

Code of Practice for Forensic Anthropology

Consultation draft - September 2017

The Forensic Science Regulator seeks views on the draft code of practice produced by the Royal Anthropological Institute (RAI) of Great Britain and Ireland, in consultation with the Regulator.

The draft code of practice is available to allow interested parties to comment. All comments will be considered before publication of the final document.

Comments should be sent on the feedback form available at www.gov.uk/government/organisations/forensic-science-regulator to FSRConsultation5@homeoffice.gsi.gov.uk and should be submitted by 04 December 2017.

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1 Introduction

- 1.1 This document has been developed by the Royal Anthropological Institute (RAI) of Great Britain and Ireland (the professional body for forensic anthropology in the UK) in association with the Forensic Science Regulator.
- 1.2 The purpose of this document is to establish the professional standard of performance within the field of forensic anthropology in the UK. It details the standards of practice which are expected for forensic anthropologists undertaking both Crown and Defence casework within the criminal jurisdictions of the UK. This Code of Practice must be read in conjunction with the Forensic Science Regulator's Codes of Practice and Conduct (CoPC). It is recognised that there are a number of areas of specialism within forensic anthropology and sections relevant to these can be found in the appendices of the CoPC. Although accreditation to the CoPC is not required, the Code of Conduct must be followed.

2 Scope

- 2.1 This document is relevant to all forensic anthropologists practicing in the UK.
- 2.2 This document acts as a discipline guide to all operating within the field of forensic anthropology in the UK
- 2.3 This guidance defines the purpose of the forensic anthropology process and the series of steps that must be followed from the time a forensic anthropologist (FA) is notified of involvement in a case until the presentation of findings, whether by report alone or through the provision of evidence in the court room.
- 2.4 In agreement with the Forensic Regulator, this is a standalone guide given the niche nature of forensic anthropology and so does not specify which International Standard should be applied to the work being conducted, although it has been aligned with ILAC G19:08/2014, Modules in a Forensic Science Process, where possible and applicable as advised by the Forensic Science Regulator. It should be noted that certain types of analytical test may require accreditation as detailed in the Statement of Accreditation and Standards Requirements in the Forensic Science Regulator's CoPC.
- 2.5 This document excludes teaching or research in forensic anthropology.

3 Terms and Definitions

This section provides the definitions for terminology

3.1 Competence

Competence is the demonstrated ability to apply knowledge and skills and, where relevant, demonstrated personal attributes.

3.2 Contamination

Contamination is the undesirable introduction of substances or trace materials to exhibits/productions at any point within the forensic process.

3.3 Contract

A contract may be any written or oral agreement to provide forensic services. Note a contract does not necessarily involve payment for the services, may be mandated by law and may require to be in accordance with local, regional or national legal requirements.

3.4 Court Statement

A court statement is a written report of the results and interpretations of forensic tests/examinations submitted to the court. A written report may be in a format prescribed in legislation (a witness statement or report) and may be provided electronically.

3.5 Critical Findings

Observations and results that may have significant impact on the conclusion reached and the interpretation and opinion provided.

3.6 Equipment

Equipment refers to all tools, instruments, software, reagents and chemicals that are used as part of the forensic anthropology process.

3.7 Examination/Test

Examination/test refers to sampling, analysis, visual inspections, comparisons and interpretations.

3.8 Exhibit/Production

Any exhibit (known as a production in Scotland) is an item or sample recovered as part of an investigation. This includes everything recovered in

the forensic process including swabs, whole objects and debris. Exhibits/productions may sometimes be referred to as 'physical evidence'.

3.9 Investigator

A person, however titled, who is trained to perform scene of crime examinations and/or investigations. Other names used for this function are, for example, Scenes of Crime Officer (SOCO), Crime Scene Investigator (CSI), Scene of Crime Investigator, Scene of Crime Examiner, Crime Scene Manager (CSM), Senior Investigating Officer (SIO) or Officer in Charge (OIC) amongst others.

3.10 Reference Collection

Reference collection is a collection of stable materials, substances, objects or artefacts of known properties or origin that may be used in the determination of the properties or origins of unknown items.

3.11 Scene

The term 'scene' (known as a locus in Scotland) is used to identify a place of incident prior to establishing whether a criminal or illegal action has taken place. The scene/locus is not solely restricted to the location of the incident but also includes areas where relevant acts were carried out before or after the incident. Where applicable, a victim may also be considered as a scene/locus.

3.12 Terms of Reference (ToR)

ToR refer to the exact tasks that the Forensic Anthropologist has been asked to undertake in relation to a case and should be agreed with the relevant instructing authority prior to the commencement of work.

3.13 Validation

Validation is the confirmation by examination and the provision of objective evidence that the particular requirements for a specific use are fulfilled.

4 Duties and Responsibilities

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

- 4.1 To assess whether an item, element or fragment of tissue is human.

- 4.2 To identify human skeletal remains and assess which parts or elements (if any) of a skeleton are missing.
- 4.3 To establish if there are remains from more than one individual represented, and if more than one, seek to establish the minimum number of individuals or the most likely number of individuals represented.
- 4.4 To assess biological profile and assist with identification of the remains, for example by estimating age-at-death, sex, stature and ancestry and any personal traits such as pathological change or healed fractures. Methodologies employed must include reference to the uncertainty of measurement related to each of these components.
- 4.5 To comment on any post-mortem modification of the bone including (but not limited to) burning, dismemberment and/or scavenging.
- 4.6 As part of a mortuary team, to assist with the description and analysis of ante and peri-mortem trauma and post-mortem damage.
- 4.7 To reconstruct fragmented bones to facilitate, for example, trauma analysis.
- 4.8 To comment on the post-mortem interval where possible.
- 4.9 To aid and record the recovery of human remains at a scene.
- 4.10 To assist a Disaster Victim Identification team in situations of mass fatality.
- 4.11 To write statements and reports and attend court to give evidence as an expert witness when required.
- 4.12 To provide awareness to the investigating authority of other specialties that might be considered in the identification process and are not within the expertise of the practitioner including e.g. DNA, forensic odontology etc.
- 4.13 Some FAs will carry out case reviews for Defence solicitors.
- 4.14 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, ecology and environment evidence gathering) and undertake sampling if appropriate and within their professional competence.
- 4.15 Some FAs will be competent in examining radiographs, Computed Tomography (CT) and Magnetic Resonance Imaging (MRI) which may be used

for the confirmation of trauma or for example when assessing age from living individuals for legal purposes.

- 4.16 Some FAs will be qualified to undertake craniofacial analysis and reconstruction.
- 4.17 Some FAs will be practised in examining soft tissue and anatomical features in relation to biological profile and identification – for example in the identification of victims or perpetrators from imaging most commonly from the anatomy of the hand but also other body parts.

5 Professional Competency

- 5.1 FAs must maintain professional expertise and demonstrate continued competency in each of the categories in which they practice (section 4) for example through relevant certification and recertification (by an appropriate professional body for example the Royal Anthropological Institute or the Chartered Institute for Archaeologists) and record continuous professional development and current practice within the field.
- 5.2 FAs must have systems in place to enable peer review/critical conclusions check of all casework reports prior to submission, see section 7.3.
- 5.3 The Royal Anthropological Institute (RAI) has developed a professional certification and continued professional development programme which includes 3-yearly recertification. The certified FA within this scheme must adhere to this requirement to maintain their competency and certification with the RAI. Any FAs not certified by the RAI must be able to demonstrate up to date, ongoing competence and continued professional development by another objective route. The RAI has processes in place to address complaints concerning RAI certified FAs. However, in all cases the Forensic Science Regulator shall be informed at the earliest opportunity about any complaint if it has significantly disaffected the customer such that it could attract adverse public interest or lead to a miscarriage of justice.
- 5.4 The FA must ensure that the potential for cognitive bias is mitigated wherever possible by having appropriate processes in place as described in the Forensic Science Regulator's guidance on Cognitive Bias.

6 General Forensic Activities

This section identifies the different activities across the forensic process. Whilst the procedures described here may seem to form a time line, this is not necessarily the case in practice and the order in which activities are performed will vary depending on the circumstances.

6.1 Initial Discussion

This is the stage when the FA receives initial instructions. At this point the FA will need to receive and potentially give advice to those who are seeking to employ their services.

6.1.1 The FA will take principal responsibility for the relevant services provided to the case once they have been contacted and have agreed to progress with the investigation. Those who work for commercial forensic providers may have different processes in this regard. All decisions and information must be recorded in the FA's contemporaneous notes and records must be continuously updated throughout the investigation.

6.1.2 The FA must ensure that they have processes in place to monitor and review their assignments regularly in relation to each case to ensure that they fulfil the Terms of Reference correctly and fully as agreed.

6.1.3. On initial contact the FA must:

1. Initiate accurate and contemporaneous record keeping.
2. Clarify the scope of an assignment and establish clear ToR
3. Agree the ToR and ensure that any work that they agree to undertake is within their area of competence and expertise. They must at this stage raise any potential conflicts of interest.
4. Ensure all necessary information is gathered in relation to the extent and particular conditions of the assignment, whilst taking steps to avoid unnecessary information that could potentially contribute to cognitive bias. Information likely to be required includes:
 - a. current location and integrity of remains/scene including the size of the scene, the resource implications and number of scenes if more than one,
 - b. the name/contact details of the person responsible for the scene/scenes and how these are to be coordinated,
 - c. nature of the incident,

- d. any health and safety issues at the scene and/or related to the remains or environment conditions
 - e. requirement for any special equipment or competencies
 - f. required timescales for attendance,
 - g. whether it is necessary for the FA to attend any briefings or forensic strategy meetings,
 - h. the client's perceived requirement from the FA at that stage.
5. Inform the client about the expertise and technical knowledge of the FA and the ways in which they can support the specific investigation.
 6. Agree any anticipated costs in relation to their work.
 7. Ensure that appropriate clearance has been obtained (necessary to work with certain police forces and other agencies).
 8. Identify the required resources, facilities and equipment to undertake the role requested of the FA and ensure that there is access to these.
 9. Inform the client about any potential work, logistical requirements and other recommendations which could be actioned whilst awaiting the arrival of the FA. This may include activities which might preserve the scene from the weather for example.
 10. Seek approval in advance should any other persons be required to attend the scene with the lead FA (e.g. second FA or scientist from another discipline).
- 6.1.4 The FA will rarely be responsible for subcontracting other specialists; however they may suggest that other specialists are required. The organisation of these specialists would then lie with the investigating team. For those FAs who work for a forensic provider, the responsibility for subcontracting and supplying these specialists will likely fall to their employers.

6.2 Response and Actions at the Scene

This section relates to the actions that the FA should undertake from arrival at the scene/mortuary.

- 6.2.1 Once the ToR have been agreed, there shall be no unreasonable delay in responding to a call for scene/mortuary attendance and the client must be made aware of the time required to prepare and travel.
- 6.2.2 Costs and deadlines shall be discussed and agreed at the briefing stage where possible.

- 6.2.3 Where required, the FA shall provide their own personal protection equipment (PPE) for attendance at a scene or have agreed that it is to be provided by the client (see Forensic Science Regulator's Crime Scene Anti-Contamination for information on PPE).
- 6.2.4 The FA will be contactable or provide a point of contact for the client.
- 6.2.5 On arrival at the scene or at the mortuary or other agreed venue, a briefing shall take place with the appropriate personnel where the FA is informed about the nature of the incident and any background information of significance and relevance.
- 6.2.6 If, during the briefing, new information about the scene comes to light, renegotiation of the ToR must be initiated if appropriate.
- 6.2.7 The type of scenes an FA may attend include (but are not limited to):
1. surface deposition of both articulated or disarticulated human remains
 2. partially exposed human remains in a number of contexts
 3. decomposed or decomposing remains in a number of contexts
 4. excavation of a clandestine grave working alongside a forensic archaeologist or other such expert
 5. fire scenes
 6. the site of an explosion
 7. recovery of burnt bodies from vehicles
 8. mass fatality scenarios.
- 6.2.8 On arrival at the scene/police HQ/mortuary, the FA must introduce themselves to the point of contact and be prepared to show appropriate identification.
- 6.2.9 All activities, observations, findings and conclusions must be recorded in the FA's contemporaneous notes and documentation must be continuous throughout the investigation.
- 6.2.10 The FA must be aware of the scene parameters, cordons, logs and common approach paths and prescribed use of PPE for the incident and ensure he/she adheres to signing in and out and accessing the scene in accordance with these.

- 6.2.11 The FA must ensure that they minimise the risk of cross contamination at scenes and of exhibits/productions by adhering to anti-contamination and cross contamination procedures at all times including proper use of PPE and preservation of scene integrity. The Forensic Science Regulator's Crime Scene Anti-Contamination Guidance shall be adhered to, in order to minimise cross-contamination from previous scenes or to subsequent scenes (section 7.5.1).
- 6.2.12 The FA must be aware of any risk assessments and ensure all precautionary measures are taken.
- 6.2.13 An assessment must be made before any work is carried out to outline and agree the FA's involvement, bearing in mind the presence of other evidence, other specialists and police staff. Agreement must be reached with the client and other experts present to avoid compromising other potential evidence. The agreed strategy should be documented by all concerned. Any additional work required at the scene by the FA including any specific techniques which necessitate the use of equipment (e.g. sieving), must be discussed and agreed in principle at the outset with other experts.
- 6.2.14 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 agreed previously, according to local management guidelines.
- 6.2.15 Any photographs taken by the FA must only be with the express permission of the Senior Investigating Officer (SIO) or Crime Scene Manager (CSM) (or their representative) and the images must be stored in a secure manner and be disclosed.
- 6.2.16 The FA must understand the requirements of other attending specialists and members of the search/investigative team, clarify their various roles and responsibilities and coordinate their activities with the wider team at all times.
- 6.2.17 Any removal of human tissue from the scene (other than that going directly to a mortuary) must be agreed and follow local management and legal guidelines.
- 6.2.18 All equipment must be used and cleaned, or used and disposed of, in an appropriate manner. The Forensic Science Regulator's Crime Scene Anti-

Contamination Guidance shall be adhered to, in order to minimise cross-contamination from previous scenes or to subsequent scenes (section 7.5.1).

6.3 Records of the scene and exhibits/productions

- 6.3.1 Records can be undertaken via a variety of means including written notes, images or by voice recording and must commence prior to examination occurring and continue throughout the examination and analysis processes. All conducted activities, observations, findings and conclusions reached during attendance at the scene/mortuary must be recorded. Records must be sufficient to permit another competent FA to understand and evaluate the examination undertaken.
- 6.3.2 Any exhibits/productions taken by the FA must be suitably recorded, packaged and labelled to ensure that they can be uniquely identified at all times and the locations at which they were found can be determined.
- 6.3.3 All exhibits/productions must be packaged appropriately to prevent contamination and avoid damage and degradation of the sample.
- 6.3.4 The FA must ensure that if they take control of any exhibits/productions, a 'chain of custody record' is maintained and that any storage facilities utilised are secure and appropriate to prevent contamination and avoidable degradation of the sample.
- 6.3.5 The FA must ensure the next stage of continuity of their exhibits/productions is executed appropriately ensuring there is a written record of this on the exhibit label and within their notes or exhibit/productions list.
- 6.3.6 The recovery and documentation associated with exhibits/productions must take scene/mortuary conditions into account, ensuring minimal disruption. Consideration must be given to the sequence of the samples taken.
- 6.3.7 Any damage to the remains during lifting and transportation from the scene must be recorded in the FA's notes and the relevant personnel informed.
- 6.3.8 It is not expected that an FA will undertake testing such as quantitative measurements or presumptive or screening tests at a scene.

6.3.9 If portable equipment is to be used at the scene or in the laboratory it must be calibrated according to a prescribed maintenance programme before use. This calibration must be recorded. The equipment must carry a label indicating the current calibration status. Examples of equipment include: callipers or osteometric boards.

6.4 **Working at the mortuary**

6.4.1 If examination of remains at the mortuary is the first involvement of an FA, then all relevant processes mentioned under sections 6.1-6.3 must be followed.

6.4.2 The post-mortem is generally led by a forensic pathologist. It is recommended practice that the forensic pathologist and FA clarify expectations and roles before commencement of the post-mortem examination. The FA is present at the mortuary following request from several possible sources: Coroner, Procurator Fiscal, Forensic Pathologist, Senior Investigating Officer (SIO) etc.

6.4.3 Maceration of remains should be undertaken as a last resort and must only be undertaken after all relevant permissions are sought and with cognisance of the Human Tissue Act 2004 or the Human Tissue (Scotland) Act 2006.

6.4.4 All actions which alter the state of the remains (cleaning, reconstruction, sampling) must only be undertaken with the permission of the forensic pathologist (and ultimately HM Coroner/Procurator Fiscal if appropriate), after thorough recording has occurred e.g. written descriptions, drawings, diagrams, photographs etc. and with the knowledge that the actions of the FA will not impact on current or subsequent examinations of any specialists. This is especially relevant where testing might result in changes to the sample including destructive testing.

6.4.5 Examination of remains must be undertaken with dignity and respect.

6.4.6 Any examination, measurements or tests must be undertaken by an FA who has a proven competency in the use of the methods.

6.4.7 Reassembly of the remains shall be undertaken using techniques which are agreed in advance and which will introduce minimum changes to the remains (e.g. glue products etc.).

6.4.8 Care must be taken in handling more fragile evidence. Remains in a poor state of preservation can be subject to further damage while being examined. Any further damage caused must be recorded.

6.4.9 Methods for examination must be validated (see definition of validation at section 3.12) and be the most appropriate for the specific group or population to which the individual belongs (if known). Methods used must have demonstrated levels of reliability. All methods must be undertaken by an FA who has proven competence in their use and the methods and conclusions must be subject to case specific peer review as part of the critical review process.

6.4.10 The reliability (precision and accuracy), variability (statistical variance), errors of any method (e.g. estimating age-at-death or post-mortem interval dating) and calibration related to any instrumental measurement must be understood by the practitioner and stated clearly in any conclusions based on that method.

6.4.11 Methods shall be fully documented (see Section 7) including procedures for quality control and where appropriate, the use of reference materials.

6.5 **Equipment**

6.5.1 The FA must maintain all specialist equipment and ensure that equipment which is to be used on more than one scene is cleaned using a method validated to prevent cross contamination. All cleaning methods must be validated and must follow the guidance given in the Forensic Regulator's Guidance on the Control and Avoidance of Contamination in Crime Scene Examination involving DNA Evidence Recovery and must be fully recorded.

6.5.2 All measuring equipment must be calibrated and maintained as appropriate to manufacturer's guidelines and records kept of such.

6.6 **Validation**

6.6.1 The interpretive methods, techniques and equipment used throughout a FA examination shall be validated prior to the implementation of the method since all methods/testing should be fit for purpose and comply with validation of methods outlined within the Forensic Science Regulator's CoPC.

- 6.6.2 All methods shall be fully documented including procedures for quality control and where appropriate, the use of reference materials.
- 6.6.3 Validation studies are required for all methods including comparative methods. Validation studies can be conducted by the scientific community (as in the case of standard or published methods) or by the practitioner themselves (as in the case of methods developed in-house or where significant modifications have been made to previously validated methods).
- 6.6.4 If a method is validated by another organisation the practitioner should review validation records to ensure that the validation performed was fit for purpose and should ensure that this is included in their documentation.
- 6.6.5 Where practicable technical procedures used by a FA shall be validated before being used on casework or applied at a scene of a crime. For novel techniques or non-routine activities where this is not the case, the practitioner should still have validated the method, product or service in accordance with the requirements of the Forensic Science Regulator's CoPC before the results are reported and shall ensure that the status of the validation, product, method or service is clearly understood by the end user prior to its use.
- 6.6.6 It is important to ensure that the FA is current in their knowledge and literature reviews should be undertaken regularly to ensure that a full range of opinions can be conveyed regarding the use of techniques and conclusions drawn from results as displayed through documented CPD.

7 Documentation and Records

7.1 Requirements for Records

This section addresses documentary requirements for the FA.

- 7.1.1 Each FA must have a documented procedure to create and maintain records relating to each case under investigation. All information must be documented appropriately and may include, but not be limited to, records of any communication with the customer (verbal and written), contract review, examinations requested, descriptions of examinations and examination results, diagrams, printouts and images.

- 7.1.2 The records must be such that another competent practitioner could evaluate what has been performed, interpret the data and if necessary repeat the activity.
- 7.1.3 The records must be sufficient to provide an auditable trail.
- 7.1.4 If a sample has been authorised to be subject to destructive methods, it must be documented and/or measured using appropriate recording techniques prior to its destruction.
- 7.1.5 Records must be made at the time of examination or as soon as practicable thereafter and these must include all of the information which would make it clear from the case record who has performed each stage of the process, when this was done, what was examined and the results of any examination.
- 7.1.6 Any changes made to the records must be retained so that the original information can be reviewed whether this is in hard copy or electronic format. All tests undertaken must be recorded, even if they are eventually rejected, along with the information of who has rejected the result and why.
- 7.1.7 Each page of every document in the case records must be traceable to the case. There must be a mechanism by which the integrity of the documentation is maintained.
- 7.1.8 Hard copy records must be paginated using a page numbering system that indicates the total number of pages.
- 7.1.9 All records must be stored securely including electronic records and a method of indicating place of storage should be included.
- 7.1.10 Where cases involve the assessment of images provided by the police or solicitor, delivery of images shall be through secure and recorded methods and storage of case images shall follow data protection law and confidentiality practice.

7.2 Report writing

- 7.2.1 It may be that the FA may supply preliminary reports verbally or via email. Any verbal report must be supported by a written document at the earliest opportunity and records kept of all communication in a traceable manner. These results must include a caveat that the results are provisional.
- 7.2.2 The FA must produce a formal report to record:
1. The information provided to them with regards to the history of the case
 2. Evidence to justify the actions and decisions taken at the scene and/or mortuary/laboratory
 3. The analysis strategy and methods utilised and/or considered
 4. The results of the analysis
 5. The justification for preferring one explanation over others, where findings can lead to more than one explanation
 6. The conclusions and explanations for those conclusions, with reference to current and pertinent literature when appropriate
 7. The quantification of all records and samples kept by the FA, referring to police exhibit/production numbers where allocated.
 8. Any additional information required, with reference to the Crown Prosecution Service guidance on expert witnesses' obligations on disclosure (for England and Wales).
 9. The FA must ensure that the legal requirements for expert reports are followed. For England and Wales, this will include the Criminal Procedure Rules and Criminal Practice Directions.
- 7.2.3 All reports from an FA shall be peer reviewed/critically checked prior to submission (section 7.3).
- 7.2.4 The FA should produce the report as quickly as is practical within the specific circumstances of the case and within an agreed timescale.
- 7.2.5 The FA must be prepared to consider new information and produce supplementary reports as appropriate.
- 7.2.6 The FA must write the report in a fair and unbiased manner, taking into account all relevant issues, remembering that their core responsibility is to the court.
- 7.2.7 The FA must ensure that the report is not in any way misleading.

7.2.8 Where a rapid remote response has been requested e.g. images have been sent for confirmation if bones found are human or animal, a formal expert witness report is not necessary. Any critical findings conveyed in a provisional and/or oral report shall be qualified with a caveat that the results are provisional. An oral report should be followed by a written report.

7.3 Case Specific Peer Review

7.3.1 The FA must ensure that a case specific peer review has been undertaken by another appropriately qualified FA. The second FA shall scrutinise the document to ensure that the report is internally consistent, the conclusions drawn are justifiable from the information set out in the report and the report is capable of being understood without reference to other material e.g. material included within appendices.

7.3.2 The report must state that a case specific peer review has been performed but it should not make any suggestion of support from the person performing the check.

7.3.3 Before signing and submitting the report, it is the responsibility of the FA to check their work for typographical and grammatical errors.

7.3.4 The FA must ensure that any unresolved disagreement that might arise during the case specific peer review process be brought to the attention of HM Coroner/the Procurator Fiscal/the Crown Prosecution Service (CPS)/ Public Prosecution Service and the SIO as soon as practically possible.

7.4 Disclosure of information

The FA must ensure that all findings are made available to the Senior Investigating Officer and surrender all information to the Police Investigation Team (in accordance with the relevant sections of The Disclosure Manual, or other relevant jurisdictional guidelines).

8 Bibliography

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