

BOOK REVIEW

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Review of: *Ensuring Competent Performance in Forensic Practice*

REFERENCE: Hadley K, Fereday MJ. Ensuring competent performance in forensic practice. Boca Raton, FL: CRC Press, 2008, 240 pp.

Forensic testimony reliability—actual and perceived—being the current meta- and mega-topic within our field, I eagerly anticipated receiving this book (while pondering the concept of “ensuring” anything, let alone competent performance). In my disappointment upon actually opening it, I wondered who (authors or editor) I could blame for not having chosen a more descriptive title, like, say, “An Approach to the Development of Forensic-Practice-Competency Standards.”

The authors’ target audience appears to be limited to persons in Britain concerned with certifying forensic practitioners. Apart from their stated preliminary objective of answering the question “What is forensic science?,” a question already well-answered, in my opinion, by the AAFS definition, their goals are a good deal more difficult to discern. (I note in passing that the authors’ characterization of the AAFS definition is confusingly inadequate. Interested persons should seek the correct statement on the AAFS Web site: www.aafs.org.)

Following two readings of the book, I concluded that its major goals are: (i) to present the history of forensic-practitioner regulation in Britain, especially over the past 20 years as the underpinning for (ii) arguing for the reversal of the rejection of a particular set of criteria for evaluating British forensic practitioners. The first goal is ably met, primarily by the material in Chapter 5, to where I would recommend that the reader turn after reading the first 16 pages. As to whether the perceived second goal of the authors is reached, others than I have to be the judge. I can say that the efforts devoted to it practically consume the book, and, regrettably, not in a good way.

As with my complaint about the title, I do not know whether to blame the authors or the editor for the fact that, apart from Chapter 1, the first part of Chapter 2, and Chapter 5, the text of interest is practically unreadable and the readable text is of minor interest. That I lean toward the editor being the guilty party has its origin early on, in the prefatory passage describing the authors. After their characterization as having decades of experience in laboratory and administrative forensic chemistry, the text provides a sole example of lab work, namely:

“[Mr. Fereday] was actively involved in the investigative work which culminated in the release from prison of the Birmingham Six—one of several notorious cases resulting from the IRA bombing campaign of the 1970s which resulted in miscarriages of justice.” [Emphasis added.]

Presuming a lack of intent to blame IRA bombs for framing the Birmingham Six and others in Britain during the 1970s, this unintentionally amusing sentence made me wonder where the editor was. Subsequent problems, which were not amusing at all, made me wonder whether there *was* an editor. Item: Prior to any identification of “the sector” or “the profession,” the reader is told in Chapter 2 that “[T]he sector developed national agreed standards known as National Occupational Standards” and “The profession used National Occupational Standards.” Yes, given the context, the reader can infer things, but still... Item: The phrase “National Occupational Standards,” its acronym “NOS,” and occasionally both together, appear more than 75 times in about as many pages, with no consistency as to the form used. The references to the NOS also include the classic offenses against readability of using different phrases to refer to the same thing and the same phrase to refer to different things.

Much worse than these specific, would-have-been-easy-to-remedy, problems are the many boilerplate-laden lists of generic and near-generic evaluation criteria pervading Chapters 2–4 and 6, nearly all apparently copied from other documents. Moreover, it is difficult to avoid the impression that there is a high degree of repetition in those lists. I found myself continually turning back, thinking “Didn’t I just read this?”

What I did find useful, especially in light of continuing regulatory developments in North America, was the history the authors provide, primarily in Chapter 5, of the last 20 years of the regulatory environment in Britain with respect to forensic practitioners. Most importantly, they note the launch 8 years ago (2000) of the Register of the Council for the Registration of Forensic Practitioners (CRFP), the CRFP itself having been established a year earlier. The creation of the Register and the CRFP they trace to Parliament’s negative reaction to reports in 1993 of flawed forensic trial evidence. The CRFP is described as a nongovernmental organization, albeit financially supported by the government, with “the intention...that it will in time be self-supporting.” Both authors have played key roles in the development of the CRFP.

Application for inclusion in the Register is voluntary and, the authors predict, “given the judicial climate,” will remain so for the foreseeable future. (The CRFP Web site—www.crfp.org—reveals that as of mid-May, 2008, the number of registrants was approaching 3200, a significant increase over the 2400 the authors reported, probably as of late 2007.) Registrants must go through a revalidation process every 4 years. It appears that being on the Register will play the role that board-certification plays in the United States—not required to practice, but probably advantageous when testifying as an expert. One piece of useful information that I could not find in the text—nor on the CRFP Web site—was the manner by which CRFP members were and are selected. The actual

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evaluation of applicants is done through a peer-review process of applicants' recent case files, which are sent out by the CRFP to one or more of its Assessors. It would be instructive to know what fraction of applicants are rejected.

Realizing that the application process rests on the evaluation of an actual case or actual cases submitted by the applicant enables one to understand the role played by the CRFP's ten "essential elements" for judging scientific and engineering applicants as quoted by the authors on page 91:

- knowing the hypothesis or question to be tested;
- establishing that items submitted are suitable for the requirements of the case;
- confirming that the best type of examination has been selected;
- confirming that the examination was carried out competently;
- recording, summarizing, and collating the results of the examination;
- interpreting the results in accordance with established scientific principles;
- considering alternative hypotheses;
- preparing a report based on the findings;
- presenting oral evidence to court and at case conferences; and
- ensuring that all documentation is fit for purpose.

As far as I could tell, there is no formal written examination administered to would-be registrants under the present CRFP system. This contrasts with the majority, though not all, of the forensic board-certification protocols in North America. Also in contrast with North America, there does not appear to be any means to independently accredit the CRFP.

The authors wish to flesh out the CRFP evaluation criteria and, to this end, strongly support a set of lengthy protocols identified as the National and Scottish Vocational Qualifications (N/SVQs), protocols based on the National Occupational Standards referred to above. The N/SVQs, introduced in the mid-1990s, provided a means for forensic practitioners to gain certification. Unlike the CRFP registration process, the N/SVQ route was rejected overwhelmingly. Only a handful of practitioners sought it, and only six or seven completed it. It is the authors' view that the rejection arose from a lack of understanding of what the N/SVQs offer. They remark on page 16 that "a lot of the hostility aimed at the N/SVQs" arose from this misunderstanding, which they believe

can be alleviated by explaining how the N/SVQs were developed. They dedicate the bulk of their book to this "explaining" and to touting the N/SVQs. In my view, their attempt to gain acceptance of the rejected N/SVQs hijacked their book. Worse from their position, it provides ammunition to those interested in keeping the N/SVQs buried. Indeed, as I read through Chapters 2–5 more than once trying to understand them, I found *myself* growing hostile.

In addition to the 120 pages of the book proper, there are six appendixes totaling 110 pages. Sixty-one-page Appendix 1 consists in its entirety of a report attributed to *DG Associates* (which seems otherwise not be identified) entitled "Occupational Mapping Study for the Forensic Science Sector." This report, after also noting that the N/SVQs were withdrawn, at the end of 2000, attributes their "low take-up" to the perceived "bureaucracy involved in the assessment and verification procedures."

The book concludes with a six-page index.

In spite of my occasional "hostile" reaction, I came out of my close reading of this book knowing most of what I know now about the British forensic community's efforts to tackle the difficult, necessary task of evaluating its practitioners in a public manner. Most countries of the world, and not just countries belonging to the common law tradition, are seeking ways to separate the wheat from the chaff in the forensic field, particularly with regard to those practitioners offering expert testimony. Any information about previous efforts, unsuccessful as well as successful, can provide a valuable boost to other efforts to develop certification and/or accreditation systems. Therefore, I have to relax a bit my assertion that only Britons engaged in, or with interests in, the regulation of forensic work and testimony form the audience for this book. Also, given the references that the present book has to the establishment of forensic science programs in institutions of higher education, persons with an interest in North America's *Forensic Science Education Programs Accreditation Commission* (FEPAC) should take notice.

What is sorely needed in the immediate future is a text presenting forensic regulatory systems, active, under development, or discarded, from as many countries as possible. That valuable work would certainly contain the substance of Hadley and Fereday's Chapter 5, as well as a small fraction of their discussion of the N/SVQs.