

# From Forensics to Forensic Science

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**Abstract:** *The dominant conception of forensic science as a patchwork of disciplines primarily assisting the criminal justice system (defined as 'forensics' in this article) is in crisis, or at least shows a series of anomalies and serious limitations. While the symptoms have been largely discussed previously, we argue that many of the commonly suggested solutions may not solve the fundamental problem. As a solution, we propose the forensic science community revive the forensic science perspective from its historical roots; that is, the study of crime and its traces. This will lead to the development of holistic models to provide a strategy to integrate technologies, and to help scientists develop their potential to engage in a more significant way in policing, crime investigation and, more generally, in criminology, instead of further compartmentalising the various forensic fields.*

**Keywords:** forensic science, criminal justice, crime investigation, holistic models, criminology

## 1. Introduction

Forensic science is at the crossroads. Its future largely depends on if and how a consensus can emerge about its own nature. There are many alternative ways of conceiving the discipline (Inman and Rudin 2001; Margot 2011a). The current dominant model, let's call it 'forensics', is defined as a series of scientific disciplines that assist the criminal justice system. For instance, chemistry, biology, physics or computer sciences, are viewed as core enabling scientific disciplines and associated technologies. Forensic chemistry, forensic biology or computer forensics are technical applications of the enabling disciplines based on the exploitation of samples collected at the crime scene and transmitted, in a more or less formalised way, by the police or the justice system. All the forensics disciplines share their subordination to the requirements of the criminal justice system, underpinned by jurisdictional, political and organisational philosophies, as well as being subject to specific legislation. These disciplines mostly (if not exclusively) serve the Court process. In the forensics model, crime scene is considered as a separate police technical activity.

### *Problems in forensics*

Beyond specific failures (Office of the Inspector General 2006) and miscarriages of justice (Schiffer 2009) that justified audits, and eventually led to the NAS Report (NAS 2009), forensics is faced with a broader set of issues. The questions as to whether these issues constitute anomalies in the sense discussed by Kuhn or only flaws coming from improper applications of the current model ought to be discussed.

### *Organisational issues*

Most governments are currently under financial pressures and, as a result, the transfer of forensics from the public sector to private enterprise has been seriously considered. This change already began years ago, mainly in the UK in the broader context of the development of 'New Public Management' (Lawless 2010, 2011). The recent decision to close the FSS in the UK, which was systematically losing money despite its dominant position, raised questions about the possibility of generating a viable market for forensics.

### *Education and research*

Other problems occur in the competitive education and research sector (Roux and Robertson 2009). The demand for

university programs in most enabling sciences has been decreasing over the last 20 years (RAC Royal Australian Chemical Institute 2005), while at the same time funding models for tertiary education have been increasingly linked to student numbers. As a result, many university programs often try to attract more students by opportunistically revamping their offers through the addition of the term 'forensic' to their program names. In this context, the forensic 'anything' flourishes. This confused situation has generated significant concerns about the quality of these programs in the UK (Forrest 2004; Science, Engineering Manufacturing Technologies Alliance (SEMTEA) 2004; Mennell 2006). In particular, potential employers have criticised the lack of consistency and clarity in the vast range of forensic programs on offer, thus leading to difficulties in determining what skills a graduate might have (SEMTEA 2004).

### *Problems or anomalies?*

According to Lawless (2010, 2011), the movement towards the privatisation of laboratories has also generated positive outcomes for forensics. At the very least, it stimulated the formalisation of interpretation models of forensic case data as a result of the necessity to clearly define the client/customer relationship — although, it remains unclear if such formalisation is welcomed by end - customers (ie investigators, the justice system and the trier of fact).

This model gives some unity to forensics as a discipline Cook et al 1998, 1999). Thus, the current forensics model should not be prematurely rejected. It may be under attack only because it is not applied in a proper way. This is the tacit hypothesis that grounds dominant movements in forensics. The NAS Report, as well as the recently adopted Polish initiative in Europe (Council of the European Union 2011), follow this logic and propose directions to be taken to fix problems or mitigate risks. This strategy is mainly driven by specific failures and miscarriages of justice. Importantly, however, when a failure is apparent, the organisation generally acts at the individual level (ie an employee may be dismissed), while, externally, there is mounting pressure for a system overhaul.

## 2. Conclusions

Forensic science primarily deals with explaining what occurred. Forensic science should, therefore, contribute much

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more to the study of crimes. Rather than focusing on techniques and instruments by taking the point of view of traditional disciplines of science, a modern forensic science concentrates on the problem to be solved and calls for appropriate specific instruments and techniques. We argue that the current forensics conception of forensic science is in crisis, or at least shows a series of anomalies and serious limitations that has led the forensic scientist to retreat into the laboratory.

**Cases**

R v T [2010] EWCA Crim 2439 (26 October 2010)

**References**

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