



THE AUSTRALIAN AND NEW ZEALAND FORENSIC SCIENCE SOCIETY INC.

CODE OF PROFESSIONAL PRACTICE FOR MEMBERS OF THE ANZFSS

Version 1, 11 August 2014

Preamble:

The forensic sciences and related disciplines utilise knowledge and experience to enhance the welfare and safety of all members of the community without discrimination or prejudice, treating all with respect, honesty, equality and integrity. Forensic practitioners display technical, scientific and professional understanding in the application of their profession and continually develop their knowledge and skills throughout their working careers. A professional code of practice is required to formalise how forensic practitioners meet these obligations. A professional must also meet any legal or workplace standards and codes of conduct.

Principles:

The key principles which assist Forensic Practitioners meet their professional roles and responsibilities are embodied in four obligations, these being:

- to society
- to the Justice system
- to clients and/or employers, and,
- general professional obligations.

1. Obligations to Society

- 1.1 Be informed of legal, social, environmental, economic and other possible consequences.

Forensic practitioners must take reasonable steps to be informed, and to inform clients and employees, of legal, social, environmental, economic and other possible consequences that might arise from professional forensic services.

- 1.2 Act with honesty, integrity, fairness and without discrimination.

Forensic practitioners must act with honesty, integrity, fairness and without unlawful discrimination.

- 1.3 Take reasonable steps to safeguard health, welfare and public safety.

Forensic practitioners must take reasonable steps to safeguard the health, welfare and safety of the public in the exercise of their roles and duties.

2. Obligations to Clients and Employers

- 2.1 Act truthfully, objectively, and not mislead people, nor engage in misrepresentation, including through omission.

Forensic practitioners must act truthfully and objectively, and not knowingly provide misleading information, statements, reports, opinions or evidence, nor knowingly misrepresent a situation.

Forensic practitioners must never misrepresent credentials, education, training, experience or membership status.

- 2.2 Disclosure obligations

Forensic practitioners must disclose actual or possible conflicts of interest to a client or employer upon discovery of that actual, potential or perceived, conflict of interest. Conflicts of interest will include any financial or other interest that is likely to affect, or appear to affect, the forensic practitioner's judgement.

Conflicts of interest may include:

- accepting instructions or assignments that would knowingly create a possible conflict of interest between themselves and their clients or employees
- where a forensic practitioner reasonably believes they have been subject to undue pressure or influence to obtain a specific outcome which may not be impartial

Disclosure includes:

- forensic practitioners have an overriding duty to the court and justice system for disclosure. Client confidentiality is important but should not to be an excuse for non-disclosure. Where a forensic practitioner believes they are being inhibited from appropriate disclosure they should:
 - seek explicit authorisation by the client to disclose specified information
 - advise the client of any requirements by the law or court ordered process to disclose specified information, and,
 - endeavour to advise their client or employer that information that could identify the complainant/s and or their personal details may be contained within the practitioner's court report.

Notwithstanding the above, a forensic practitioner must not disclose commercially sensitive or proprietary technology information of an employer or client without the written agreement of that employer or client.

2.3 Examinations and analyses

A forensic practitioner must:

- examine and analyse the evidence in a case provided to them in a manner proportionate to the nature of the case
- conduct and document all examinations and analysis using established protocols and fit-for-purpose or validated methods
- render opinions having a basis that is demonstrably valid
- not withhold any findings, where inculpatory or exculpatory, that would cause the facts of a case to be misrepresented or distorted, and,
- disclose or make available test methods if requested.

3. General Professional Obligations

3.1 Apply knowledge, skill and judgement

Forensic practitioners must bring knowledge, skill, judgement and care that are of a standard which might reasonably be expected by the public by relevant professional peers, or as determined by formal standards.

3.2 Not engage in professional misconduct, fraudulent, or dishonest behaviour

Forensic practitioners must not:

- engage in misconduct in a professional respect, or,
- engage in fraudulent or dishonest behaviour in their forensic practice.

3.3 Communicate with fairness, honesty, and adequate knowledge

Forensic practitioners must, both orally and in writing, express opinions, make statements, or give evidence with fairness, honesty, and only on the basis of adequate knowledge.

3.4 Not promise, accept or give inducements

Forensic practitioners must not:

- promise to give, or give to any person, anything intended to improperly influence that person's decisions as they relate to the forensic practitioner's services or to secure work, or,
- accept from any person anything intended to improperly influence the forensic practitioner's decisions.

3.5 Work within areas of competence and not misrepresent competence

Forensic practitioners must:

- undertake forensic services only within their area of competence

- not misrepresent their competence, and,
- not knowingly permit forensic practitioner's whose work they are responsible for to breach the above obligations.

Examples of competence in an area of practice include:

- formal training in that area
- previous relevant experience
- consultation with or reference to a person competent in the area to supervise the task
- participation in appropriate proficiency tests or competency based assessment.

Examples of not misrepresenting competence in an area of practice include:

- fully informing the client as to any limitations or legitimate concerns that a forensic practitioner might have with regard to their competence relevant to the client's specific instructions, and/or,
- if competence is not fully established organising for a person competent in the area to provide supervision of or advice to the forensic practitioner in relation to the task.

3.6 Supervision

If a forensic practitioner supervises a person in the carrying out of forensic services the forensic practitioner in the role of supervisor, must:

- have sufficient knowledge of the forensic service carried out
- sufficient control over any outputs of the forensic services to reasonably form the view that the standard of the forensic services meets relevant standards, and,
- take full professional responsibility for the forensic services provided by the supervised person.

3.7 Continue to develop knowledge, skills and expertise

Forensic practitioners must:

- continue to develop relevant knowledge, skills, and expertise throughout their careers
- actively assist and encourage those with whom they are associated to do likewise, and,
- seek to meet Continuing Professional Development (CPD) requirements appropriate to their discipline and role.

(Acknowledgement: This Code of Professional Practice draws heavily on the 'Code of Practice for Registered Professional Engineers in Queensland'.)