EFFICIENT FORENSIC SCIENCE: ARE WE USING OUR EXPERTS EFFECTIVELY?

A symposium for lawyers, forensic scientists, medical professionals and others

24 – 25 August 2013

Sydney Masonic Centre
Conference and Function Centre
66 Goulburn Street, Sydney, Australia

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SYMPOSIUM AIMS

“We have tended to greet changes in the criminal justice system with considerable sceptical trepidation. But I have little doubt that as the years, or maybe decades, roll on, we in Queensland will be urged to embrace reforms that have been in operation, effectively on that great basin of legal tradition, Britain, for a decade or more”

Paul De Jersey, Chief Justice, Queensland in The Australian, Friday 15th March, 2013, p29

Chief Justice de Jersey went on to recall the sombre mood of the legal profession in the UK in 2003 at the start of reform. More recent evidence would suggest the reformed system has in reality worked well, some of these reforms included pre-trial management of lengthy criminal trials and comprehensive disclosure pre-trial by both parties of their respective positions. The Chief Justice commented that “we have long passed the point where the defence should be permitted to withhold disclosure of intended trial approach.”

The Chief Justice also suggested that a more proactive approach is needed with regard to informing juries about what is ‘reasonable doubt’ stating that at present judges “are not allowed to tell juries even the obvious, that a reasonable doubt is a doubt founded on a reason, or a rational doubt, let alone saying that it may fall short of 100 per cent scientific exactitude”

In a year in which we have witnessed lengthy criminal trials across the country, can we afford our current system and does it serve our community well, or as intended? Our keynote speaker, Karen Squibb-Williams was the architect for much of the reform seen in the UK over the last decade aimed at streamlining the criminal justice process and, specifically, addressing how forensic science evidence should managed before and at trial.

Chief Justice de Jersey spoke of comparatively modest reforms in Queensland to develop practice guidelines for the pre-trail management of lengthy criminal trials. Is it beyond reasonable doubt that we need more than modest reform or, have we got it basically right in Australia?

This symposium will adopt a multi-disciplinary approach to the way forensic science is treated in criminal proceedings and beyond.

Organising committee:

Professor James Robertson, University of Canberra
Professor Gary Edmond, University of New South Wales
Dr Glenn Porter, University of Western Sydney

Note:
Each session will provide opportunities for delegates to participate in discussion with the speakers.

If this particular educational activity of relevant to your immediate or long term needs in relation to your professional development and practice of law, then you should claim one “unit” for each hour of attendance, refreshment breaks not included.
SATURDAY 24TH AUGUST 2013

9.00 – 9.30  Registration
9.30 – 9.45  Welcome by President AAFS
            Professor James Robertson
9.45 – 10.30 Opening plenary lecture
            Features of the Modern Criminal Trial, the Good and the Not So Good
            The Hon. Paul de Jersey, Chief Justice of Queensland

10.30 – 11.00  Morning Break

11.00 – 13.00  SESSION 1: INVESTIGATION- BEFORE THE LAWYERS!
               CHAIR: CLAUDE ROUX
11.00 – 11.20  An Investigators View of Forensic Science
               Mark Harrison, Australian Federal Police
11.20 – 11.40  Cognitive and Observer Bias – Managing the forensic process?
               Bryan Found, Victoria Police, Forensic Services
11.40 – 12.00  Balancing Forensic Effectiveness (Accreditation and Standards) with
               Forensic Efficiency
               Alastair Ross, National Institute of Forensic Sciences
12.00 – 12.20  Making Forensic Science More Effective – A Social Science
               Perspective
               Roberta Julian, University of Tasmania
12.20 – 13.00  Panel Session and Discussion

13.00 – 14.00  Lunch Break

14.00 – 16.00  SESSION 2: PRE-TRIAL - WITH THE LAWYERS
               CHAIR: TONY RAYMOND
14.00 – 14.20  Precognition and the Scottish Legal System – What can we learn?
               James Robertson, National Centre for Forensic Science
14.20 – 14.40  Prosecuting with forensic science evidence in Victoria
               John Champion SC, Director of Public Prosecutions Victoria
14.40 – 15.00  A Defence Perspective on Pre-trial Obligations and Processes
               TBC
15.00 – 15.20  The UK Approach to Developing a Guidance Booklet for Experts
               Karen Squibb-Williams, United Kingdom
15.20 – 16.00  Panel Session and Discussion

16.00 – 17.30  Social Mixer with Drinks & Canapés
**SUNDAY 25TH AUGUST 2013**

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<td>Fixing Forensics: Five Ways to Improve Legal Responses to Forensic</td>
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<td>A Criminal Cases Review Commission for Australia?</td>
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Registration Form

Delegate details:
Title: __________ Last Name: ____________________ First Name: __________________
Organisation: ________________________________________________________________
Address: _________________________________________________________________
Suburb/Town: __________________ State: ________ P/code: __________________
Country: __________________ Phone: ________________________________
Mobile: ______________ Fax: ______________ Email: _______________________

Payment Details:
Cost: ☐ $250 full registration ☐ $125 student registration (registration fee includes; morning & afternoon tea and lunch during the conference session breaks and also includes drinks and canapés at the social mixer event).
Paid by Cheque: ☐ (Make payable to AAFS)
Card Type (please tick): ☐ American Express ☐ MasterCard ☐ Visa
Card Number: __________ / __________ / __________ / __________
Expiry Date: __________ CCV/Security code: __________
Print Card Holders Name: ___________________________ __________________________
Signature: ___________________________________________ Date: _______________

CCV- Card Verification is the 3 digit code after your credit card number printed on the reverse side of your credit card, applicable for Visa and MasterCard only.
Please note that if you pay by credit card your receipt will be from the AAFS but your credit card statement will say RCPA.

Registration closes on Wednesday 21st August 2013

Please return registration form to: Jodie Campbell
Royal College of Pathologists of Australia
207 Albion Street, Surry Hills, NSW 2010, Australia
Phone: (02) 8356 5858 Fax: 61 2 8356 5828
Email: jodiec@rcpa.edu.au
ABSTRACTS & BIOS

The Honourable Paul de Jersey QC
Chief Justice of Queensland

Paul de Jersey was appointed to the Supreme Court of Queensland in 1985 after a 13 year career at the bar, 3 years as Queen’s Counsel. He was in 1998 appointed as Chief Justice of Queensland and now, aged 64 years, is the longest serving Chief Justice in the nation. He is a Companion of the Order of Australia and has honorary doctorates from the University of Queensland and the University of Southern Queensland.

Professor Gary Edmond
Director, Program in Expertise, Evidence and Law, School of Law, UNSW

Gary Edmond is a law professor and Australian Research Council Future Fellow in the School of Law at the University of New South Wales where he directs the Program in Expertise, Evidence and Law. Originally trained in the history and philosophy of science, he subsequently studied law at the University of Sydney and took a PhD in law from the University of Cambridge. An active commentator on expert evidence in Australia, England the US and Canada, he is a member of the council of the Australian Academy of Forensic Sciences, a member of Standards Australia’s forensic science committee, a member of the editorial board of the Australian Journal of Forensic Sciences, and served as an international adviser to the Goudge Inquiry into Paediatric Forensic Pathology in Ontario (2007 – 2008). With Andrew Ligertwood he is co-author of Australian Evidence: A principled approach to the common law and the uniform acts (5th ed. LexisNexis, 2010). Most of Gary’s publications are available through his UNSW web page.

John Champion DPP SC

John Champion became Director of Public Prosecutions on 1 November 2011, after acting in the position since June 2011.

Before his appointment he practised as a barrister for more than 33 years, covering all aspects of criminal law including lengthy and complex trials involving murder, drug trafficking, white collar crime and terrorism, and matters before the Court of Appeal.

Mr Champion was admitted to legal practice in 1976 and signed the Victorian Bar Roll in 1977. He was appointed Senior Counsel in 2003. He was a member of the Executive Committee of the Criminal Bar Association from 2004 to 2010, including Chairman from 2007 to 2010.

Mr Champion was also in-house counsel to the Commonwealth Director of Public Prosecutions from 1999 to 2005.

He is Victoria’s seventh Director of Public Prosecutions.
Nicholas Cowdery AM QC
Nicholas Cowdery was the Director of Public Prosecutions for NSW from 1994 to 2011. He is now an Adjunct Professor of Law and a Visiting Professorial Fellow in the Faculties of Law at the Universities of Sydney and NSW respectively. He is also a consultant to international prosecuting agencies. He has been a member of advisory committees to forensic science organisations.

Bryan Found
Victoria Police, Forensic Services
Bryan holds the position of Chief Forensic Scientist, Office of the Chief Forensic Scientist at the Victoria Police Forensic Services Department. He holds a Bachelor of Science (Griffith University), a Graduate Diploma in Education (Monash University), a Graduate Diploma in Neurosciences (Latrobe University) and a Doctorate in Philosophy (Latrobe University). He is a former President of the Victorian Branch of the Australian and New Zealand Forensic Science Society and was Chair of the 2008 19th International Symposium on the Forensic Sciences in Melbourne. He has held memberships with the European Academy of Forensic Sciences, the American Society of Questioned Document Examiners and the International Graphonomics Society.
Bryan serves on the board of the Advisory council for Skill-Task, Training and Research, Inc. (USA), is an Editorial Board member of the Journal of Forensic Document Examination (USA) and the Journal of the American Society of Questioned Document Examiners. He is a section editor for Elsevier’s Encyclopaedia of Forensic Sciences, and a chapter author in the Wiley Encyclopaedia of Forensic Science.
Bryan’s research interests include the characterisation of the probative value of expert opinions on pattern evidence, contextual information and cognitive bias, the objective
assessment of forensic practitioner skill characteristics and the usefulness of movement outcome examinations with respect to forensic individualisation.

**Associate Professor David Hamer**  
**University of Sydney**  
David Hamer's primary research interest is in the law of evidence. He takes an interdisciplinary approach, interrogating the law - and the proof process more broadly - using tools drawn from probability theory, narrative theory and psychology. His interest in evidence law often flows over into areas of substantive law and broader issues, in particular law's continuing struggle with the notion of causation, criminal justice, and the causes of and solutions to wrongful convictions. He has published broadly in these areas in leading Australian and international law journals.

**Peter Hastings QC**  
**New South Wales Crime Commissioner**  
Peter practiced as a barrister in Sydney for 35 years. He was appointed a QC in 1992. He generally practiced in criminal law particularly appearing in prosecutions for the Commonwealth offences for the Crown and in more recent times for the accused. He has also been involved in numerous royal commissions and inquiries. In November 2012 he took up the position of Commissioner at the NSW Crime Commission. He is a member of the Australian Academy of Forensic Sciences.

**Dr Kristy Martire**  
**University of New South Wales**  
Kristy Martire is a Senior Lecturer in the School of Psychology at the University of New South Wales where she teaches into the Master of Forensic Psychology Program. Now an endorsed Forensic Psychologist, she completed her Masters in Forensic Psychology and PhD on the impact of eyewitness expert evidence on jury decision-making at the University of New South Wales. Together with her co-authors she has published in the *Australian Journal of Forensic Sciences* and *Law & Human Behavior* on the correspondence between expert intentions and lay interpretations of expert evaluative opinions in the forensic sciences – particularly with regard to the use of likelihood ratio formats.

**Dr Glenn Porter**  
**University of Western Sydney**  
Glenn Porter is a Senior Lecturer in Forensic Science, Academic Course Advisor for the Bachelor of Science (Forensic Science) degree and Chief Investigator for the new Photographic Evidence Research Laboratory (PERL). He teaches specialised forensic science units such as Imaging Science and Photographic Evidence, Forensic Photography
and Crime Scene Investigation. Dr Porter has more than 20 years’ experience as a forensic practitioner and before becoming an academic at the University of Western Sydney he was a forensic photographer with the Australian Federal Police. He is currently the Vice President of the Australian Academy of Forensic Sciences, a member of the Editorial Board of the Australian Journal of Forensic Sciences and the UWS Justice Research Group.

Dr Porter studied photography at the Sydney Institute of Technology. His postgraduate studies include a Graduate Diploma in Science from the University of Sydney, a Master of Applied Science (Photography) from RMIT University and a PhD in Communication Arts from the University of Western Sydney. He had also been awarded the Royal Photographic Society’s highest imagine science distinction of Accredited Senior Imaging Scientist (ASIS) and he is also a Fellow of the Royal Photographic Society (FRPS).

Dr Porter has recently established the Photographic Evidence Research Laboratory at the University of Western Sydney and his current research interests include; the development of a calibrated colorimetric system for wound documentation in forensic pathology; developing evidence standards for illicit child exploitation images; the reliability of photographic evidence and photointerpretation; CCTV evidence and intelligence; optical enhancement of physical evidence and the application of visual evidence within the forensic sciences and criminal justice system. Dr Porter has published several papers in peer-reviewed international journals and authored chapters in books. He is a highly respected photographic expert within the forensic science industry and continues to work on forensic casework as an expert consultant. In addition to his forensic photography expertise, he has received other specialist training in footwear impression identification and bloodstain pattern analysis (BPA).

Karen Squibb-Williams MA (Oxon),
Barrister

Karen Squibb-Williams is a practising barrister with an extensive, and arguably unique, experience of the use of forensic science within the UK criminal justice system, spanning the last decade.

From 2004 she was based at the Crown Prosecution Service headquarters and was the national lead for prosecution policy in cases involving scientific evidence, expert witnesses and disclosure. In this role she was responsible for briefing, supporting and advising both the Attorney General and the Director of Public Prosecutions on strategic matters and on issues specifically concerning forensic science.

During this period she regularly worked with Ministers and their senior advisers at the Home Office, senior members of the criminal justice system at the Ministry of Justice, the Association of Chief Police Officers (ACPO), the judiciary at all levels including the Lord Chief Justice, the Master of the Rolls and Senior Presiding Judges, leading academics and
the Forensic Science Regulator. She has given written and oral evidence at Parliamentary Select Committee inquiries, and was a key member of the cross-government group responsible for the creation of the office of the Forensic Science Regulator. Karen was the Chair of the DNA Specialist Working Group established by the Forensic Science Regulator; has been a member of the Home Office Forensic Transition Board; and sat on the Home Secretary’s Pathology Delivery Board. Karen has also been a member of the ACPO Forensic Science Portfolio Board and has been involved in a number of Metropolitan Police and ACPO ‘Gold Group’ Strategic Reviews examining the forensic science issues arising from a number of very high profile cases. In particular, she is well known for being a critical driving force in the development and implementation of Streamlined Forensic Reporting (SFR).

Karen was elected to the General Council of the Bar of England and Wales in 2002 and later served as Joint Chair of the Employed Barristers’ Committee. She has worked alongside leaders of the legal professions’ representative and regulatory bodies on matters including overarching strategy, professional disciplinary issues and quality standards. Karen regularly speaks at national and international conferences, seminars and workshops. She also provides training on forensic science in the UK legal system.

She has recently been appointed Director of Communications and In-House Counsel to The Forensic Science Society, the professional body for forensic practitioners. Unusually, Karen holds dual practising status (employed and self-employed) and has just established her own barristers’ chambers, Acorn Chambers, specialising in providing independent legal advice and guidance on forensic science and expert witnesses, quality assurance and other matters in the UK criminal justice system.

Dr Jason Tangen
University of Queensland

Jason Tangen is a Senior Lecturer in cognition at the University of Queensland. He was originally trained in philosophy and cognition in Canada and moved to Sydney in 2004 on a postdoctoral fellowship at the University of New South Wales before moving to Queensland in 2006. His research is broadly based on Expertise and Evidence. Jason is currently leading The Forensic Reasoning Project, which consists of a team of seven researchers in evidence and law, diagnostic reasoning, medical education, human factors, pattern recognition, and fingerprint identification. Their aim is to examine the nature of expertise in forensics with a view to improving training and the value of expert testimony.

Simon J. Walsh BSc (Hons), PhD
Coordinator Biometrics, Australian Federal Police

Simon is currently employed as the Coordinator of Biometrics, Forensic and Data Centres, AFP, having joined this organisation in November 2006. In this role Simon oversees three
analytical forensic teams; Biological Criminalistics, Fingerprint Sciences, and Facial Identification. These teams support Forensic Operations across the entire range of AFP’s domestic and international policing responsibilities. Simon also holds the role of AFP National DVI Commander and has active command or case manager roles in major operations. Prior to joining the AFP Simon held a variety of professional and academic positions in forensic science after beginning his career in 1994. As a practitioner he has reported over 2,000 criminal cases and presented expert testimony in court on over 55 occasions including as a specialist consultant throughout Australia. Simon has been involved in the development of National DNA Database operations and is currently the Chair of the INTERPOL DNA Monitoring Expert Group. Simon maintains a high research output including a textbook on *DNA Evidence Interpretation*, and over 60 book chapters and refereed articles. He received his PhD for a thesis focussing on the impact of forensic DNA profiling on the criminal justice system and is an Adjunct Associate Professor of the University of Canberra.

**Professor Claude Roux**

**University of Technology, Sydney**

Claude Roux is Professor of Forensic Science and the founding Director of the UTS Centre for Forensic Science (formal Research Strength). He obtained a BSc and a PhD from the University of Lausanne, Switzerland. He moved to Australia upon the completion of his PhD in 1996. Over the last 15 years, he has supervised and completed more than 60 forensic research projects, including 5 University medals. He has attracted $5M in competitive research grants in the last 5 years, including ARC, other Government and industry funding. He has a long and established reputation for effective collaboration with forensic and other government agencies in Australia and overseas as well as with other academic partners. Claude’s research activities cover a broad spectrum of forensic science including trace evidence and chemical criminalistics, documents and fingerprints. His research has been largely driven by his vision of forensic science as a distinctive academic and holistic research-based discipline. In addition to the publication of over 100 refereed papers and 25 book chapters and a large number of conference presentations, Claude’s research attracted significant media coverage and 20 awards. Claude is a member of the editorial board of five scientific journals and of a number of working groups in Australia and overseas, and is the current President of the Australian & NZ Forensic Science Society.