



THE ACCREDITATION OF FORENSIC LABORATORIES AS COMPONENT OF REALIZING THE EUROPEAN FORENSIC SCIENCE 2020 CONCEPT



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Abstract: The success of mutually recognising evidence, among others, is provided by the introduction of common standards. In the interest of the regulated and scheduled implementation of the harmonisation process, the Council of the European Union made a decision on the ideas of 'The Vision for European Forensic Science 2020' including the creation of a European Forensic Science Area and the development of forensic science infrastructure in Europe (hereafter: EFSA 2020). This paper analyses the effects of the EFSA 2020 decision on the accreditation of forensic laboratories.

AIMS OF THE STUDY

Globalising cross-border crime has led European Union Member States to improve methods of fighting crime on an international level as well as to increase the mutual recognition of collecting and analysing evidence by one another. The unification and standardisation of forensic expert methods of analysis is of crucial significance. This also affects the system of criminal procedure guarantees. The success of mutually recognising evidence, among others, is provided by the introduction of common standards. In the interest of the regulated and scheduled implementation of the harmonisation process, the Council of the European Union made a decision on the ideas of 'The Vision for European Forensic Science 2020' including the creation of a European Forensic Science Area and the development of forensic science infrastructure in Europe (hereafter: EFSA 2020). This paper analyses the effects of the EFSA 2020 decision on the accreditation of forensic laboratories.

METHODS AND RESULTS

In this study we investigated regulations, decisions, and rules regarding national and international measures of the given area. The European Council's programmes of Tampere and Hague have already put great emphasis on increasing the efficiency of information exchange between states. This is the declared objective of the Prüm Decision of 2005.

The decision's two highlighted areas are the mutual exchange of DNA and fingerprint data. Information exchange can only achieve its objective if the provided data's quality and compliance is ensured. Hence, every single effort is significant which assists the mutual recognition of evidences. In order to improve the data exchange implemented by the Prüm Decision, the Council issued decision 2008/616/JHA. In the decision they ordered the application of EN ISO/IEC 17025 standard regarding the operation of testing and calibration of laboratories in order to ensure the integrity of DNA profiles.



The standard covers the whole expert activity starting from the incoming of the case until issuing the opinion of the specialist. It establishes a wide documentation obligation which includes regular self-analysis and external review, as well.

In the area of forensic cooperation, Council Framework Decision 2009/905/JHA on the accreditation of judicial expert laboratories were a crucial step. According to this, the accreditation of DNA laboratories had to be done until 30th November 2013. Forensic fingerprint laboratories have to be accredited until 30th November 2015.

We shall mention that Council Framework Decision 2009/905/JHA is a pre-Lisbon Treaty instrument, meaning that although it is legally binding, the European Commission has no power of sanction if members fail to meet its obligations. That will change from 1st December 2014, when all pre-Lisbon EU polices and criminal law measures will be subject to the Commission's enforcement powers and the jurisdiction of the Court of Justice of the EU.

An important stage of this process was the formation of Project Committee CEN/TC 419 in frames of the European Committee for Standardisation. The aim of the Project Committee is to ensure the integrity of forensic processes (as a single process). With this objective, the Project Committee should develop EU Standards which lay down the provisions for forensic science processes starting from the scene of the crime, through recognition, recording, recovery, transportation and storage of material followed by the examination, analysis of material, interpretation of results, reporting and data exchange.

In 2011, in the conclusions mentioned above, the EU Council (EFSA 2020) formed the ambition to create a European Forensic Science Area by 2020, in which routine forensic processes for the collection, processing, use and delivery of forensic data will be based on equivalent

minimum forensic science standards, and in which forensic service providers will work on the basis of a common approach to implement these standards that foster closer cooperation between them and criminal justice systems.

The detailed aim of EFSA 2020 is to foster cooperation between the police and judicial authorities across the EU. The European Network of Forensic Institutes (ENFSI) will assist the European Commission to make progress in the following areas:

- accreditation of forensic science institutes and laboratories;
- respect for minimum competence criteria for forensic science personnel;
- establishment of common best practice manuals and their application in daily work of forensic laboratories and institutes;
- conduct proficiency tests/collaborative exercises in forensic science activities at international level;
- application of minimum quality standards for scene-of-crime investigations and evidence management from crime scene to court room;
- recognition of equivalence of law enforcement forensic activities with a view to avoid duplication of effort through cancellation of evidence owing to technical and qualitative differences and achieving significant reductions in time taken to process crimes with a cross-border component;
- identification of optimal and shared ways to create, update and use forensic databases;
- usage of advances in forensic science in fight against terrorism, organised crime and other criminal activities;



- forensic awareness, particularly through appropriate education and training of the law enforcement and justice community;
- research and development projects to promote further development of the forensic science infrastructure.

In order to achieve objectives formulated by the Council, the European Network of Forensic Institutes (ENFSI) also made significant steps. According to ENFSI's Strategic Plan 2011/2014 it is necessary to take further steps regarding the creation of a European Forensic Science Area 2020 and in particular the active involvement in developing suggestions according to the detailed action plan with regards to a vision for European Forensic Science 2020.

At the annual meeting in 2012, Members accepted an amendment to ENFSI strategic plan, in which they emphasised the need for active steps in this area. According to the 2013/2014 action plan, besides the mentioned actions by ENFSI, the strategic goals board will seek support from EUROPOL and EUROJUST in preparing an action plan with regards to a vision for European Forensic Science 2020.

In 2013/2014 the ENFSI Board together with the Standing Committees, will work towards the strategic goals and make steps forward by means of concrete actions. The achieved results will be presented at the 2014 Annual Meeting

and finally, evaluated by the ENFSI membership meeting in Bratislava.

The EFSA 2020 programme goes beyond the accreditation of forensic laboratories. The harmonisation of forensic experts' knowledge and training requirements is of significant importance. The regulations of EU countries are extremely varied, hence, this is a more complex task than the accreditation of forensic laboratories. The further objective of EFSA 2020 is determining the minimum conditions of crime scene investigation. The complexity of its realisation is indicated by the fact that, in the past fifteen years the application of the handbook of ISO/IEC 17020:1998 standard EA-/03 Guidance for the Implementation of ISO/IEC 17020 in the field of crime scene investigation has not been used.

CONCLUSION

The key of mutual recognition of evidence is the application of common expert guaranteed requirements. The Council of the EU declared the concept of EFSA 2020 to ensure the equivalence of professional forensic examinations. It aims at working out and accepting European standards. It is obvious that the accreditation of forensic laboratories is a corner stone of the above mentioned objectives. To develop further, it is essential for EU institutions and organisations to be thorough and cautious. To realise the whole concept by 2020 will be a tough challenge.

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