opportunities. Success or failure depends on ensuring the people who work in the more technical areas enjoy that type of work, have the necessary attributes and competencies and, above all else, do not need to seek to become scientists to become a "higher being".

### **Training and Qualifications**

The key to obtaining that mutual respect lies with police technical officers receiving appropriate externally accredited professional training. This needs to include sufficient information about the work of the forensic scientist to ensure that the technical officer has a framework in which to place his or her knowledge. Too often the technical officer has been treated as a collector, packager and poster! It would also

serve a useful purpose if forensic scientists were given greater insight into the scope and depth of the work of the technical officer.

### **Standards and Accreditation**

The establishment of the National Institute of Forensic Science (NIFS) holds great promise. Already under their chairmanship, Senior Managers of Australian and New Zealand Forensic Laboratories (SMANFL) have agreed to develop an accreditation scheme. Designed for our part of the world, and based on the proven ASCLD (American Society of Crime Laboratory Directors) model, this scheme will include for the first time crime scene examination as a specialist category.

Armed with a broad based, independently assessed, accreditation scheme, along with appropriate quality assurance programs, standards will improve.

We are all aware of the dangers posed by either incorrect or incorrectly understood scientific opinion being presented in Court. The solutions to the problems raised in my paper lie in im-

proved standards, professionalisation of, especially police technical officers, and above all else improved 'real' communication between the 'collectors' and the 'examiners'.

There are real problems and gaps due to the system but I'd argue at least some of the gaps are more perceived than real. It is an inescapable fact, however, that even if all this was near perfect it would mean nothing if the presentation in court were to fall down.

Forensic technicians and scientists need to understand the legal and court process and work on their presentation skills. Lawyers in turn need to consult and discuss with scientists their results and conclusions to a much greater depth than is common current practice. This needs to be before the actual court and not in court or ten minutes before the case starts. ■

*(From a plenary paper given at the ANFSS International Symposium )*