

# Code of Practice, Ethics and Professional Standards in Forensic Anthropology



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This document has been developed in collaboration between the British Association for Forensic Anthropology (BAFA), the Royal Anthropological Institute (RAI) of Great Britain and Ireland, and the Forensic Regulator in the UK, who seek to address professionalism and accreditation of the discipline to ensure that Forensic Anthropologists engaged by the Criminal Justice System work with integrity and fulfil the requirements of an expert witness. The main purpose of this document is to recommend guidelines for quality assurance and quality control and to provide professional standards for performance. It should serve as a standard to work towards attaining and maintaining accreditation, professional development and standards and also provide standard operating procedures for forensic anthropologists undertaking both Crown and defence casework in the UK.

Broadly, forensic anthropology is the identification of the human or what remains of the human for medico-legal purposes. Forensic Anthropologists (FA) can establish that remains are indeed human and assist in estimating the time-death interval. They are primarily involved in retrieving information pertinent to the identity of the deceased that will assist investigators to assign a name to the individual although they can assist in reconstruction of the manner of death. FAs will assess the sex of the deceased, age at death, stature and ancestry where possible and establish any features particular to the personal identity of the deceased including previous injury, pathological conditions, as well as commenting on peri-mortem trauma. The FA may also be requested to assist on matters of identification when the subject is still alive.

All FAs should be competent to proffer a professional opinion on identity from human remains whether they are intact, fragmented or burned. Not all however, have experience in extracting this information from partially decomposed or more recent remains.

The profession of Forensic Anthropology demands a high level of scientific competence and ethical standing. All FAs shall maintain personal and professional integrity.

Craniofacial anthropology experts are included in this category and they are able to depict the living face from the skull and/or preserved soft tissues to aid in recognition, and carry out craniofacial superimposition for identification purposes.

For the purposes of this document all of the above categories of practitioner are subsumed under the blanket term of Forensic Anthropologists.

This document is directed primarily at forensic anthropology practitioners undertaking casework in the UK and also at forensic anthropologists who are training to practice. It is not directed at teaching or research in forensic anthropology. The information provided in this document will also be of value to police, forensic scientists, forensic pathologists and Coroners/Procurators Fiscal with regard to what may be expected from a forensic anthropologist involved in criminal investigation.

The document outlines the code of practice, ethics and standards (to be viewed as the minimum) and Standard Operating Procedure expected from a forensic anthropologist

working in the criminal justice system, at each stage of the investigative process, both in regard to their level of competence and quality of service delivered.

The code of practice applies to all levels of FA practitioners. Professional development between levels is addressed in the BAFA Practitioner Levels document and the Continuing Professional Development document.

### 3 DUTIES AND RESPONSIBILITIES

The remit of a forensic anthropologist (FA) will generally, although not exclusively, fall into the following categories:

1. To assess whether an item, element or fragment is human bone.
2. To assist in human skeletal fragment identification and assess which parts or elements (if any) of a skeleton are missing and to establish if there are bones from more than one individual, and if more than one, seek to establish the minimum number of individuals or most likely number of individuals.
3. To undertake personal/biological identification from the remains, for example by assessing age-at-death, sex, stature and ancestry where possible
4. To comment on any post-mortem modification of the bone including burning, dismemberment and/or scavenging.
5. To assess and describe any peri-mortem injury. In the UK, it is **not** the responsibility of the FA to determine or certify cause of death, this is the remit of the Forensic Pathologist, although the FA may be able to comment on trauma and describe any peri-mortem alterations and their possible cause.
6. To reconstruct fragmented bones in order, for example, to enable a forensic pathologist to better assess trauma.
7. To comment on post-mortem interval.
8. To assist a Disaster Victim Identification team in a case of a Mass Disaster/Mass Fatality.
9. To record and aid the recovery of human remains at a scene.
10. To advise on other methods of identification available to the investigators (e.g. DNA, forensic odontology, radiographic comparison of skeletal elements, comparison of medical implants vs. ante-mortem medical records).
11. To write statements and reports and attend court to give evidence as an expert witness.
12. **Some** FAs will carry out case reviews for defence solicitors to use in court to assess the expert witness reports of other FAs.

13. **Some** FAs will be competent to advise on the use of other investigative tools/experts to assist in the case (e.g. craniofacial depiction, stable isotope analysis, post-mortem interval dating, toxicology) and undertake sampling if appropriate and within their professional competence.
14. **Some** FAs will be competent in examining radiographs and assessing age from living individuals for legal purposes.
15. **Some** FAs will be qualified to undertake craniofacial analysis.
16. **Some** FAs will be practised in examining soft tissue remains in relation to biological profile and identification.

When undertaking such requests or any other, the FA will:

1. Take all reasonable steps to maintain and develop professional competence (see this document), taking account of research developments within the field of forensic anthropology and forensic science.
2. Provide advice and services only within the confines of their professional competence.
3. Conduct all work to the level required in the 'Code of Practice and Professional Standards' (this document). Adherence to this code of practice will be an essential requirement in the provision of forensic anthropology services.
4. Report any deviation from the code of practice openly in notes or report as appropriate, and the FA must be able to justify the reason(s) to colleagues and to the criminal justice system.
5. Ensure that the methods employed (the BAFA guidelines document) are internationally recognised and/or peer reviewed. Likewise, the FA should be aware of the reliability (precision and accuracy), caveats, standards of errors and instrument calibration in the methods employed. These should be recorded in notes or, if critical to the interpretation of the results and inferences drawn from them, be explicit in the statement/report.
6. Possess a good knowledge of forensic science, the criminal justice system and relevant crime scene, mortuary and laboratory procedures; ensuring correct procedures are followed at all times to maintain the preservation, integrity, continuity, disclosure and confidentiality of evidence.
7. Possess an awareness and understanding of the admissibility of expert evidence in criminal proceedings (whether that evidence is tendered by the prosecution or the defence).
8. Understand their role within the investigation and investigation team and be aware of the potential for other evidence types and ensure their examination does not adversely impact on current or future investigations of the remains.

9. Ensure that all exhibits/productions are available on request and the continuity of those exhibits/productions can be detailed.
10. Make and retain full, contemporaneous, clear and accurate records of the examinations including information such as decision-making, strategy, time a task was undertaken, and exhibits/productions produced. All records should be maintained in appropriate and secure storage and should be made available in their entirety, in a timely manner, if requested.
11. Ensure the security of any correspondence in electronic format including text and images sent via secure email. Where this is not possible, especially for individuals working outside the police force and large forensic science providers, it is recommended that encryption be used. Any correspondence should be printed and archived securely.
12. Undertake appropriate formal and informal peer review and audit processes.
13. Produce an expert witness report and/or statement and appear in court when required.
14. Ensure a full understanding of the standards required of an expert witness.
15. Present findings and evidence in a clear and balanced manner, and confine opinions to those based on personal skills and professional experience and knowledge, referring to the work of other experts in the field where appropriate. Thus, evidence will be presented in a fair and impartial manner with honesty, integrity and objectivity, and without discrimination to age, gender, sexual orientation, ancestry, ethnic origin, religion, beliefs or disability.
16. The FA should be aware of the differences between the criminal justice systems both within the UK and internationally and work appropriately.
17. Ensure that appropriate Professional Indemnity Insurance is in place that covers acting as an expert witness.
18. Where a FA is mentoring or has assistance in a case it is the Senior FA's responsibility to ensure that all work adheres to the professional code of practise and standard operating procedures recommended in this document.

#### **4 ETHICS AND CONDUCT**

Forensic anthropologists shall not misrepresent themselves or their work, misappropriate tangible or intellectual property, evade the truth, conspire to deceive, demonstrate disrespect to the dead or their family members, or otherwise betray the confidence placed in them by the public. Specifically, forensic anthropologists shall:

1. Treat all human remains with respect and dignity.
2. Treat all evidence with the care and control necessary to ensure its integrity.

3. Comply with all pertinent jurisdictional laws and guidelines regarding the collection, use, and disposition of evidence, particularly those related to human remains.
4. Ensure that all analytical techniques and methods used are appropriate, accurate and reliable.
5. Treat all information received from an investigating agency or client with the confidentiality required.
6. Fully and completely disclose all findings to the submitting agency.
7. Testify in a clear, straightforward manner and refrain from speculation beyond their scope of expertise and professional competence.
8. Refrain from knowingly engaging in any misrepresentation of data upon which expert opinion or conclusion is based. This includes plagiarism, failure to render appropriate credit for work done by others, falsification or fabrication of data, falsification or fabrication of the conditions under which data were obtained, and falsification or fabrication of the results derived from the data.
9. Avoid any undue internal or external political, commercial, financial, and other pressures, influences, and conflicts of interest that may affect adversely the quality and integrity of their work.
10. Refrain from unauthorized data collection.
11. Avoid involvement in any activities that would diminish confidence in their competence, impartiality, independence of judgment or operational integrity.
12. Refrain from extrajudicial statements relating to on-going investigations, except those that a reasonable person would expect to be disseminated by means of public communication. Refrain from unauthorized statements relating to on-going investigations that do more than state without elaboration the factual and analytical information contained in a public record.
13. Refrain from engaging in any misrepresentation of education, training, experience, professional membership or expertise.
14. Refrain from engaging in professional or personal conduct adverse to the best interests of the profession of Forensic Anthropology. This includes illegal or unethical conduct as well as allowing the use of their name and credentials in support of illegal or unethical activity.
15. Avoid solicitation of work when doing so runs counter to the public interest.
16. Charge reasonable fees for services.
17. Do not render services on a contingency fee basis.
18. Maintain intellectual independence and emotional impartiality to ensure an unbiased analysis of the evidence.



19. Ensure that personnel under their direction are appropriately trained prior to assisting with anthropological casework.
20. When holding a supervisory position and made aware of violations of the Code of Ethics by individuals under their supervision, take action using the appropriate mechanism.
21. Respect their peers as professionals.
22. Carry out the duties of their profession in such a manner so as to inspire the confidence of the public, the forensic science community, and the medico-legal system.
23. Refrain from using case data and photos in public presentations unless appropriate permissions have been obtained.
24. Be aware of cultural, legal and religious practices in consideration of human remains and ensure that these considerations are upheld at all times, especially when working outside of the UK.
25. Misconduct should be dealt with under the code of conduct of the professional body and/or employer. There is also an obligation in certain circumstances to address misconduct directly with the Forensic Science Regulator and guidance is provided in the Forensic Regulator's Manual of Regulation, Section 10.

## **5 PROFESSIONAL STANDARDS AND COMPETENCE**

### **5.1 PURPOSE AND SCOPE**

The following guidelines recommend levels of education, training, experience, and professional activities required to practice forensic anthropology at various levels in the UK. These guidelines apply to forensic anthropologists based in any laboratory setting, including institutes of medico-legal medicine, freelance practitioners, academics, law enforcement agencies, police crime laboratories and other forensic science providers.

The British Association for Forensic Anthropology (BAFA) in conjunction with the Forensic Regulator and the Royal Anthropological Institute, have developed a formal professional accreditation and continued professional development programme. The criteria upon which these are based will be reviewed regularly and updated by practising professionals.

The FA should maintain professional expertise through regular casework and through continuous professional development in the field. The latter may include joining a professional organisation, attending short courses and relevant conferences, being able to demonstrate up-to-date knowledge by reference to recent studies where relevant (e.g. dedicating a number of hours per month to reading the relevant literature in journals such as the *Journal of Forensic Science*, *Forensic Science International*, *American Journal of Physical Anthropology*, *Journal of Forensic Science, Medicine and Pathology*, *Science & Justice (UK)* etc. They must also be up- to-date with recently developed techniques and employ them if they contribute advantageously to the examination and investigation.

Regular consultation with colleagues is encouraged and forensic anthropologists should have in place systems to enable peer review. They must maintain contacts within the discipline and within related forensic and archaeological services on whose advice or assistance they can call when required.

Laboratories should strive to employ the most qualified forensic anthropologists appropriate to case-working functions and organizational requirements. At all times, the principle, spirit and intent should be met.

## 5.2 MINIMUM REQUIREMENTS

A practising, accredited Forensic Anthropologist should hold a post-graduate qualification in human osteology, physical or biological anthropology, forensic anthropology or similar. More importantly, a FA should possess a number of years of experience in analysing human skeletal remains; which may include previous studies on archaeological remains. Nevertheless, the years of experience should include work of sufficient breadth and scope as to evidence competence in key aspects of forensic anthropology work. A recently or newly trained FA undertaking casework should undergo a period of assisting a more senior FA on forensic cases prior to undertaking cases on their own (this period is defined in the Practitioner Levels document).

To sum up the experience and knowledge a FA should have, Table 1 provides an outline of the professional skills necessary to work as a practitioner in FA (modified after Dupras *et al.* 2006: 4; Skinner *et al.* 2003; Snow 1982).

<b>Essential</b>
Human skeletal anatomy
Bone identification and distinguishing between human and non-human bone
Biological profile: skeletal indicators of sex, age-at-death, ancestry and stature (knowledge of both morphological and metric methods necessary)
Awareness of human skeletal variation; unique individual skeletal characters or skeletal variants
Knowledge of human soft tissue anatomy
Skeletal growth; familiarity with infant and juvenile skeletal remains
Dental development, morphology and variation
Skeletal and dental pathology
Trauma analysis; distinguishing between ante-mortem, peri-mortem and post-mortem modification
Knowledge of taphonomic processes
Keeping up-to-date with new developments in the discipline
Awareness of radiographic analysis of dentition, bone and objects; as well as awareness of other techniques including histological, isotope, DNA and craniofacial analysis
Understanding different contexts for skeletal remains with regard to archaeological remains, anatomical specimens, war trophies, etc. versus forensic cases

Knowledge of other forensic evidence, health and safety practice and police protocols by demonstrating an understanding of the requirements of other attending specialists and members of the search/investigative team
Familiarity with seizing of exhibits/productions
Ability to keep an accurate and true record of casework, to write reports and /or statements appropriate for the criminal justice system, to give expert testimony and in doing so communicate detail of their involvement in the case and conclusions, in a clear, unbiased and appropriate manner.
Understand the obligations of being an expert witness.
Understand the criminal justice system, Coroner/Procurator, Law and death investigation in all its forms
Understand relevant Human Tissue Law; Human Tissue (Scotland) 2006 and (rest of UK) Human Tissue Act, 2004
<b>DESIRABLE</b>
Ability to advise on further search techniques and scope of search at the scene of a crime, through knowledge of surveying, recording and recovery techniques
Attendance of recognised courses and workshops demonstrating professional development. Active member of a relevant professional body
Publications in peer reviewed journals
Further awareness in the wider forensic science field (e.g. crime scene investigation, forensic biology, toxicology, forensic archaeology)

Table 1. Necessary Forensic Anthropology experience, skills and knowledge

Evidence of the above should be demonstrated, either in education (degree modules and/or research) augmented by a portfolio of skeletal analyses. The portfolio should demonstrate **applied** expertise and knowledge of the topics listed above that are essential. The portfolio should be of considerable breadth and scope, for example including simple and complex cases, cases involving juvenile and adult remains from a variety of contexts, and showing breadth of knowledge of the role of a forensic anthropologist within an investigation (e.g. search and location) through to witness testimony. Knowledge of the wider field of forensic science and police protocols should be demonstrated through notes or reports regarding involvement in police cases. References especially from mentors (where the 'trainee' FA would not hold the records of the individual cases) could also be collated.

Scientists that do not meet the above expertise should only work as assistants to a senior FA until the appropriate level of experience is reached.

Attendance at recognised courses and workshops that demonstrate continued professional development and an up-to-date knowledge of the discipline will help develop skills and increase awareness. Publications in peer-reviewed journals may also be used as evidence of understanding specific topics (e.g. method for age-at-death estimation) but cannot substitute for experience in forensic casework.

It would be expected of any FA undertaking casework to be cognisant of the general health and safety risks and Health and Safety Guidelines of working at scenes or in the mortuary especially those associated with blood borne viruses and infectious diseases (vaccination for Hepatitis B and tetanus is a minimum requirement). It would be expected of any FA undertaking casework that they are fully aware of the potential psychological (stress) risks involved in working with remains within a forensic context (compared to archaeological), with remains in all stages of decomposition and post-mortem modification and with multiple fatalities (where relevant and appropriate, evidence of service provision for counselling may also need to be provided). It is expected that other risks may be identified in the initial briefing stages of a FA's involvement.

## 6 STANDARD OPERATING PROCEDURE

Standard Operating Procedures described here are to be used as general recommended guidelines for best practice when working on police and legal casework, whether attending a scene, a mortuary or examining remains or images in a laboratory.

### 6.1 INITIAL POLICE OR LEGAL CONTACT

The initial contact will most likely be made by telephone from a Senior Investigating Officer (SIO), Forensic Coordinator or Scientific Support Manager (SSM), Crime Scene Manager (CSM) or Crime Scene Investigator (CSI/SOCO), or another member of the police force or member of the legal team.

On initial contact the Forensic Anthropologist should:

1. Make a note of the time the phone call was received and make notes regarding the conversation.
2. Make a note of the police staff contact, name, rank, police force and contact details or solicitor's name, address and contact details. The FA should also provide complete name and contact details.
3. Clarify the nature of the case, as to whether this is a case review or an expert report.
4. If an expert report, enquire about the nature of the case and clarify if possible the requirement for anthropological expertise and its potential:
  - a) When and how were the remains discovered,
  - b) Current location of remains/scene,
  - c) Any information regarding the nature of the incident,
  - d) Any health and safety issues at the scene and/or with the remains themselves,
  - e) Required timescales for attendance,
  - f) Whether it is necessary for the FA to attend any briefings or forensic strategy meetings (if known at this stage),

- g) The client perceived requirement from the FA at that stage.
- h) Inform the client about what a FA can potentially provide to that particular scene/case.
- i) Follow individual procedures both of the FA and the client to agree the remit of the examination and costs. This will usually include formal approval from the client's budget holder and agreement from the client to work on the case, all details should be recorded in notes or correspondence.
- j) Ensure that appropriate security clearance has been obtained (necessary to work with certain police forces).
- k) Inform the client about any potential work, logistical requirements and other recommendations which could be actioned whilst awaiting the arrival of the FA. It may also be useful to ask if any other specialists are involved or to recommend other specialists according to the nature of the incident. It may be that the FA would benefit from prior access to scene photographs and these should be forwarded by secure means prior to attending the scene.
- l) If a more junior FA or scientist or any FA in training is to assist and accompany the senior FA, this must be discussed and approved with the client prior to attending the scene.

## 6.2 RESPONSE

1. There should be no unreasonable delay in responding to a call. The client must be made aware of the time required to prepare for and travel to the site. The client may make arrangements for travel.
2. Having queried any health and safety issues with the client or representative, the FA should be prepared to provide themselves with appropriate Personal Protection Equipment for attendance at a scene or have agreed that it is to be provided by the client prior to arriving at the scene.
3. It is the responsibility of the FA to ensure that they are contactable once commissioned to consult on the case (or offer an alternative point of contact in their absence).

## 6.3 THE BRIEFING

When working on a case review the briefing may take place over the telephone and through delivery of the expert FA report for review.

When working on a police case, on arrival at the scene or at the mortuary or other agreed venue, a briefing should take place where the FA is informed about the nature of the incident and any background information that may be of significance and importance to the FA's input within that investigation. It may be useful to present photographs of the scene if the scene is altered from the initial discovery. It is advisable that the content of the briefing be recorded in the FA's notes.

For a police case the following issues should be addressed:

1. Full names and rank of SIO/OIC, CSM and rest of the team including any other external specialists present or involved in the case.
2. The nature of the incident, time, date and nature of discovery, presumed potential post-mortem interval (if known), police references/operation name.
3. Explore some of the questions which the police are attempting to answer, such as linking a suspect to a scene or post-mortem interval so that the FA can be aware of these other questions and maximize their input by suggesting other specialists if required (e.g. botanists).
4. Any information (ante-mortem data) on the presumed deceased if available unless a 'blind analysis' would be more appropriate.
5. The potential scope for FA's input and logistical requirements (e.g. sieving apparatus) both at the scene and at the mortuary.
6. Discuss any forensic strategies already in place for the scene and any action already taken at the scene; discuss all other requirements for forensic evidence preservation and recovery at the scene and ensure that due consideration has been given to the FA examination in line with other specialists being utilised at the scene, especially the Forensic Pathologist. It is recommended that if possible, the FA speak with the Forensic Pathologist, to liaise with regard of each other's work at the scene and the mortuary.
7. It is the responsibility of the FA to ensure they have sight of any subsequent forensic strategies for the scene, which involve their examination (sometimes this may involve the FA formally agreeing to the forensic strategy with a signature).
8. Clarify whether police personnel will be taking the photographs (some of which can be taken under the FA's instruction/direction) and that the FA is to gain permission if taking their own photographs.
9. Agree to principles of exhibiting for the scene (see later sections).
10. Discuss and agree any health and safety risk assessments and necessary control measures, e.g. PPE, safe access and movement around the scene.

Some cases may involve the assessment of images provided by the police or solicitor. Delivery of images should be through secure and recorded methods and storage of case images should follow data protection law and forensic confidentiality practice. Dates of image transfer and image reference numbers should be recorded and utilised in any report.

Costs and deadlines should be discussed and agreed at the briefing stage where possible.

## 6.4 SCENE ATTENDANCE

The type of scenes a FA may be attending may include surface deposition where there may be disarticulated remains scattered over terrain, for example in an area of woodland; or partially exposed human remains in a number of contexts; or an excavation of a clandestine grave working alongside a forensic archaeologist. FA may also attend fire scenes or the site of an explosion, recovery of burnt bodies from vehicles or a mass grave in the context of a humanitarian or legal investigation.

## 6.5 ACTION AT THE SCENE

1. On arrival at the scene/police HQ/mortuary, the FA should introduce themselves to the point of contact and other members of the police staff and be prepared to show appropriate identification. The FA should note the names of all persons working at the scene and other key people involved in the investigation and their role (SIO, CSM and Forensic Pathologist).
2. The scene will generally be under the control of a CSM or in some cases a police officer. The FA should be aware of the scene parameters, cordons, logs and common approach paths and ensure he/she adheres to signing in and out and accessing the scene in accordance with these, to minimise the risk of contamination. The FA should record all the above in their notes.
3. Prior to any work being undertaken, the FA should be aware of the risk assessment and also create his/her own dynamic risk assessment and ensure all precautionary measures are taken. The FA should advise the CSM of any risks that may be previously unidentified, in order to be included in the scene risk assessment.
4. If a strategy has not already been formulated and/or a prior briefing has not occurred, an assessment should be made before any work is carried out, to outline the FA's involvement, bearing in mind the presence of other evidence, other specialists and police staff. Any additional work required at the scene by the FA including any specific techniques which necessitate the use of equipment (e.g. sieving), should be agreed at the outset between the FA and CSM or their representative. Depending on local procedures this may involve signing up to a forensic strategy and the FA should ensure they obtain a copy of the strategy. It is recommended that the FA brief members of the crime scene team on their way of working, priorities and requests for assistance (e.g. photography) and the use of protective gear as advised.
5. Any disturbance of the remains must be in line with the agreed strategy and any removal of remains from the scene or within the scene must have been previously agreed with the CSM/SIO/Forensic Pathologist.
6. The FA should record in comprehensively written notes his/her role/involvement in the investigation, actions and timings, decisions and observations, strategy, processes, people present at the scene, any exhibits/productions seized, etc. Documentation should include scene notes and

any sketches, as appropriate, supported by photography. Field recording forms may be used. All such records are disclosable and may be used in court. All documentation should be retained in line with the Management of Police Information guidelines depending on the nature of the case.

7. Any photographs taken by the FA should only be taken with the express permission of the SIO or CSM (or their representative) and the images should be stored in a secure manner and be available/copies exhibited for disclosure purposes (See ACPO/NPIA (2007) Practice Advice on Police Use of Digital Image).
8. The FA needs to demonstrate an understanding of the requirements of other attending specialists and members of the search/investigative team.
9. Any removal of human tissue from the scene (other than that going directly to a mortuary) should be agreed with the SIO. Ultimately this has to be agreed with HM Coroner/Procurator Fiscal.
10. Any equipment brought to the scene by the Forensic Anthropologist should be used and cleaned or used and disposed of in an appropriate manner so as to minimise any cross-contamination from previous or subsequent scenes. This process should be auditable either in notes or by specific equipment logs.
11. At the scene, it is expected that the FA's work would involve some if not all aspects outlined below. It may be that the FA will work alongside a forensic archaeologist. Whilst the former will be able to identify the remains as human and indicate what elements are actually present, as well as contributing to recording and advising on lifting and packing; the latter will be able to lead the recording or plotting of the remains at the scene, as well as the recovery (excavation) of the remains and obtaining stratigraphic information regarding dating amongst other types of information. A FA should only act in place of a forensic archaeologist, i.e. undertake both roles, if the FA has sufficient training and experience to meet the requirements set out by the Forensic Archaeology Expert Panel and the IfA.

## 6.6 ASSESSMENT OF THE REMAINS *IN SITU*

The anthropologist can provide an opinion as to whether the remains are articulated, disarticulated, prone, supine, and note the position of the body. Notes should be taken on the orientation (position of the head, orientation of the face), how the body is lying, whether covered with clothing, etc. Identification and orientation of each bone in a scatter scene should be noted. Field recording forms may be used.

In all cases, notes should be augmented with photographs (with scale and/or North arrow where appropriate) and plans/sketches which, dependent on the case, may be undertaken by surveying the remains within the scene. The position of the remains relative to other key features and/or significant evidence within the scene should also be noted and planned/sketched.

In a surface scatter scene an attempt should be made to assess the original position of the body before removal of the remains from the scene. This information may be vital in



understanding potential transportation of the body, post-mortem interval, cause and manner of death, etc. and can make a valuable contribution to the interpretation of the events leading to and surrounding the death and deposition of the victim.

There are current guidelines on conducting police exhumations (SOCA, V7.1 Sept 2012) for reference in these cases.

The FA may provide a rapid remote response using images from the scene for human or non-human assessment and to provide advice on appropriate actions, such as photographic records or response time.

## 6.7 INVENTORY OF THE REMAINS AT THE SCENE

The FA should provide a diagrammatic and/or written inventory of all bones present at the scene, in order to assist in formulating further search strategies if necessary.

## 6.8 INITIAL ASSESSMENT OF BIOLOGICAL PROFILE

In most cases it should be possible to offer preliminary opinions on whether the remains represent an adult or a juvenile, and if the appropriate elements are present, it may be possible to give an initial assessment of sex, ancestry and any other information. It is recommended that the FA always ensure that the investigation team are aware that this is a preliminary assessment to be confirmed at a subsequent more detailed examination at the mortuary or laboratory.

The FA should advise on any photography of specific areas of the human remains before lifting and transportation of the remains in case there is any potential damage and fragmentation prior to the post-mortem examination in the mortuary. Measurements of long bones may also be taken at the scene before lifting and selected bones/body parts may be bagged separately as appropriate.

## 6.9 TRAUMA

Any observations of trauma at the scene should be recorded and any post-mortem damage recorded and reported to the forensic pathologist.

## 6.10 ADVICE ON OTHER SPECIALISMS

It would be expected that the FA could give advice on which other specialists may assist during the recovery of the remains, such as entomologists, archaeologists, botanists and palynologists.

## 6.11 RECOVERY AND REMOVAL OF THE BODY AND/OR EXHIBITS/PRODUCTIONS

On occasions, the FA will be required to assist with the search and recovery of surface remains, some of which may be partially or completely disarticulated and scattered. This work will often be carried out in association with police CSI/SOCOs, forensic archaeologists and specialist POLSA teams.

The FA should enquire whether the Forensic Pathologist has visited the scene or wishes to visit the scene prior to the removal of remains either by discussion with the CSM or Forensic Pathologist directly.

The FA should ensure that adequate photography/planning has been undertaken to satisfy any subsequent need for the investigation or court of the original position of the remains and associated evidence within the scene.

The CSM and CSI/SOCOs will often seek advice on packaging the remains. The FA should be able to provide advice, for example, on exhibiting the remains per every element or recovery of the bones as one individual, and how to best transport the skull and other bones (e.g. in boxes surrounded by appropriate packing material or in plastic as a very temporary measure until the remains can be air dried or frozen).

Any exhibits/productions taken by the FA should be suitably packaged and labelled to record their reference number, description, location seized, date and time and person seizing, any subsequent continuity should also be completed. A list of exhibits/productions should be made available to the CSM and/or Exhibits/Productions Officer at the earliest opportunity.

The FA should ensure the next stage of continuity of their exhibits/productions is executed appropriately, i.e. they witness the handover of exhibits/productions to another person or organisation and ensure there is a written record of this on the exhibit label and preferably within their notes or exhibit/productions list.

Any damage during lifting and transportation of the remains from the scene should be recorded in the FA's notes and the pathologist informed.

## 6.12 AT THE MORTUARY

If examination of remains at the mortuary is the first involvement of a FA, then all relevant processes mentioned under the 'Briefing' section should be followed. It is particularly important for scene photographs and video to be made available to the FA prior to their examination if possible. Again, at the outset, there is a need to clarify whether police personnel will be taking photographs. The FAs should seek permission for taking their own photographs, and as previous, these should be made available for disclosure purposes.

The post-mortem is generally led by the forensic pathologist. It is recommended practice that the forensic pathologist and FA clarify the expectations and role of the FA during the post-mortem examination. There may be other specialists present such as Forensic Entomologists, Odontologists, Ballistic Experts, etc. Thus, formulation of sequence of examination is recommended and, as appropriate, formally agreed in a forensic strategy. It

is strongly advised that decomposed, burnt or skeletonised remains are x-rayed prior to (invasive) examination at the mortuary. A CT scan may be of value if soft tissue is still present. Whilst the logistics of this will be down to the CSM/SIO/Forensic Pathologist and resources available, it is recognised as good practice if the FA prompts this and/or ensures that this takes place.

The FA should make a note of people present during the post-mortem examination, the time the post-mortem examination started and finished, mortuary name and location, and operation name or police reference number.

It is important to remember that whilst the Forensic Pathologist leads the post-mortem, the ultimate responsibility for processes within the mortuary lies with the Mortuary Manager or their representative (Anatomical Pathology Technician). It is recommended good practice to discuss with the technicians processes specific to a forensic anthropology examination which may impact on the mortuary:

1. Accepted PPE within that mortuary for such an examination,
2. If it is necessary to macerate remains (reference to the Human Tissue Act, 2004, & Human Tissue (Scotland) Act 2006) and if so, how that is to be effected
3. Where it may be appropriate to clean/wash remains,
4. Identify clean and dirty areas within the mortuary and where the FA may place equipment (e.g. osteometric board),
5. Any requirements for any equipment from the mortuary or work by the technician, for example when there is a request to use specialist equipment (e.g. saw) to cut through bone.

The FA should make a note of the method(s) used to obtain a biological profile of the deceased and integrity of the remains to be examined (e.g. note unique seal reference/tag number, exhibit/production references, how remains are presented, for example with seals intact).

The FA may be able to assist the Forensic Pathologist during his/her examination if requested. The FA should not remove soft tissue to access bone unless discussed and agreed with the forensic pathologist who will need to examine the soft tissue first.

The FA should ensure that the forensic pathologist is aware of their observations and any recommendations for further work to be carried out by the FA (further examination and or x-rays). This should also be relayed to the SIO/CSM or their representative(s) including estimated timescales and costs of all examinations and all procedures undertaken by the FA should be explained, if necessary, to the forensic pathologist and SIO/CSM or their representative(s).

All actions which alter the state of the remains (cleaning, reconstruction, sampling) should only be done with the permission of the forensic pathologist (and ultimately HM Coroner/Procurator Fiscal if appropriate), and with the knowledge that the actions of the FA will not impact on the current or subsequent examinations of any specialists.

The forensic anthropologist may be requested to undertake one or many of the following tasks:

1. Identify whether a particular material/item/fragment is bone or not and, if bone, whether this is human bone. Advise on which further examination(s) may be required to establish this fact (e.g. microscopic analysis).
2. Identification of human bone fragments to a particular skeletal element if possible. In certain cases it may be important to record the size of individual elements.
3. Undertake a diagrammatic and/or written inventory of all bones present.
4. Record and comment on the degree of decomposition of the body and any relevant aspects of taphonomy. For skeletal parts record and comment on the degree of post-mortem modification; for example weathering of the bone, scavenging marks, tool marks, dismemberment; any colouring, warping or cracking of the bones from burning. Weighing may also be necessary in some circumstances.
5. Establish a minimum number of individuals.
6. Reconstruct the remains if fragmented and applicable (e.g. with appropriate glue) in order, for example, to allow the forensic pathologist to better assess the presence or absence of trauma.
7. Victim identification: Age-at-death estimation, sex assessment, stature, and potentially assessing ancestry. Also, examine other features such as non-metric traits, pathological conditions, etc.
8. If relevant, previous medical records, physical characteristics and radiographs and any other relevant information of the presumed deceased should be requested to be brought to the mortuary for the FA examination.
9. Record and comment on the absence or presence of trauma. Record and comment on whether it is possible to interpret any injury or bone modification as ante-, peri- or post-mortem trauma; or fractures caused on green/fresh as opposed to dry bone. These terms, due to the differences in definitions, must be clearly defined in the statement. Detail rationale for such conclusions.
10. Provide advice on dating and on ecological aspects or environmental trace evidence (eg. soil, pollen, diatoms, insects) if experienced.
11. Sample bone/teeth for DNA analysis or for other analysis (e.g. stable isotope, dating) under advice from the relevant expert and following relevant professional guidelines.

### 6.13 EXAMINATION OF THE REMAINS

Examination of remains should be undertaken with all dignity and respect and should be unbiased with regard to any information given by the police prior to the examination.

Reassembly of the remains should be undertaken in accordance with accepted practice.

Remains may have adherent soil, soft tissue, clothing, etc. that subsequently makes visual inspection and examination difficult. In such cases, the surface of the bone or tooth should be cleaned using appropriate methods and, if wetted, allowed to air dry before examination. Soil and other materials removed from the bone surface should be collected and labelled.

Care should be used in handling more fragile evidence. Remains in a poor state of preservation may be subject to further damage while being examined.

Examination should be undertaken in accordance with the guidelines provided by BAFA. Methods selected should be peer reviewed and published in peer reviewed journals, accepted internationally and be the most appropriate for the specific group or population to which the individual may belong (if known). More recently developed methods should only be employed if they are appropriate and peer-reviewed.

The FA must be aware of the potential needs of the defence expert in criminal cases in relation to their future examination of the remains and ensure that adequate, accurate recording and photography is carried out prior to any destructive processes being undertaken.

### 6.14 EXHIBITS/PRODUCTIONS

The FA must be familiar with exhibiting of any items, for example those selected for further analysis (see previous section), sub-exhibiting, notation, and continuity of evidence.

### 6.15 EQUIPMENT

It is expected that the FA will bring some equipment to the mortuary or scene. These should in most cases include measuring equipment (e.g. osteometric board, callipers), and all necessary reference and recording material.

The forensic anthropologist should maintain all specialist equipment and ensure that equipment which may be used on more than one scene is cleaned using appropriate cleaning agents to prevent cross contamination.

All measuring equipment should be calibrated according to ISO17025.

## 6.16 DISASTER VICTIM IDENTIFICATION

The FA involved in a DVI or mass fatality incident will be working within a much larger team and sometimes in cooperation with a number of international teams.

National and International DVI protocols should be employed and the role of the FA established. Familiarisation with Interpol guidelines (e.g. Victim Identification form) is required. Remains should be examined following Interpol DVI Guidelines (<http://www.interpol.int/Public/DisasterVictim/Guide/default.asp>) and recorded using Interpol DVI post-mortem forms.

Roles of the FA in deployment to DVI incidents include:

1. the examination of body parts and to number them in accordance with Interpol DVI guidelines
2. to identify and make a record of each body part
3. to provide as much of a profile as possible (age-at-death, sex, ancestry, trauma, individuating features, etc.) for that body/body part
4. to sample for DNA analysis (in conjunction with the DNA scientist)

In cases where there is a multitude of body parts, each part should be treated as separate individual cases and assigned an individual Unique Reference Number (URN). Each body part which is treated separately (even if within the same body bag) should be sampled and exhibited separately and also a separate DVI post-mortem examination form would need to be completed.

DNA sampling protocols should have been established prior to deployment or prior to work, although this may be seen as difficult depending on the location, circumstances of the incident and resources and a dynamic protocol could also be carried out.

Briefing, exhibiting and PPE apply as in previous sections.

## 6.17 CRANIOFACIAL ANALYSIS

The FA may be experienced in craniofacial analysis in relation to post-mortem depiction, craniofacial reconstruction/approximation, facial image comparison and craniofacial superimposition.

Material provided for craniofacial analysis may include human remains, CT data, photographic images and craniographs. Previous SOP in this document for dealing with human remains, images and exhibits/productions should be followed at all times.

In these cases the FA may visit the mortuary in order to examine and record any human remains. It is preferable for the FA to take any photographic records that will be used in this analysis.

Where material/exhibits are produced as part of the analysis (such as a 3D head model, digital movie of the head, 2D image or report) then this should be provided to the client along with the return of the material/exhibits.

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#### 6.17.1 CRANIOFACIAL RECONSTRUCTION/APPROXIMATION

The FA may be asked to produce a facial depiction of the unidentified subject in order to present to the public for potential recognition.

Where access to the skull is provided the FA should endeavour to carry out non-invasive analysis where possible and permission from the relevant authority should be sought before invasive procedures (such as mould-making and casting) are carried out. All risks to the material should be assessed and described to the client so that informed decisions on the most appropriate procedure can be taken.

Where access to the skull is not possible then the FA may have to work from 2D and 3D images only. The nature of the available material will determine which method of analysis is utilised.

All details relating to the human remains should be viewed, including any expert reports (such as pathology, odontology), any personal effects (such as clothing, jewellery) or any images from the scene or mortuary.

The facial depiction may be presented to the client as a 3D model, an image or a digital movie of the head. The FA should brief the client on how the facial depiction should be presented to the public for optimal recognition

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#### 6.17.2 POSTMORTEM DEPICTION

The FA may be asked to produce a facial depiction of the unidentified subject from photographs of a face in an early post-mortem condition. The FA may be asked to produce a sanitised and more acceptable image of the face that can be shown to the public in order to promote recognition.

The facial depiction may be produced using photo-editing software and utilising artistic, anatomical and anthropological skills along with knowledge of post-mortem processes. The FA should brief the client on how the facial depiction should be presented to the public for optimal recognition.

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#### 6.17.3 FACIAL COMPARISON

The FA may be asked to compare images of living or dead faces for human identification purposes. Guidelines for this discipline can be found at [www.fiswg.org](http://www.fiswg.org) and should be followed at all times.

#### 6.17.4 CRANIOFACIAL SUPERIMPOSITION

Where the police or DVI team have a suspected identity or the human remains they may ask the FA to carry out a comparison between the skull and AM images of the suspect. All risks to the material should be assessed and described to the client so that informed decisions on the most appropriate procedure can be taken.

Craniofacial superimposition can be carried out using photographic manual methods or computerised methods. Laser scan or CT data of the skull may be employed.

Multiple AM images should be utilised where possible. Where only one AM image is available the reliability of any analysis should be described to the client and the court.

#### 6.18 CASE REVIEW

A case review for the defence should be undertaken to the same standards as any other examination and report. The primary role is to provide impartial, expert opinion to the court.

Copies of all work and communications with the defence team should be retained as good practice.

A list of material required from the other experts must be passed to the disclosure officer at the earliest point to allow them to locate and pass on material which might be pertinent.

The FA undertaking the case review must understand that different requirements apply in relation to disclosure as an expert for the defence. Currently it is for the defence to decide if the existence of the report and its contents are disclosed.

There are potential changes to the law in relation to disclosure of expert witness involvement for the defence and any FA undertaking this work must ensure that they remain aware of these changes and their implications.

If the FA finds that they been consulted at any point during the initial investigation (through peer review, mentoring, request for expert input) they should make the defence team aware of this immediately and be prepared to excuse themselves from the review if required to do so.

If it is the case that remains have been buried or cremated prior to the examination by the FA, then limitations imposed on the conclusions drawn by the FA as a result of the method of examination of the evidence (photographs, written notes and reports) should be communicated to the defence team as soon as possible.

The FA should be aware that the court could require them to meet with the prosecution team experts and write a joint report which highlights areas of agreement and disagreement with an explanation for both. If this request is made then the FA should make themselves available to participate in this process.



### 7.1 STANDARD REPORT

The forensic anthropologist must:

1. Produce a formal report to record:
  - a) The information provided to them with regards to the history of the case
  - b) Evidence to justify the actions and decisions taken at the scene and/or mortuary/laboratory
  - c) The analysis strategy and methods utilised and/or considered
  - d) The results of the analysis
  - e) The justification for preferring one explanation over others, where findings may lead to more than one explanation
  - f) Conclusions and explanations for those conclusions, with reference to current and pertinent literature when appropriate.
  - g) Quantification of all records and samples kept by the forensic anthropologist, referring to police exhibit numbers where allocated
  - h) Any additional information required, with reference to the Crown Prosecution Service guidance on expert witnesses' obligations on disclosure (Annex K of The Disclosure Manual, 2005)
2. Ensure that the requirements outlined in the Criminal Procedure Rules (2010), Part 33 are met
3. Have in place a critical conclusions check
4. Produce the report as quickly as is practical within the specific circumstances of the case and within an agreed timescale
5. Be prepared to consider new information and produce supplementary reports as appropriate
6. Ensure that the report contains sufficient detail to comply with current and relevant guidance
7. Write the report in a fair and unbiased manner, taking into account all relevant issues.
8. Where a rapid remote response has been requested and provided a formal expert witness report may not be necessary.

## 7.2 GUIDANCE

Records should be maintained by the forensic anthropologist in a secure location. All electronic records should be maintained in a secure directory (i.e. password protected or with limited user permissions) with a regular backup protocol to ensure data are not lost.

The statement or report must be laid out in a logical, clear and easily accessible way. The following headings are recommended:

1. Non-technical summary
2. Introductions
3. Background
4. Request for Anthropological input
5. Use of Assistants
6. Methods
7. Results
8. Supplementary analysis
9. Discussions and Conclusions
10. Note on quantification of records and samples retained

The report may include any illustrations of relevance.

The report should be signed and dated on each page when submitted. Draft documents should be marked as such and left unsigned.

The report should be clear and easy to read. The summary and conclusions of the report should be easily understood by the layperson, to render it suitable for presentation in court. If technical terms must be used, then the FA should consider a glossary. The use of technical terminology should be kept to a minimum with non- technical explanations of these terms given where they are felt to be essential. However, the report must contain sufficient detail and precision for other forensic anthropologists to be able to comprehend the significance of the results.

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### 7.2.1 INTRODUCTION

The introduction should include the name, qualifications, appointment and range of experience of the forensic anthropologist.

Witness Statements, Issue 1 (page 2 Mandatory Requirements, Mandatory Declarations).

This section should also identify any relevant senior police officers, crime scene examiners and other attending forensic specialists in attendance. A note should be included to detail the date and time of arrival at the scene.

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### 7.2.2 BACKGROUND

This section should include case history. This involves summarising the information given to the forensic anthropologist at the briefing stage of the investigation. Whilst this is regarded as 'hearsay evidence' its inclusion completes the forensic anthropologist's report and is acceptable as long as the source of any information is clearly stated.

A brief description of the scene upon arrival should also be included in this section.

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### 7.2.3 METHODS

This is a technical note. The methods employed as well as those excluded in the analysis should be detailed and reasons for the chosen method should be given. Any changes to the proposed methodology found to be necessary as analysis progresses should also be included, and the reasons for these changes should be explained.

If any aspect of the anthropological work was carried out by, or with the assistance of, others, they should be named and their role in this work clearly stated [or in a separate section 'Use of assistants']. It should also be made clear which aspects of their work were carried out under the control or supervision of the forensic anthropologist.

Any definitions of terms such as peri-mortem and post-mortem may be defined in this section (or include a glossary at the end if applicable).

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### 7.2.4 RESULTS

This section should seek to outline the results of the work in an easily accessible manner. Each context should be referred to by its unique identifying number and exhibit numbers included as necessary. Photographs, images and measurements should be cross-referenced throughout the report. In accordance with Directive 80/181/EEC all measurements should be stated in SI units (conversions may be given in brackets). Results may be under subheadings such as 'inventory', 'taphonomy', 'minimum number of individuals', 'age and sex profile', 'physical characteristics' and must be appropriately referenced.

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### 7.2.5 SUPPLEMENTARY ANALYSIS

The forensic anthropologist may be able to provide advice in the use of additional analysis (e.g. scientific dating methods, isotopic analysis) which may be of use to the investigation. They should be prepared to facilitate this analysis if required by the investigation team.

Alternatively, these may be recommended and these recommendations stated in the statement.

Supplementary work may also include the processing of retained spoil. Where such work is under the control of the forensic anthropologist, they should ensure that it is undertaken in controlled conditions, with reference to EA-5/03 section 9.4.

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#### 7.2.6 DISCUSSIONS AND CONCLUSIONS

Conclusions should be set out in a comprehensive manner. Opinions should be fair, unbiased and justified.

This section should outline the interpretation of all relevant findings, and the facts that lead to those interpretations. All anthropological interpretations should be supported by appropriate evidence. The degree of reliability of the conclusions should be considered, with alternate interpretations discussed and discounted with reasoning. If findings are made that are determined to be irrelevant, the forensic anthropologist should explain why.

The forensic anthropologist should comply with the requirements of Part 33 of the Criminal Procedure Rules (2010). In particular they should:

1. Summarise any range of opinions that exists with regards to the data contained within the report and provide reasons for their own opinion
2. Provide a summary of conclusions reached
3. State that they understand their duty to the court and that they have complied, and will comply with this duty
4. Make it clear that they may change their opinion and that this will be communicated to relevant parties and the court should it occur

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#### 7.2.7 RETENTION OF SAMPLES

The report should clearly indicate any material that has been sent for further analysis by the forensic anthropologist, as well as any material that has been retained with appropriate permissions. Reference should be made to the relevant context and exhibit numbers as appropriate. Where samples of, or containing, human tissue are to be retained, the forensic anthropologist should follow Home Office guidance (2005) relating to the implementation of the Human Tissue Acts (2004 & 2006).

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#### 7.2.8 FINAL CHECK

Before signing and submitting the report it is the responsibility of the forensic anthropologist to check their work for typographical and grammatical errors. Misinterpretation of the findings can result from a simple typographical error such as

metres (m), instead of millimetres (mm). Such mistakes can also give the impression of a lack of care or interest in the work or report.

The forensic anthropologist should ensure that a critical conclusions check has been undertaken whereby another anthropologist scrutinises the report to ensure that:

1. There is consistency within the report
2. Any conclusions drawn are justifiable considering the data contained within the report
3. The report is a complete and stand-alone document

All reports must be quality checked and therefore peer-reviewed by another level Forensic Anthropologist prior to submission.

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#### 7.2.9 TIME OF SUBMISSION OF THE REPORT

Following the completion of work at the scene, an estimated delivery date for the report should be given to the investigative team to reflect the complexities of the case and nature of the report required. It is best practice to submit the report at the earliest possible opportunity.

The forensic anthropologist should be prepared to submit an interim report if required to do so by the investigative team. If there is a delay in the report production, the investigative team should be informed of the fact and reasons for it.

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#### 7.2.10 ARCHIVE STORAGE AND QUANTIFICATION

The report should contain a quantification of all scene records and material held by the forensic anthropologist. This should be in a file in a secure location and include all unused material, for example written notes, record forms, illustrative material as well as any retained samples. An Index of Unused Material should be compiled (please see Annex K of The Disclosure Manual (2005)).

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#### 7.2.11 DISCLOSURE OF INFORMATION

The forensic anthropologist will ensure that all findings are made available to the Police Investigating Officer and surrender all information to the Police Investigation Team (in accordance with the relevant sections of The Disclosure Manual, 2005).

### 7.3 CASE REVIEW REPORT

The case review report is an impartial report written for the court and as such the report should follow the same good practice guidelines already listed in Section 6 *Standard Report and Guidance* within this document.

The case review report should state clearly the origins of the information and conclusions drawn within the report, e.g. photographs, reports, bench notes and from whom they originate.

The report should state clearly the limitations of any examination undertaken.

The FA should not disclose the report or the existence of the report to anyone except the instructing solicitor, unless on the specific instructions of that solicitor.

Any FA undertaking a defence report should maintain an awareness of changes to the law in relation to this (s.35 of the Criminal Justice Act 2003) and what this might mean for the disclosure of their report and to their potential to be called as a prosecution witness.

The FA should not stray outside her/his area of expertise when writing the report.

The FA may be required to work with the experts from the prosecution team on the instructions of the court. The report which is co-produced by this group should be made available for agreement by all members of the group before submission.

## 8 CONFERENCES AND OTHER SUBSEQUENT ACTIONS

### 8.1 STANDARD

The forensic anthropologist must be prepared to:

1. Attend any case conference or meeting called by the police, CPS or legal team to discuss their findings, report or any other issues relevant to the case
2. Discuss their findings and interpretations and further work if required

The forensic anthropologist must record all relevant information and discussions accurately and comprehensibly.

### 8.2 GUIDANCE

The forensic anthropologist should be prepared to consider alternative explanations and give advice based upon the facts of the case and established practices. They should also identify, clarify and summarise any areas of agreement and disagreement.

The forensic anthropologist should record all relevant information and discussions accurately and comprehensively.

## 9 ATTENDANCE AT COURT

Prior to working on a case, the FA must understand that he or she may be required to attend court for that particular case.

### 9.1 STANDARD

The forensic anthropologist must be available to appear in court and:

1. Ensure that they are well prepared in advance of their appearance in court to give evidence
2. Ensure that their appearance and behaviour is in accordance with standards expected by the courts
3. Deliver all evidence in a clear, audible, and comprehensible manner
4. Ensure that testimony given is in accordance with the contents of their written report
5. Answer questions truthfully and impartially
6. Consider any alternative hypotheses that are presented to them
7. Ensure that any conclusions and statements given lie within their field of expertise h) Attempt to bring to the attention of the court any evidence which appears to have been misunderstood or misstated by a lawyer
8. Be willing to enter into discussions with other specialists prior to attendance at court, with regards any differences in opinion that exist regarding findings and conclusions

### 9.2 GUIDANCE

Forensic anthropologists should be suitably prepared prior to attending court to give evidence. They should ensure that all relevant documentation, such as a copy of their report and contemporaneous notes, are taken to the court.

The forensic anthropologist should conduct themselves in a manner compatible with the Forensic Regulator's Code of Conduct at all times. Evidence and opinions should be unbiased and presented objectively.

It should be made clear which parts of the evidence are fact and which are opinion, with evidence upon which those opinions are based made available. If questions are unclear, the

forensic anthropologist should seek clarification before offering a response. They should also avoid the use of technical language when answering questions and offer explanations for such language if required.

Proper consideration should be given to interpretations or conclusions presented by the opposing legal team. It is also possible that facts may emerge during an investigation or court case, which may make the forensic anthropologist reconsider a previously held opinion. The forensic anthropologist has a duty to give due consideration to any such facts and to ensure that their opinion remains objective. The forensic anthropologist should be prepared to change their opinion if the facts dictate it, and to state this change clearly to the court.

## 10 REFERENCES

Annex K, The Disclosure Manual 2005 (amended 2009) by The Prosecution Team. CPS and ACPO Standards and guidance for forensic anthropologists 28 of 28

Code of practice and performance standards for forensic pathologists Home Office

Policy Advisory Board for Forensic Pathology and The Royal College of Pathologists

Criminal Procedure Rules 2010, Part 33

Home Office, Forensic Pathology Council, Witness Statements – Basic Requirements

Home Office 2005 Legal Issues Relating to Forensic Pathology and Tissue Retention: Police and Coroners Approach to Forensic Pathology, Issue 1

Human Tissue Acts 2004, 2006

IAF/ILAC-A4:2004 Guidance on the Application of ISO/IEC 17020