



# EUROPEAN COOPERATION — A COMPARATIVE STUDY OF PORTUGUESE AND FRENCH SCIENTIFIC POLICE LABORATORIES



**Marta Beja**

Master degree student, University of Coimbra  
Portugal

**Duarte Nuno Vieira**

Full Professor of Forensic Medicine and Forensic Sciences, University of Coimbra  
Portugal

**Carlos Farinha**

Director of the Scientific Police Laboratory  
Portugal

**Gisela Rosa**

Forensic Expert / coordination of internships GAE-PJ  
Portugal

**Keywords:** international cooperation; scientific police laboratories; Portugal; France.

**Abstract:** This study was aimed at relating the work done by scientific police (forensic) laboratories with implications on criminal investigation through international cooperation and collaboration in the forensic field. In order to do so, a qualitative research methodology was adopted, with data obtained from the Scientific Police Laboratory of Lisbon and the National Institute of Scientific Police of Lyon. The results obtained reveal that, although both laboratories use the same techniques and the same instruments for the different forensic assessments, differences found in the procedures have a direct impact on criminal investigation.

## INTRODUCTION

This paper is part of a final dissertation to obtain the Masters degree in Legal Medicine and Forensic Sciences. It is a comparative study between two scientific police laboratories, the INPS — Institut National de Police Scientifique — in Lyon, France and the LPC — Laboratório de Polícia Científica — in Lisbon, Portugal.

Criminal investigation is, like crime, a dynamic phenomenon under constant development. Authorities rely on the fundamental support of forensic laboratories to achieve, through expert evidence, a link between a crime suspect and a victim. In a global world, international cooperation in crime investigation becomes

essential, particularly in the European Union, where Member States unite to avail themselves of their power and strength in different fields.

## AIMS

The main aims of this study were to analyse and compare the operational mode of two forensic laboratories in two different countries, France and Portugal; and to demonstrate that, although the countries have different legal systems, institutions and operational means, there can be international cooperation between police authorities and it is possible to improve this if resources are available to do so.



## METHODOLOGY

A qualitative research methodology was adopted, with data obtained from the INPS in Lyon, and the LPC in Lisbon. This study used a descriptive method based on internships in the two forensic laboratories, and also a comparative one, from data collection through document analysis and information given by the experts of each specialty in the respective laboratory.

## EUROPEAN COOPERATION

The free circulation of people, goods and services in the EU brings many advantages in terms of business, market, culture or tourism, among other important factors, but it also brings the risk of transnational criminality. International cooperation between countries, particularly between EU Member States, is crucial to maintaining both internal and external security, as well as the fight against transnational criminality.

Police cooperation refers generally to the interaction between two or more police forces in order to exchange criminal data, support investigations or detain suspects, beyond national and geopolitical borders. When, in a criminal investigation, information is collected and shared with foreign police forces, it is possible that these police forces can identify certain criminal activities or suspects of criminal activity (whether one individual suspect or a group of suspects) and develop a database with all the information about this activity that occurs outside their jurisdiction. It also allows the development of specific strategies on fighting crime because it provides a bigger perspective on what is being investigated (Lemieux, 2013).

In the EU, each Member State has national police and judicial bodies to coordinate the fight against crime and to promote international cooperation (Davin, 2007). Furthermore, Member States can rely on Interpol and Europol, the two international organisations which represent the highest level of institutional cooperational police efforts, and to which has been assigned the mission of facilitating the exchange of inside information, functioning as a channel through which the information flows: this information is collected, analysed and then disseminated back to the Member States as intelligence. Therefore,

the efficacy of police cooperation depends on structural factors which the EU Member States should develop through the idea and commitment of the internationalisation of the police (Lemieux, 2013).

## SCIENTIFIC POLICE LABORATORIES

Scientific police laboratories, commonly known as 'crime labs', sustain their activity on the foundations of the scientific truth, which means that they rely on different fields of scientific knowledge to determine what is and isn't relevant in a crime. It is precisely through scientific knowledge that, over time, the construction of the method of judicial proof has been developed, based on scientific evidence of a criminal act rather than subjective assessments, inquiries and deductions.

The concern about the search for evidence to present in Court has always been present, ever since the beginnings of criminal investigation until the present day, but already Voltaire in the 18th century, raised the issue of the fragility of evidence and the possibility of convicting innocent people, taking on the defence of several convicted on charges based on dubious reasoning (Flores, 1994).

It is on expert evidence that all forensic sciences auxiliary to criminal investigation depend, resulting in multidisciplinary work with the same purpose and a common goal: to achieve the truth of the facts. These forensic sciences, auxiliary to criminal investigation, are all the sciences that may contribute to answering one or more questions in a particular investigation. They can be the so-called natural sciences but, if there is the need of a response from the field of engineering to a given investigation that also would not be unusual.

Forensic genetics, forensic dentistry and lofoscopy (the branch within criminalistics, dealing with analysis and processing of all papillary evidence, derived from a criminal offence), are considered the three pillars of human identification, although unscientific techniques are also important to complement this information to reach a positive identification.



Regarding biological evidence, the more supportive forensic sciences for criminal investigation are criminalistics — forensic biology and genetics, forensic pathology, forensic toxicology and chemistry, but also forensic entomology and forensic anthropology, among others. Biological residues can be body fluids such as blood, semen, hair, tears, sweat, saliva, milk, urine, or bone, teeth, epithelial cells, amniotic fluid, bile, gastric contents, excreta, skeletal remains, foetal material, and other organic tissues or unknown traces that may arise from biological material.

In addition to biological evidence, there are other important forensic specialties in criminal investigation, such as forensic psychiatry and psychology, document analysis, forensic ballistics, the department of fire and explosives, forensic drawing, photo fit, forensic photography, analysis of counterfeit currency and handwriting.

At the end of an assessment, forensic experts prepare a technical and expert report, which should contain answers and substantiated conclusions, bearing in mind that, if required, they may be requested to provide clarification of the judicial authority by the defendant, the assistant, the civil parties and by technical consultants.

## RESULTS

Regarding the differences between both countries, the first main difference is that France has one official forensic science laboratory, the INPS, and Portugal has two, INMLCF — Instituto Nacional de Medicina Legal e Ciências Forenses — and LPC — Laboratório de Polícia Científica. INPS brings together all specialties in one single building and, in Portugal, the Laboratory divides its specialties between two institutions, INMLCF and LPC, sharing competence in some specialties.

The second distinction is that the INPS, in France, belongs to the Ministry of the Interior, and the INMLCF and LPC, in Portugal, to the Ministry of Justice. However in Portugal criminal investigations are directed by the Public Ministry which means that they rely in administrative, financial and organisational terms on the Ministry of Justice, but all the operational activity is

performed under the direction and coordination of the Public Ministry.

The French judicial police — *Police Judiciaire* — is different from the Portuguese police. In France, the PJ belongs to the National Police, although Gendarmerie also performs PJ functions with a geographical difference; one is within cities and the other within areas. There are other professionals such as customs guards, marine police, airport security guards, rangers, mayors and others who may act as PJ at certain times, if a prosecutor or judge has given them these powers during a criminal investigation. This doesn't happen in Portugal.

In Portugal, the judicial police — *Polícia Judiciária* — is the upper body of criminal police, devoted to combating forms of the most serious, complex and harmful crime. The investigation of petty crimes and other offences is the responsibility, in its various areas of operation, of other police or judicial organisations such as PSP (*Polícia de Segurança Pública*), GNR (*Guarda Nacional Republicana*), SEF (*Serviço de Estrangeiros e Fronteiras*) among others. The Portuguese PJ is a central service under direct administration of the State, with administrative autonomy and unyielding powers to any other judicial or police authority, as in France. LPC is a support unit in the criminal investigations of the PJ.

Regarding the two scientific police laboratories, it was found that, although the functional organisation, designation and division of sectors and areas of expertise are different, the techniques and the technology used in each speciality are the same. The instruments and the methodology adopted are also similar, making the two laboratories equal and at the same level. However, while the INPS has a departmental responsible for numerical skills, in Portugal this speciality is given over to another department of the PJ, which is not in the LPC, called the Unit of Telecommunications and Informatics.

In this study, seven different situations of international cooperation between the Portuguese and the French authorities, particularly the forensic laboratories, were analysed, and it was found that there is cooperation in criminal investigations between them, either informally or formally, although informal cooperation is more common. In the existing bilateral cooperation, four situations illustrated examples of informal cooperation



and three situations reflected examples of formal cooperation (in one situation a letter of request was issued, in other an international arrest warrant was applied; and in the other situation cooperation took place through the Embassy and INTERPOL).

## CONCLUSIONS

This paper provides a brief overview of some results from the dissertation to obtain a Masters degree, as mentioned before. From what it was intended to investigate, in terms of international cooperation, it was found that there is a great effort by the EU to achieve international justice cooperation, promoting working groups among the Member States in order to keep up to date and in accordance with the evolution of technology, but also ensuring the protection of personal data of its citizens, particularly regarding DNA

and fingerprints databases and criminal insider information-intelligence.

Comparing the aims that guided this work with the results of the investigation, it was noted that international cooperation exists but it is often performed outside the EU legal and institutional framework, which can eventually make it less effective than expected. Maybe if there were a unified approach from all Member States in implementing the law and the exchange of criminal intelligence, areas in which cooperation requires harmony of procedures, cooperation would probably turn out more effective. It is also important to mention that, although informal means of cooperation are the easiest and more frequently used forms of cooperation, it is mandatory to complete specific forms or documents if the investigation goes to court, and formal requirements are necessary for the collection of international evidence.

## REFERENCES

- Davin, J. (2007). 'A Criminalidade Organizada Transnacional — A Cooperação Judiciária e Policial na UE'. Coimbra. Edições Almedina SA.
- Flores, F. M. (1994). 'A Morte Violenta e os Primórdios da Investigação Criminal'. Lisboa. Centro Português de Estudos Sobre a Morte.
- Lemieux, F. (2013). 'International Police Cooperation — Emerging Issues, theory and practice'. New York. Routledge.