

COMPETENCE ASSURANCE FOR ENFSI FORENSIC PRACTITIONERS

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ABSTRACT: This paper will detail the work carried out to date by the Competence Assurance Project Group in developing a competence assurance framework applicable across ENFSI.

The competence of professionals and the impact of any lack of competence on those using the services of such professionals, is becoming ever more open to scrutiny. Professionals, in particular those involving medical practitioners and scientists, generally are having to consider how they can demonstrate that practitioners have, end retain, competence.

Assurance of work place competence can only be achieved through a framework of standards and assessment against those standards. For forensic practitioners, it is possible to achieve this using a single set of generic standards and an assessment strategy that can translate these generic standards for any area of forensic specialism.

The next logical step to assessment is the development of a process of “certification” to ensure consistency of assessment, demonstrate external scrutiny and be a focus for raising standards and identifying good practice.

KEY WORDS: Certification; Competence assurance.

Z Zagadnień Nauk Sądowych, z. L, 2002, 178–185

Received 6 September 2002; accepted 17 September 2002

INTRODUCTION

My presentation will detail the work that the Competency Assurance Project Group, a project group of the ENFSI Quality and Competence Committee, has been doing in relation to competence assurance for ENFSI forensic science practitioners.

Why do we need to be assured of the competence of those who practice forensic science? It is, perhaps, worth remembering a statement made by Paul Kirk, nearly forty years ago. He referred to forensic science as having “all the responsibility of medicine, the intricacy of the law and the universality of science. In as much as it carries higher penalties for error than other professions, it is not a matter to take lightly, nor to trust to luck”. We have made great strides in looking at organisational quality through quality Manage-

ment Systems and accreditation. However, it is important to remember that accreditation of a laboratory does not of itself imply that the staff of that laboratory are competent. We need, now, to extend this approach to individuals and look at personal competence and the concept of common standards of competence for practitioners of forensic science. Why is it important to have such common standards? It is important because the key people in the process are not forensic scientists but the users of forensic science – the law enforcement agencies and the criminal justice systems. They have the right to expect the same competent performance from forensic scientists irrespective of where that science is practised.

It is now the case that the public no longer trusts professionals simply on the basis of who they are – we have seen this in the UK with medical practitioners, in particular. All practitioners need, therefore, to be able to demonstrate that they can practise competently.

I want to look at how we can define competence and how we can assess whether competence has been achieved.

COMPETENCE

How do we define and recognise competence? Is it about a person dresses or looks? Is it about qualifications or experience? Is someone who has been doing something for thirty years more competent than someone who has only been doing it for five years? I have come across laboratory directors who say “I know that my staff are competent”. However if I ask them how they have made this judgement they are unable to offer anything but a personal, subjective view of what a competent person would look like. That is a bit like asking someone to define an elephant, and receiving the answer that to do so is not necessary because they will know one when they see one! Thus it is impossible to define, and hence recognise, competence in any objective manner in the absence of standards.

What is competence and what is it not? Competence is about performing the role, for example of a forensic scientist, competently. It is about demonstrating competence in the workplace and not the classroom, that is to say about actually doing the job. It is not, directly, about qualification and training. A highly qualified person need not be “occupationally competent”.

Is there scope for having different standards of competence? Well yes there is, or at least there is scope for different approaches. For example, one could have individuals working to different standards in the same country. Even if every practitioner worked to the same standard in one country that standard may be different from neighbouring countries. It is better to ap-

proach the situation from a global standpoint and reduce the variation that inevitably exists when individual organisations go their own way.

What is competence? It is a mixture of knowledge skills and the application of knowledge and behaviours or attitudes. All three are essential to defining competence.

Let us look at knowledge – scientific knowledge alone is not enough. It is important to know about forensic science itself and the forensic process and how to apply scientific knowledge to the solution of forensic problems.

As to skills, there are the application of technical skills and the application of “forensic skills”, by which I mean assessment of the requirements of a case, interpretation of forensic “data” and report writing. It is the “forensic skills” which are key –to me the modern forensic scientist is a “forensic data processor” with the accent on “data processing” and not “data generation”.

To complete the competence equation we have behaviours and attitudes. It is possible to be skilled and knowledgeable but if you do not portray the right behaviours and attitudes you can not be classed as competent.

I am talking about competence for ENFSI forensic science practitioners and by these, I mean individuals involved in the “forensic process”. I shall define the “forensic process” as a series of discrete steps between the apprehension of a suspect or investigation of a crime and the conclusion of an investigation at a court of law or tribunal.

What is the connection between the forensic process as I described it and competence? All individuals must demonstrate competence at all points in then forensic process. The chain of competence is built on the weakest link. The competence of the forensic scientist can be compromised if individuals working in other parts of the forensic process are not themselves competent. We need to be able to determine if such compromise has taken place.

Incompetent evidence collection or incompetent laboratory work results in the wrong results being delivered to the judicial system.

KEY ROLES IN THE FORENSIC PROCESS

There are many key roles in the forensic process. For the purpose of the initial phase of our work, the CAP group has defined four roles. These are the Scene of Crime Investigator, the Analyst/Assistant, the Reporting Analyst and the Reporting Scientist. In some organisations a single individual may perform more than one of these roles. There are other roles that will be considered in due course.

STANDARDS

I want now to turn to standards. Standards are the key to everything. How do we define them so that they are meaningful? Should they be defined tightly? Should they be specific or generic? In my opinion there are dangers in making standards too specific. Generic standards, expressed in terms of outcomes, are preferable for reasons, which, I hope, will become clearer in a moment.

Generic standards define the “what” that has to be achieved or demonstrated by a competent person. They do not define how somebody achieves the standard. Some people expect the standard to spell out exactly what must be done but that is not the case.

I will use two examples. There could be a standard governing my departure from Linköping. One part of that standard could be “You will arrive at Linköping airport, safely, in sufficient time to catch your flight”. Note that the standard does not define how I do that. “Sufficient time” may vary depending on the carrier. Arriving safely could be done by taxi, bus etc. The second example is a standard that could relate to the identification of drugs. The standard may state that a drug must be identified unequivocally. However it does not say which technique must be used to achieve the standard. There may be more than one possible way of achieving the standard.

Thus with outcome based generic standards practitioners can use different approaches to achieve the same result. The acceptability, or not, of these different approaches is addressed in a strategy for assessing against the standards.

GENERIC STANDARDS FOR THE FORENSIC PRACTITIONER

We can develop generic standards for the forensic practitioner by first defining a series of high level activities. These activities are the key stages that occur in casework. The advantage of proceeding in this way is that the standards that are developed are applicable to all scientific disciplines, be it ballistics, document examination etc.

The key stages in the forensic process involve activities at the scene of an incident and activities during the resultant laboratory examination. For these we can define the following high level activities:

Pre-Laboratory based activities:

- a. preparing to carry out an examination of the scene of an incident;
- b. examining the scene of an incident;
- c. establishing and maintaining the integrity of items and samples recovered.

Laboratory based activities:

- d. preparing to carry out an examination in the laboratory;
- e. examining items in the laboratory;
- f. undertaking specialist scene examinations;
- g. interpreting the findings;
- h. reporting the findings.

If we combine these eight high level activities together we have a set of generic standards for the forensic practitioner.

The high level activities can be looked at as the tip of a pyramidal structure which become expanded as you move down the pyramid. Thus each high level generic activity is composed of a series of sub-activities (again expressed in a generic way).

For each sub-activity there is a series of criteria that define what an individual must do to show competence and detail on what he or she must know and understand in carrying out the sub-activity.

STANDARDS IN MORE DETAIL

It is perhaps easier to look at one high level activity out of the eight and see how it expands to give more detail. I will look at the activity relating to examining items and samples in the laboratory. The sub-activities associated with this are as follows:

- a. monitor and maintain the integrity of items and samples;
- b. identify and recover potential evidence;
- c. determine examinations/analyses to be performed;
- d. perform analyses;
- e. produce laboratory notes and records.

If we then take one of these sub-activities – monitor and maintain the integrity of items and samples – the criteria that define performance are as follows:

1. handle items and samples in ways which prevent contamination, cross-contamination and loss of evidence;
2. uniquely label items and samples and maintain the continuity of items;
3. record information accurately, comprehensively and contemporaneously.

In order for an individual to actually do this he or she will need to have certain knowledge and understanding. This is defined as:

1. what contamination procedures exist;
2. the storage, handling and packaging of evidence;
3. how to avoid loss of potential evidential material;

4. the importance of continuity and integrity;
5. what information needs to be recorded;
6. the various recording systems available;
7. why information needs to be recorded.

ASSESSMENT

Once standards have been defined what happens next? We need to determine whether an individual has achieved the standards. We therefore need an assessment strategy.

In determining whether an individual has achieved the standards we need to ensure that the assessment is carried out, objectively, against the standard. There is no place for subjectivity in the assessment process.

In any system of assessment, great interest is expressed in whom assessors will be. Assessments should be carried out by someone who is “occupationally competent”. That is to say, the assessor should be a forensic practitioner in the discipline of interest. The assessor should also have been trained in assessment.

The assessor will understand what the generic standards mean to the particular area of specialism and will, effectively, translate the standard to the “language” of the specialism.

Moreover, the assessor will know whether the approach used by a practitioner is acceptable to the forensic community at large.

It is important that there are checks and balances built in to the assessment strategy to ensure that assessments are carried out to the same standard in different organisations and different countries. For this to be meaningful there needs to be some element of third party scrutiny.

STANDARDS, ASSESSMENT – WHAT NEXT?

The logical next step in the structure I have outlined is some form of “certification”. If we assess individuals against standards there needs to be some recognition that they have reached the standard. Although individual organisations could each do something different it makes sense to have some co-ordinating body to do this. It could be ENFSI itself or it could be some body external to ENFSI.

What does certification mean? It would be recognition that a particular individual was competent. It would almost be a “licence to practice” but unlike many such systems which rely on qualifications and/or training it would

be based on clear evidence that an individual could do the job where it matters most – in the work place.

Certification should not be a one-off event. It should be time-limited, requiring practitioners to re-submit themselves at intervals for re-certification.

CERTIFICATION – AS WHAT?

If an individual were to be certified – let us say for the moment as an ENFSI Certified Forensic Practitioner – the question arises as to what the badge of competence, the licence to practise actually refers to. How should it be defined so as to make it clear as to what specialism or discipline the certification refers to? How specific should it be? Is it sensible to sub-divide forensic practice in to many sub-divisions? These are all questions that I do not propose to answer at this point. It may be worth noting that the Council for the Registration of Forensic Practitioners, a regularity body for forensic practice in the UK, has chosen to divide science into eight specialisms and to further divide these into more than thirty sub-specialisms.

COMPETENCY ASSURANCE – SUMMING UP

What are the requirements for competency assurance? First there are the standards. These express the expected level of performance. Secondly there is the assessment process. This is the check as to whether or not the expected level of performance has been achieved. If the standard has not been achieved then training is what is used to bridge the gap between actual and expected performance. The role of training comes after the standards have been defined, and not as some like to think before. It must be stressed that competence can be a transient thing. When one achieves competence, in practice it is at a particular point in time. Achieving competence does not necessarily imply any statement about the future. It is therefore necessary to consider the continual assessment of competence.

IN CONCLUSION

We have Standards, which we believe can be applied to all forensic practitioners across Europe and indeed across the world.

The next stage will be to develop assessment strategies using participants from the various ENFSI Working Groups.

Is competence assurance needed? Yes most certainly if we are to move to the goal of the same quality and standard of forensic science irrespective of where it might be practised.

Are the Standards workable and can they be assessed? Yes I believe that they are workable and competence can be assured by an assessment process that will examine the knowledge and, most importantly, the performance in the workplace.

I believe the future is not only about competence but also about being able to demonstrate to the world at large that we are competent. I believe the work that we are doing in the Competence Assurance Project Group is laying the foundation for taking competency and its assessment forward across Europe and beyond.