



Assessment of the reformation of the institution of forensic science

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Audit report

Assessment of the reformation of the institution of forensic science

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Compliance audit “Assessment of the reformation of the institution of forensic science”

The audit was performed by Senior State Auditor Sarmīte Baltusa and Senior State Auditor Diāna Žunna, responsible Head of Sector Kaiva Skalbiņa and Department Director Kristīne Jaunzeme based on audit schedule No 2.4.1-25/2022 of the Second Audit Department of the State Audit Office of 2 June 2022.

Audited entities: Ministry of the Interior, Ministry of Justice, State Police and State Forensic Science Bureau of Latvia.

The cover design includes an image from the website *Depositphotos*, *Police Scientist Investigates Scale Shoe Sole Tape Tread Involved Crime*, Author *kaprikM*, ID: 468378574.

Dear Reader,

We have completed the audit on the assessment of the reformation of the institution of forensic science. In this report, we sought an answer to the question of whether the reform of the state institution of forensic science was conducted in accordance with the decision of the Cabinet of Ministers.

When deciding on the establishment of a single institution of forensic science by merging the Forensic Bureau of the Forensic Science Department of the Criminal Police Headquarter of the State Police into the State Forensic Science Bureau, the Cabinet of Ministers determined a transition period of almost five years by anticipating that the single institution of forensic science should be established no later than by 31 December 2025. During the transition period, reform should be implemented so that the single institution of forensic science could start its operation successfully.

During the audit, we have concluded that the reformation of the state forensic science is not conducted in accordance with the decision of the Cabinet of Ministers.

The progress in the first two years of the reformation show that the Forensic Science Department of the Criminal Police Headquarter of the State Police and the State Forensic Science Bureau have largely planned their infrastructure and development separately, the cooperation of the institutions is insufficient, and the established reform monitoring mechanism is ineffective. If the reform continues to be implemented in the following years as it has been, not only the successful course of the reform but also the achievement of the goals of the reform is at risk.



Therefore, we provide recommendations after the audit to update the timeframe of reform measures by specifying all the measures to be carried out within the framework of the reform clearly, the officers in charge for the implementation of the latter, the deadlines and the obligation to report regularly to the Cabinet of Ministers on the progress made in the implementation of the reform. The State Audit Office of Latvia considers that assessment and review of forensic experts' specialties in specialties where forensic analyses performed by institutions overlaps, training of experts in specialties where there is a small number of forensic experts and a risk of losing forensic experts as a result of the creation of a single institution, joint procurement and joint implementation of information system development projects, and the resolution of other issues crucial for the successful progress of the reform, should not be postponed until 2026 or later when the single institution of forensic science will start functioning.

We extend our gratitude to the Ministry of Justice, the Ministry of the Interior, the State Forensic Science Bureau, and the Forensic Science Department of the Criminal Police Headquarter of the State Police for their cooperation during the audit!

Respectfully,
Ms Kristīne Jaunzeme
Department Director

Summary

Conclusions

For developing the institution of forensic science and common infrastructure of forensic science institutions, reducing the deadlines for the execution of forensic analyses and the terms for investigation and trial of cases, and promoting public trust in impartiality of evidence obtained in forensic analyses, on 14 July 2020, the Cabinet of Ministers decided to merge the Forensic Bureau of the Forensic Science Department of the Criminal Police Headquarter of the State Police into the State Forensic Science Bureau by establishing a single institution of forensic science no later than by 31 December 2025.

Until the start of the operation of the single institution of forensic science, the necessary preparatory work must be carried out by planning the joint institutional infrastructure and participating in joint investment projects, solving the issues of the staff composition of forensic experts in connection with the employment status and the planning of the provision of forensic experts and training in specialties where there is a small number of experts, as well as solving other issues necessary for the successful launch of the single institution of forensic science. During the audit, we sought an answer to the question of whether the reformation of the state institution of forensic science was conducted in accordance with the decision of the Cabinet of Ministers.

During the audit, we have concluded that the reformation of the state institution of forensic science is not conducted in accordance with the decision of the Cabinet of Ministers. The implementation of the measures to reform the institution of forensic science is delayed and, in the first two years of the implementation of the reform, the Forensic Science Department of the State Police and the State Forensic Science Bureau have largely planned their infrastructure and development separately. We also conclude that the Cabinet of Ministers is not informed appropriately about the progress of the reformation, all the measures to be carried out within the reform are not provided for in the timeframe of the reform measures, and the opportunities to involve the Cabinet of Ministers in deciding those issues on which the visions of institutions about the desired course of the reform differ and an agreement cannot be reached have not been used. In its turn, an established reform monitoring mechanism is not fully applied.

On the planning and establishment of common infrastructure

Despite the decision of the Cabinet of Ministers on the merger of the Forensic Bureau of the Forensic Science Department of the Criminal Police Headquarter of the State Police into the State Forensic Science Bureau, the Ministry of the Interior and the State Police are implementing the project “Support to the State Police for speeding up the investigation of economic crimes and improving the quality in Latvia” under the European Economic Area Financial Instrument Program for programming period 2014-2021 “International Police Cooperation and Combating Crime” in parallel.

Within the framework of the mentioned project, for improving the infrastructure and technical capacity of the Forensic Science Department of the Criminal Police Headquarter of the State Police (hereinafter referred to as the Forensic Science Department), one intends to repair the premises of the Forensic Science Department located at 72B Bruninieku Street, Riga, including the laboratory, among

other thingsⁱ. The Forensic Bureau of the Forensic Science Department is located in these premises, which is supposed to be merged into the State Forensic Science Bureau according to the decision of the Cabinet of Ministers. The contractⁱⁱ for the development of a construction project with a contract price of 108,000 euros signed two years after the decision of the Cabinet of Ministers on the reform of the institution of forensic science, the project is expected to be completed in 2024. According to the conditions of receiving funding, the State Police will have the obligation to ensure the sustainability of the project outcome by maintaining and using the renovated premises in accordance with the intended goals until 2029.

The State Audit Office assesses that there is a risk that part of the costs of designing the premises of the Forensic Science Department will be an unjustified spending of state budget funds because the construction project cannot be implemented in the planned way, taking into account the decision of the Cabinet of Ministers on the establishment of a single institution of forensic science. In addition, there is a risk that these expenses will not be considered eligible expenses of the project and one will have to find additional funding in the budget to cover them.

Taking into consideration the activities of the Forensic Science Department while continuing to develop its infrastructure, the Forensic Science Department has not been sufficiently involved in the planning of the infrastructure of the single institution of forensic science, which is being developed by the Courthouse Agency and the State Forensic Science Bureau in the facility located at Invalidu Street, where laboratory and administrative premises are intended for the needs of the single institution of forensic science.

The audit has found that the Forensic Science Department defined and coordinated the institution's needs in the building ensemble of the single institution of forensic science only after July 2022, that is, more than a year and a half after the designing of the building ensemble of the single institution of forensic science started, following the call of the Reform Supervisory Council.

Since the Forensic Science Department and the State Forensic Science Bureau had not cooperated in defining the common needs of the single institution of forensic science for a long time when planning the development of the institution's building ensemble, the Ministry of Justice involved the Prisons Administration in the project, for the purposes of which a part of the premises of the single institution of forensic science located at Invalidu Street, Riga, was intended. As a result, the space in the building ensemble located at Invalidu Street in Riga is no longer sufficient for the needs of the single institution of forensic science.

About measures to be taken within the framework of the reform

During the audit, we have established that the successful implementation of the reform is also hindered by the fact that the Cabinet of Ministers has not determined measures to solve all the problem issues identified in the forensics systemⁱⁱⁱ whereas the institutions involved in the reform such as the Ministry of Justice, the Ministry of the Interior, the Forensic Science Department and the State Forensic Science Bureau do not solve these issues on their own initiative and also do not offer to supplement the timeframe of reform measures. For example, it has been established that forensic science institutions should conduct joint procurements, but the institutions do not carry them out referring to the fact that the Cabinet of Ministers has not given the task and that it is not clear whether conducting joint procurements is possible for institutions subordinate to different ministries, although other institutions have carried such procurements successfully and the Cabinet of Ministers has called on all institutions to plan centralized and joint procurements wherever possible.

There has also not been sufficient cooperation in the establishment of a single forensics registration and management information system in both institutions, and the Forensic Science Department developed the ELIS information system separately by rejecting the initiative of the State Forensic Science Bureau to get involved in the testing of the new system and inviting the State Forensic Science Bureau to also adapt ELIS after the completion of the project with additional funding needs.

Similarly, there has been no joint effort to refuse from the areas in which the institutions' expertise overlaps and whose further separate development would not be useful. Since the mentioned issues have been identified as problematic issues but have not been determined as measures that must be taken within the framework of the reform, the institutions do not address these issues.

There is no detectable progress and no intermediate tasks and execution deadlines have been determined in the implementation of the measures whose execution deadline is scheduled until 31 December 2025 and which are defined too generally in the timeframe of the reform measures. For instance, each institution implements activities related to the training of new forensic experts in specialties where there is a small number of forensic experts separately despite potential changes in the corps of forensic experts, the loss of experienced certified forensic experts due to a change in the status of the position, and the absence of forensic experts in certain forensic expert specialties identified as significant risks for the successful progress of the reform.

On monitoring the reformation process

In accordance with the decision of the Cabinet of Ministers, the Minister of Justice has established the Reform Supervisory Council for the monitoring of the implementation of the reform, whose task is to control the execution of the activities mentioned in the timeframe of the reform measures and analyse potential risks. The monitoring mechanism for the implementation of the reform established in practice has not been effective enough so far according to the State Audit Office because several significant risks have been identified late in the course of the reformation, the implementation of several measures is delayed, several problematic issues have not been resolved, and the monitoring mechanism has also not prevented the further development of infrastructure projects contrary to the goals of the reform.

Considering that the reformation of the institution of forensic science was planned to merge two forensic science institutions existing in different ministries, the Reform Supervisory Council should use its right provided for in its regulation to make proposals to the responsible institutions for the implementation of reform measures of the institution of forensic science more actively. The experience of the implementation of the reform so far shows that the institutions of forensic science are not always able to find successful solutions for the cooperation of the institutions themselves. If the Reform Supervisory Council does not have enough powers to ensure the successful implementation of the forensics reform, the decision of relevant issues must be initiated in the Cabinet of Ministers. The involvement of the Reform Supervisory Council in informing the Cabinet of Ministers about the progress of reform implementation is also essential by submitting proposals on extending the deadlines for implementing reform measures or determining new measures, as necessary.

The Cabinet of Ministers commissioned the Ministry of Justice to inform the government about measures taken during the reform and to be taken in the future to ensure the establishment of the single institution of forensic science^{iv}. Until now, information has been provided to the Cabinet of Ministers once, the information provided has been misleading and it has hindered the meaningful

involvement of the Cabinet of Ministers in deciding issues important to the reform of the institution of forensic science. The Ministry of Justice has provided information on certain reform measures that they have been implemented, although the implementation is ongoing or has not started, and it would be necessary to extend the deadlines for the implementation of the measures set by the Cabinet of Ministers or to review their content.

If the Ministry of Justice had provided accurate and comprehensive information on the progress of the implementation of the reform when fulfilling the task given by the Cabinet of Ministers and a drafted information report had included issues that required a decision by the Cabinet of Ministers, these issues would have been discussed at the meeting of the Cabinet of Ministers by highlighting the problematic issues of the reform and seeking solutions accordingly.

Since a five-year transition period is planned for the implementation of the reform of the institution of forensic science, it provides an opportunity to prepare for the merger of the two institutions and the start of the operation of the single institution of forensic science as best as possible by reducing the risks that all the necessary preparations have not been completed in time and that the single institution of forensic science will not be able to function full-fledged, as there will be difficulties in connecting the information systems used, there will not be a sufficient number of experts in each of the areas of expertise, etc.

Recommendations

Following the conclusions made during the audit, the Ministry of Justice in cooperation with the Ministry of the Interior has been given three recommendations aimed at completing the reform of the institution of forensic science within the planned deadlines and achieving the goals of the reform.

After the audit, the State Audit Office will address the Prime Minister by calling him to evaluate the opportunities of determining specific measures to be carried out within the framework of the reform of the institution of forensic science, officers in charge of implementation of the latter, and the deadlines for their implementation, as well as to establish the obligation of regular reporting to the Cabinet of Ministers on the progress made in the implementation of the reform to prevent the risks of inefficient use of state budget funds and to ensure that the necessary preparations for the successful establishment and start of operation of the single institution of forensic science would be carried out no later than 31 December 2025 during the implementation of the reform.

References

ⁱ Amendment No 5 to Project Agreement No EEZ/VP/2020/1 of the Ministry of the Interior and the State Police of 2 July 2020 (Date of amendments 7 March 2022, Amendment No 7.2-20/17).

ⁱⁱ Service Contract No IeM NVA 2022/137-Pak concluded between the Provision State Agency and General Partnership “Lūsis V and MV Būveksperi” (company No 40203068864) for the development of the construction project for the adaptation of the premises of the building located at 72B Bruninieku Street, Riga to the needs of the State Police and author supervision.

ⁱⁱⁱ Informative Report “On the assessment of the possibilities of implementing the reform of the institution of forensic science” (TA-1187, considered in the Cabinet of Ministers on 14 July 2020, available at: <https://tap.mk.gov.lv/lv/mk/tap/?pid=40488989&mode=mk&date=2020-07-14>).

^{iv} Minutes No 44, § 56, Clause 3 of the remote sitting of the Cabinet of Ministers on 14 July 2020.