

# **Standards Forensic Pathology (007.1)**

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# Inhoud

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# Part I. General Introduction to Standards

## § 1. Background to and aim of the Standards

Reporting forensic experts play a crucial role in the administration of justice. The NRGD aims to ensure justified confidence in forensic expertise for stakeholders. This confidence must be based on the demonstrable independently safeguarded quality of forensic investigators and their reports on the basis of (inter)national forensic-specific standards.

The NRGD is managed by the Court Experts Board (hereinafter: Board). The Board's core task is to rule on the applications for registration or repeat registration in the register of the NRGD (register). To that end the Board first defines the field of expertise. This is important in order to inform applicants, assessors and users of the register (e.g. judge, public prosecutor and attorney) about the activities an expert in the field of expertise in question engages in and about the activities that fall outside the field of expertise. The demarcation of the field of expertise is set out in Part II of these Standards.

The Board also determines the criteria on the basis of which an assessment is made for each field of expertise as to whether an application complies with the quality requirements. The generic requirements are set out in the Register of Court Experts in Criminal Cases Decree (Besluit register deskundige in strafzaken). These requirements are elaborated further for each field of expertise. This elaboration is set out in Part III of these Standards.

Furthermore the Board determines the assessment procedure. This procedure is described in Part IV of these Standards.

The NRGD has a system of periodic repeat registration. Court experts must demonstrate every five years that they still meet the requirements in force at that time. The Standards are dynamic and are being developed further in order to enhance the quality of the experts. These Standards set out the current state of the (sub-)field of expertise.

## § 2. Types of applicants

The NRGD distinguishes two types of applicants: the initial applicant and the repeat applicant. The initial applicant is a reporter who at the time of submission of the application is not yet registered in the register for the field of expertise to which the application relates. The repeat applicant is an expert who is already registered in the register for the field of expertise to which the application relates.

These two types of applicants are subdivided as follows:

Initial applicant:

- i. independent reporter: a reporter who has independently written and signed the required number of case reports;
- ii. reporter without work of his own: a reporter who has not independently written and signed the number of case reports required for registration.  
*If the assessment is favourable, the reporter without work of his own will only qualify for provisional registration.*

Repeat applicant:

- i. Repeat applicant after full registration;
- ii. Repeat applicant after provisional registration.

The initial applicant is an applicant who at the time of submission of the application does not have an NRGD registration. An initial applicant could be:

- the independently reporting expert;
- the newly-trained expert;
- the applicant whose earlier application has been rejected by the Board;
- the applicant whose registration was previously stricken.

In respect of initial applicants, it is necessary to make a clear distinction between the independent reporter and the reporter without work of his own. An example of a reporter without work of his own is the newly-trained expert. This expert has completed the forensic training (reporter's training), but has not yet been able to independently write the number of reports required for the assessment because these are written under the supervision of a tutor during the training. Another example of a reporter without work of his own is the reporter whose earlier application was rejected and who has been working (partly) under supervision following this rejection.

The Board adopts the following principle. Every applicant must draw up a List of Case Information. This list must include a specific number of cases in a period specified by the Board immediately preceding the application. If the List of Case Information includes one or more cases which have been prepared under supervision, the applicant will be qualified as a 'reporter without work of his own'. Additional requirements apply to the applicant whose application was rejected earlier: the case reports must have been drawn up after the date of the Board's decision rejecting the earlier application (Policy Framework for Application after Rejection).

The distinction between the various types of repeat applicants is important in the context of the assessment procedure: the documents a repeat applicant must submit, the composition of the Advisory Committee on Assessment and the assessment method.

### **§ 3. Justification of Standards**

The draft of these Standards has been published on the NRGD website for public consultation. These Standards have been established by the Board in accordance with the Register of Court Experts in Criminal Cases Decree (Besluit register deskundige in strafzaken) and the Experts in Criminal Cases Act (Wet deskundige in strafzaken).

### **§ 4. Validity of Standards**

The Standards are valid from the date shown on the cover. The validity runs until the moment of publication of a new version. In principle it will be checked annually as being up-to-date. This check can lead to a new version. The aim is to publish the new version no more than once a year. Intermediate alterations can be incorporated in an addendum, which will be published on the NRGD website as well.

### **§ 5. Version management and formal revision history**

All changes made to the Standards lead to a new version. Newer versions of (parts of) the Standards are designated with a higher version number.

#### **5.1. Version management**

In the case of editorial changes the old version number is increased by 0.1. Editorial changes have no substantive impact. In the case of substantive changes the version number is increased by 1.

#### **5.2. Formal revision history**

The revision history starts with version 1.0 as the first formally approved version. Substantive changes made are briefly described in the revision history (Annex C). This makes it possible to trace which Standards are valid at any given moment at all times.

# Part II. Demarcation of Forensic Pathology

## § 1. Introduction

Below, a description is given of the field of expertise of forensic pathology as defined by the NRGD and the activities forensic pathologists registered in the NRGD engage in.

## § 2. Core activities

The primary focus of the forensic pathologist is to conduct an external and internal examination on the body of a deceased person, in principle in the context of criminal law.

A forensic pathologist conducts a post-mortem examination in order to (help) answer medico-legal questions in cases of (suspected) unnatural death:<sup>1</sup>

- a. homicide or suspected homicide;
- b. sudden, unexplained death, including sudden infant death;
- c. violation of human rights such as suspicion of torture or any other form of ill treatment;
- d. suicide or suspected suicide;
- e. suspected medical malpractice;
- f. accidents, whether transportational, occupational or domestic;
- g. occupational disease and hazards;
- h. technological or environmental disasters;
- i. death in custody or death associated with police or military activities;
- j. unidentified or skeletalised bodies;
- k. euthanasia and assisted suicide.

The task of the forensic pathologist is:

- to establish the cause and mechanism of death (including trigger and pre-existing pathology);
- to establish or to help establish the identity of the deceased;
- to establish or to help establish the nature, cause and consequences of any injuries;
- to establish or to help establish the manner of death.

In addition, a forensic pathologist is:

- able to determine or evaluate the (methods of) determination of the approximate post-mortem interval;
- aware of the possibilities and limitations of answering various questions, such as the survival time and the capacity of the person to act prior to death;
- able to determine or evaluate the medico-legal findings of a crime scene;
- aware of fundamental principles of forensic investigations (e.g. crime scene investigation, chain of custody, principles of evidence);
- is able to determine whether ancillary or additional investigation is needed (at least post-mortem imaging/radiology, toxicology, biochemistry, tissue sampling and gunshot residue examination).

## § 3. Methodology

In order to answer the abovementioned medico-legal questions, the forensic pathologist:

- may need to visit the crime scene;
- determines the need for and the appropriate method of radiological investigation;
- performs an external examination and appropriate sampling;
- performs a full internal examination and appropriate sampling;
- performs an appropriate histopathological examination via microscopic techniques;

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<sup>1</sup> Enumerations a. through j. are derived from the Council of Europe Committee of Ministers (1999) Recommendation no. R(99)3 Of the committee of ministers to member states on the harmonisation of medico-legal autopsy rules.

- and makes a final report including an interpretation of findings within the context of the case (e.g. findings on the crime scene, circumstances of death).

A forensic pathologist is able to conduct the examination in cooperation with other experts (e.g. forensic toxicologists, forensic anthropologists, forensic odontologists, forensic geneticists etc.) and to refer to them where relevant.

#### **§ 4. Boundaries of the field of expertise**

Within the field of forensic and legal medicine, two distinct areas of practice exist:

- Forensic clinical medicine (in the Netherlands performed by *forensisch geneeskundigen*) which has its primary focus on the examination of the living.
- Forensic pathology which has its primary focus on the dead and to conduct a medico-legal or forensic autopsies autopsy.

The activities of these fields of expertise show an overlap to a certain extent, but for both fields of expertise specific knowledge and experience are needed that set experts within these fields apart from each other. In principle, the activities within the field of forensic clinical medicine fall outside of the field of forensic pathology as defined by the NRGD for registration.

The following related fields of expertise also fall outside of the field of forensic pathology as defined by the NRGD for registration:

- forensic odontology;
- forensic radiology;
- forensic anthropology.

Though the related fields of expertise fall outside of the field of forensic pathology, a registered forensic pathologist has to have knowledge of the principles of the abovementioned related fields of expertise, is able to adequately refer the commissioning party, to adequately deal with sampling in the chain of investigations and to integrate the findings in the final expert conclusion.

#### **§ 5. Registration**

The register will state the name of the relevant expert as an expert in the field of 007.1 Forensic Pathology.

## Part III. Registration requirements for Forensic Pathology

The general (repeat) registration requirements are given in the next paragraphs in italics with a reference to Article 12 paragraph 2 in the Register of Court Experts in Criminal Cases Decree (Besluit register deskundige in strafzaken).

An expert will only be registered as an expert in criminal cases upon submission of the application if, in the opinion of the Board, the expert:

- a. has sufficient knowledge and experience in the field of expertise to which the application relates;
- b. has sufficient knowledge of and experience in the field of law concerned, and is sufficiently familiar with the position and the role of the expert in this field;
- c. is able to inform the commissioning party whether, and if so, to what extent the commissioning party's question at issue is sufficiently clear and capable of investigation in order to be able to answer it on the basis of their specific expertise;
- d. is able, on the basis of the question at issue, to prepare and carry out an investigation plan in accordance with the applicable standards;
- e. is able to collect, document, interpret and assess investigative materials and data in a forensic context in accordance with the applicable standards;
- f. is able to apply the current investigative methods in a forensic context in accordance with the applicable standards;
- g. is able to give, both orally and in writing, a verifiable and well-reasoned report on the assignment and any other relevant aspects of their expertise in terms which are comprehensible to the commissioning party;
- h. is able to complete an assignment within the stipulated or agreed period;
- i. is able to carry out the activities as an expert independently, impartially, conscientiously, competently, and in a trustworthy manner.

### § 1. Article 12(2) sub-paragraph a

*(...) has sufficient knowledge and experience in the field of expertise to which the application relates.*

#### 1.1. Initial applicant: independent reporter

Basic requirements:

- a successfully completed medical education and a currently registered medical practitioner;
- current experience with reporting in forensic pathology at the time of the application for registration;
- be familiar with the recent publications and literature in the field of expertise and abreast of state-of-the-art developments;
- thorough knowledge of causes of death, causes and consequences of injuries, changes which occur after death, and the possibilities and limitations of pathological findings to answer medico-legal questions;
- be aware of the possibilities and limitations of answering various questions, such as the survival time and the capacity of the person to act prior to death;
- at least 60 months of relevant postgraduate training. The postgraduate training has to include at least the following elements:
  - (a) clinical pathology (at least 6 months);
  - (b) forensic pathology;
  - (c) forensic-judicial.

Specific requirements:

- personally performed and reported, under collegial review\*, at least 150 medico-legal or forensic autopsies<sup>2</sup> in the previous 5 years, second opinions excluded.
- These autopsies should preferably cover the full spectrum of forensic practice, and should at least involve 60 medico-legal or forensic autopsies falling under a) through c):
  - a) asphyxiation cases (strangulation, choking, mechanical or positional asphyxiation);
  - b) mechanical injuries cases (shot – or stab wounds, blunt force trauma);
  - c) specific post mortal changes cases (alleged drowning, decayed bodies, burnt remains);
  - d) unexplained deaths (intoxications e.g. CO, drug overdose, generalizes diseases e.g. generalized atherosclerosis, sepsis, alleged maltreatment).

*In case the applicant is also acting as a supervisor, at least 30 reports on the List of Case Information should be independently prepared reports.*
- have spent an average of 40 hours a year over the past 5 years on forensically relevant professional development (e.g. publications, attending conferences, running or attending courses).

**1.2. Initial applicant: reporter without work of his own**

Basic requirements:

- a successfully completed medical education and a currently registered medical practitioner;
- current experience with reporting in forensic pathology at the time of the application for registration;
- be familiar with the recent publications and literature in the field of expertise and abreast of state-of-the-art developments;
- thorough knowledge of causes of death, causes and consequences of injuries, changes which occur after death, and the possibilities and limitations of pathological findings to answer medico-legal questions;
- be aware of the possibilities and limitations of answering various questions, such as the survival time and the capacity of the person to act prior to death;
- at least 60 months of relevant postgraduate training. The postgraduate training has to include at least the following elements:
  - a) clinical pathology (at least 6 months);
  - b) forensic pathology;
  - c) forensic-juridical.

Specific requirements:

- personally performed and reported, under collegial review\*, at least 100 medico-legal or forensic autopsies<sup>3</sup> in the previous 2 years, second opinions excluded. These autopsies should preferably cover the full spectrum of forensic practice, and should at least involve 60 medico-legal or forensic autopsies falling under a) through c):
  - a) asphyxiation cases (strangulation, choking, mechanical or positional asphyxiation);
  - b) mechanical injuries cases (shot – or stab wounds, blunt force trauma);
  - c) specific post mortal changes cases (alleged drowning, decayed bodies, burnt remains);
  - d) unexplained deaths (intoxications e.g. CO, drug overdose, generalizes diseases e.g. generalized atherosclerosis, sepsis, alleged maltreatment).
- have spent an average of 40 hours a year over the past 2 years on forensically relevant professional development (e.g. publications, attending conferences, running or attending courses).

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<sup>2</sup> The medico-legal or forensic autopsy [is the type of autopsy] which is performed on the instructions of the legal authority responsible for the investigation of sudden, suspicious, obscure, unnatural, litigious or criminal deaths. This legal authority may be a coroner, a medical examiner, a procurator fiscal, a magistrate, a judge, or the police, the systems varying considerably from country to country.  
*Saukko, P. & Knight, B., (2004). Knight's Forensic Pathology. Hodder Arnold Publishers, 3rd edition, p. 2.*

<sup>3</sup> Ibid.

### 1.3. Repeat applicant: after full registration

Basic requirements:

- a currently registered medical practitioner;
- current experience with reporting in forensic pathology at the time of the application for registration;
- be familiar with the recent publications and literature in the field of expertise and keep abreast of state-of-the-art developments;
- thorough knowledge of causes of death, causes and consequences of injuries, changes which occur after death, and the possibilities and limitations of pathological findings to answer medico-legal questions;
- be aware of the possibilities and limitations of answering various questions, such as the survival time and the capacity of the person to act prior to death.

Specific requirements:

- personally performed and reported, under collegial review\*, at least 150 medico-legal or forensic autopsies<sup>4</sup> in the previous 5 years, second opinions excluded. These autopsies should preferably cover the full spectrum of forensic practice, and should at least involve 60 medico-legal or forensic autopsies falling under a) through c):
  - a) asphyxiation cases (strangulation, choking, mechanical or positional asphyxiation);
  - b) mechanical injuries cases (shot – or stab wounds, blunt force trauma);
  - c) specific post mortal changes cases (alleged drowning, decayed bodies, burnt remains);
  - d) unexplained deaths (intoxications e.g. CO, drug overdose, generalizes diseases e.g. generalized atherosclerosis, sepsis, alleged maltreatment).

*In case the applicant is also acting as a supervisor, at least 30 reports on the List of Case Information should be independently prepared reports.*
- have spent an average of 40 hours a year over the past 5 years on forensically relevant professional development (e.g. publications, attending conferences, running or attending courses).

### 1.4. Repeat applicant: after provisional registration

Basic requirements:

- a currently registered medical practitioner;
- current experience with reporting in forensic pathology at the time of the application for registration;
- be familiar with the recent publications and literature in the field of expertise and abreast of state-of-the-art developments;
- thorough knowledge of causes of death, causes and consequences of injuries, changes which occur after death, and the possibilities and limitations of pathological findings to answer medico-legal questions;
- be aware of the possibilities and limitations of answering various questions, such as the survival time and the capacity of the person to act prior to death.

Specific requirements:

- personally performed and reported, under collegial review\*, an average of 30 medico-legal or forensic autopsies<sup>5</sup> per year during the registration period, second opinions excluded. These autopsies should preferably cover the full spectrum of forensic practice, and should at least involve 60 medico-legal or forensic autopsies falling under a) through c):
  - a) asphyxiation cases (strangulation, choking, mechanical or positional asphyxiation);
  - b) mechanical injuries cases (shot – or stab wounds, blunt force trauma);
  - c) specific post mortal changes cases (alleged drowning, decayed bodies, burnt remains);
  - d) unexplained deaths (intoxications e.g. CO, drug overdose, generalizes diseases e.g. generalized atherosclerosis, sepsis, alleged maltreatment).

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<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

*In case the applicant is also acting as a supervisor, at least 30 reports on the List of Case Information should be independently prepared reports.*

- have spent an average of 40 hours per year during the registration period on forensically relevant professional development (e.g. publications, attending conferences, running or attending courses).

\* Collegial review must be carried out by an expert from the same field of expertise, namely a forensic pathologist. When derogated from this rule, the reporting applicant must explain this in writing in his report.

Explanation:

The NRGD found that reports were being reviewed regularly by a forensic physician, as opposed to another forensic pathologist. Collegial review involves 'colleagues specialised in the same subject area'. A forensic physician has a field of expertise that differs from a forensic pathologist's field of expertise, as also explicitly stated in Part II, §1 and 4 of the Standards. Having a report reviewed by a forensic physician thus means that the requirement of collegial review as referred to in the Standards is not complied with. An incidental departure from this requirement may be allowed, provided there are reasonable grounds to do so. In light of the fact that for forensic pathology this is not an incidental, however, a structural derogation, the Court Experts Board found it advisable to adjust the policy in this respect.

The principle remains that collegial review must be carried out by an expert from the same field of expertise. If the applicant has to make use of the expertise of a forensic physician, not being a forensic pathologist, the Board applies the 'comply or explain' principle. The applicant shall then need to provide an explanation in the report as to why he derogated from the rule, and, in so doing, shall have to address the following aspects:

- the reason why the report could not be reviewed by a forensic pathologist;
- the specific field of expertise of the person who then did perform the collegial review.

(This change in policy has entered into force as of 1 January 2019. Reporting applicants who submit an application on the basis of older reports may expect to receive questions from the Advisory Committee for Assessment on the manner in which the collegial review took place.)

## **§ 2. Article 12(2) sub-paragraph b**

*(...) has sufficient knowledge of and experience in the field of law concerned, and is sufficiently familiar with the position and the role of the expert in this field.*

In general an applicant should have adequate knowledge of Dutch criminal law:

- context of criminal law:
  - Trias Politica, distinction between civil law, administrative law and criminal law.
- criminal law procedure:
  - pre-trial investigation;
  - coercive measures;
  - stages of the proceedings;
  - actors in the criminal justice system (tasks/powers/responsibilities);
  - regulations concerning experts laid down in the Dutch Code of Criminal Procedure (position and powers of commissioning party, legal position of expert, position and powers of lawyer, forms of counter-analysis, register of experts in the context of criminal law);
  - legal decision-making framework of the court in criminal cases (decisionmaking schedule laid down in Section 350 of the Dutch Criminal Code of Procedure), also with a view to the relevance of the commission to the expert and to the question at issue;
  - course of the criminal trial;
  - position of the expert in the court procedure.
- substantive criminal law:
  - sanctions and grounds for exemption from criminal liability (very basic).
- knowledge of the legal context of safeguarding the quality of the expert and the analysis/investigation:

- position and role of the co-operating organisations in the criminal justice system in safeguarding the quality of the reports;
- professional codes and relevant regulations in relation to the NRGD Code of Conduct.

In addition to the above requirements, an applicant for the field of expertise Forensic Pathology:

- should have adequate knowledge of principles of evidence in the context of the Dutch criminal law;
- should have adequate knowledge of the *Wet op de lijkbezorging*, the *Besluit op de lijkbezorging*, *Wet toetsing levensbeëindiging op verzoek en hulp bij zelfdoding* and the *Wet op de orgaandonatie*.

### **§ 3. Article 12(2) sub-paragraph c**

(...) is able to inform the commissioning party whether, and if so, to what extent the commissioning party's question at issue is sufficiently clear and capable of investigation in order to be able to answer it on the basis of their specific expertise.

An applicant should have:

- sufficient basic knowledge of forensic anthropology, forensic neuropathology, forensic toxicology and forensic paediatric pathology to be able to adequately refer the commissioning party when relevant;
- sufficient knowledge of the principles of related fields of expertise, including forensic odontology and forensic radiology to be able to adequately refer the commissioning party when relevant.

### **§ 4. Article 12(2) sub-paragraph d**

(...) is able, on the basis of the question at issue, to prepare and carry out an investigation plan in accordance with the applicable standards.

An applicant should:

- be able to determine whether ancillary or additional investigation is needed (at least post-mortem imaging/radiology, toxicology, biochemistry, tissue sampling and gunshot residue examination).

### **§ 5. Article 12(2) sub-paragraph e**

(...) is able to collect, document, interpret and assess investigative materials and data in a forensic context in accordance with the applicable standards.

An applicant should:

- be able to adequately deal with and describe the information presented to him by the police and other experts;
- have sufficient basic knowledge of forensic anthropology, forensic neuropathology, forensic toxicology and forensic paediatric pathology to adequately deal with sampling in the chain of investigation;
- have sufficient knowledge of the principles of related fields of expertise, including forensic odontology and forensic radiology to adequately deal with sampling in the chain of investigation.

### **§ 6. Article 12(2) sub-paragraph f**

(...) is able to apply the current investigative methods in a forensic context in accordance with the applicable standards.

An applicant should:

- be able to establish the cause and mechanism of death (including trigger and preexisting pathology);
- be able to establish or to help establish the identity of the deceased;
- be able to establish or to help establish the nature and cause of any injuries;

- be able to establish or to help establish the manner of death;
- be able to determine or to evaluate the (methods of) determination of the approximate post-mortem interval;
- be aware of fundamental principles of forensic investigations (e.g. crime scene investigation, chain of custody, principles of evidence);
- be able to determine the need and the appropriate method of radiological investigation;
- be able to conduct a post-mortem examination in all types of forensic cases as mentioned in the Council of Europe Committee of Ministers (1999) Recommendation no. R(99)3 including performing an external examination and appropriate sampling, performing a full internal examination and appropriate sampling, performing an appropriate histopathological examination via microscopic techniques;
- have sufficient knowledge of the pros and cons of various scientific methods used in the field, is aware of and able to explain the possibilities and limitations of these methods and follows up on developments thereof.

### **§ 7. Article 12(2) sub-paragraph g**

*(...) is able to give, both orally and in writing, a verifiable and well-reasoned report on the assignment and any other relevant aspects of their expertise in terms which are comprehensible to the commissioning party.*

- An applicant should:
- make a final report including an interpretation of findings within the context of the case (e.g. findings on the crime scene, circumstances of death);
- report the involvement of (other) experts;
- have sufficient basic knowledge of forensic anthropology, forensic neuropathology, forensic toxicology and forensic paediatric pathology to be able to integrate the findings in a final conclusion;
- have sufficient knowledge of the principles of related fields of expertise, including forensic odontology and forensic radiology, to be able to integrate the findings in a final conclusion;
- report all particulars of the manner in which the investigative material is collected by or presented to him where relevant for his examination (for instance the collection and preservation of biological samples);
- include and distinguish in the final report the following elements:
- listing of all documents and sources of information used;
- objective findings;
- a discussion of the findings;
- conclusions.

### **§ 8. Article 12(2) sub-paragraph h**

*(...) is able to complete an assignment within the stipulated or agreed period.*

### **§ 9. Article 12(2) sub-paragraph i**

*(...) is able to carry out the activities as an expert independently, impartially, conscientiously, competently, and in a trustworthy manner.*

An applicant should:

- comply with the NRGD Code of Conduct determined by the Court Experts Board and published on the website of the NRGD.

### **§ 10. Hardship clause**

The Board may decide not to apply or deviate from a registration requirement if application of such requirement would produce very unreasonable results. The hardship clause may only offer a solution in certain exceptional situations. It is up to the applicant himself to submit facts and circumstances showing that a certain registration requirement is unreasonable in his specific case.

# Part IV. Assessment procedure for Forensic Pathology

## § 1. General

In all fields of expertise the assessment will be based on the written information provided, including as a minimum requirement case reports and items of evidence, supplemented in principle with an oral assessment. However, such an oral assessment will not be necessary if the applicant's expertise has already been clearly demonstrated by the written information.

The assessment will in principle be carried out on the basis of the information provided by the applicant:

- general information as part of the application package
- documentary evidence of competence.

If it is felt necessary in the context of the assessment an additional case report and/or information, for example information about the way collegial review and/or supervision is organized within the organization, can be requested.

## § 2. Assessment procedure per type of applicant

### 2.1. Initial: independent reporter

Documents to be submitted:

- NRGD application form;
- Certificate of Good Conduct;
- a clearly legible copy of a valid passport or identity card;
- copies of documents relating to the highest level of professional qualification;
- a curriculum vitae (CV), preferably in English;
- Overview Continuing Professional Development Forensic Pathology;
- List of Case Information Forensic Pathology;
- 3 case reports not older than 5 years selected by the applicant from the List of Case Information Forensic Pathology (including annexes and photographs of the post mortem examinations). If possible the case reports should also contain the testimony delivered in court.;  
*These case reports should provide a clear and broad picture of the applicant's competencies.*
- if available:
  - proof of the forms of professional development referred to in the Overview Continuing Professional Development Forensic Pathology.

Assessment method:

- phase a. administrative, by the NRGD Bureau;
- phase b. substantive, by an Advisory Committee for Assessment (ACA) made up of at least three people on the basis of the available written material, including possible supplementary written information. In principle this ACA consists of a lawyer and two professional assessors;
- phase c. substantive, by the ACA specified at phase b by means of an oral assessment. This oral assessment will be waived if the applicant's expertise has already been clearly established in phase b;
- phase d. decision by the Board: registration, provisional registration or no registration.

### 2.2. Initial: reporter without work of his own

Documents to be submitted:

- NRGD application form;
- Certificate of Good Conduct;
- a clearly legible copy of a valid passport or identity card;
- copies of documents relating to the highest level of professional qualification;

- a curriculum vitae (CV), preferably in English;
- Overview Continuing Professional Development Forensic Pathology;
- List of Case Information Forensic Pathology;
- 3 case reports drawn up in the past 2 years selected by the applicant from the List of Case Information Forensic Pathology (including annexes and photographs of the post mortem examinations). If possible the case reports should also contain the testimony delivered in court;  
*These case reports should provide a clear and broad picture of the applicant's competencies.*
- if available:
  - proof of the forms of professional development referred to in the Overview Continuing Professional Development Forensic Pathology.

Assessment method:

- phase a. administrative, by the NRGD Bureau;
- phase b. substantive, by an Advisory Committee for Assessment (ACA) made up of at least three people on the basis of the available written material, including possible supplementary written information. In principle this ACA consists of a lawyer and two professional assessors;
- phase c. substantive, by the ACA specified at phase b by means of an oral assessment. This oral assessment will be waived if the applicant's expertise has already been clearly established in phase b;
- phase d. decision by the Board: provisional registration or no registration.

### **2.3. Repeat applicant: after full registration**

Documents to be submitted:

- NRGD application form;
- Certificate of Good Conduct;
- copies of documents relating to the highest level of professional qualification (if changed);
- an updated curriculum vitae (CV), preferably in English;
- Overview Continuing Professional Development Forensic Pathology;
- List of Case Information Forensic Pathology;
- 2 case reports drawn up in the past 5 years selected by the applicant from the List of Case Information Forensic Pathology (including annexes and photographs of the post mortem examinations). If possible the case reports should also contain the testimony delivered in court;  
*These case reports should provide a clear and broad picture of the applicant's competencies.*
- if available:
  - proof of the forms of professional development referred to in the Overview Continuing Professional Development Forensic Pathology.

Assessment method:

- phase a. administrative, by the NRGD Bureau;
- phase b. substantive, by an Advisory Committee for Assessment (ACA) made up of at least two people on the basis of the available written material. This ACA will in principle consist of a lawyer and a professional assessor;
- phase c. substantive, by the ACA specified at phase b to which one professional assessor is added, drawn from the same field of expertise as the applicant, on the basis of the available written material. This will not be necessary if the ACA unanimously gives a positive recommendation to the Board in phase b;
- phase d. substantive, by the ACA specified at phase c by means of an oral assessment. This oral assessment will be waived if the applicant's expertise has been clearly established in phase c;
- phase e. decision by the Board: registration, provisional registration or no registration.

## 2.4. Repeat applicant: after provisional registration

Documents to be submitted:

- NRGD application form;
- an updated curriculum vitae (CV), preferably in English;
- copies of documents relating to the highest level of professional qualification (if changed);
- Overview Continuing Professional Development Forensic Pathology;
- List of Case Information Forensic Pathology;
- 2 case reports drawn up during the registration period selected by the applicant from the List of Case Information Forensic Pathology (including annexes and photographs of the post mortem examinations). If possible the case reports should also contain the testimony delivered in court;  
*These case reports should provide a clear and broad picture of the applicant's competencies.*
- if available:
  - proof of the forms of professional development referred to in the Overview Continuing Professional Development Forensic Pathology.

Assessment method:

- phase a. administrative, by the NRGD Bureau;
- phase b. substantive, by an Advisory Committee for Assessment (ACA) made up of at least three people on the basis of the available written material. In principle this ACA consists of a lawyer and two professional assessors;
- phase c. substantive, by the ACA specified at phase b by means of an oral assessment. This oral assessment will be waived if the applicant's expertise has already been clearly established;
- phase d. decision by the Board: registration, provisional registration or no registration.

# Annex A Educational Paths in Europe

## Postgraduate training Forensic Pathologists

### Belgium

- Forensic Medicine
  - Total of 5 years
  - "specialist in forensic medicine" (master after master structure)
  - comprises at least the following items:
    - 12 months theoretical instruction about medical expertises
    - 18 months practical instruction in the pathological anatomy
    - 30 months theoretical and practical instruction in forensic medicine
  - (p. 42)
  - During training:
    - 75 forensic autopsies as 1st "obducent"
    - 150 complete external examinations
    - 150 forensic clinical investigations.
  - (registratie door FOD Volksgezondheid met getuigschrift specialisatieopleiding "Specialist in Gerechtelijke Geneeskunde")
- Forensic pathology
  - Not applicable

### Germany

- Forensic Medicine
  - At least five years:
    - 6 months clinical pathology
    - 6 months psychiatry/forensic psychiatry
    - 6 months in pathology/public health/pharmacology/toxicology/psychiatry
    - 3,5 years in forensic medicine
  - Other regulations of the medical councils:
    - 400 complete external examinations of bodies with detailed description
    - 25 crime scene investigations
    - 300 forensic autopsies
    - 2000 histological investigations
    - 200 cases oral or written report for court
    - 10 cases stains have to be analysed
    - 25 forensic osteological and odontological investigations
  - Examination: local medical council, oral exam on the basis of written reports
  - (Registration as "Specialist in Forensic Medicine", Facharzt für Rechtsmedizin)
- Forensic pathology
  - Not applicable

### The Netherlands

- Forensic Medicine
  - Not applicable
- Forensic pathology
  - 5 years clinical pathology
  - NFI: 12-18 months on forensic elements including finalexam
  - Number of forensic autopsies:
    - 100 forensic autopsies in 1,5 years
  - (MSCR- registration as "Patholoog")

### UK

- Forensic Medicine
  - Not applicable

- Forensic pathology
  - Total of 5 years and 6 months
    - basic clinical pathology: Stage A (1 year) and Stage B (1-1,5 years)
    - forensic pathology: Stage C (2 ½ years) and Stage D (6 months)
  - Number of forensic autopsies
  - Stage A: 20
  - Stage B: 20 adult, 2 pediatric
  - Stage C/D: 80 per year (3 ped, 3 neuro)
  - (UK registration in the GMC List of Registered Medical Practitioners with a sub speciality Histopathology (Forensic Pathology)):

References:

- B. Madea and P. Saukko (eds), Forensic Medicine in Europe, Schmidt-Römhild Lübeck, 2008
- KNMG Besluit Pathologie, 12 april 2010, Opleidingsplan NVVP november 2010 en NFI, Curriculum Inwerktraject Forensisch Patholoog
- The Royal College of Pathologists 2011

Voorstel voor Ministerieel besluit tot vaststelling van de bijzondere criteria voor de erkenning van artsen-specialisten, houders van de bijzonder beroepstitel in de gerechtelijke geneeskunde, evenals van stagemesters en van stagediensten voor de opleiding in deze discipline.

# Annex B NRGD Glossary

## Advisory Committee for Assessment

A committee appointed by the Board which advises the Board on the (repeat) applicant's (degree of) suitability for (repeat) registration.

## Applicant

Natural person submitting an application to the NRGD in order to be (re-) registered in the register.

## Assessor

A member of an Advisory Committee for Assessment.

## Board

The Court Experts Board is the body as referred to in Section 51k(2) of the Code of Criminal Procedure and is charged with managing the register.

## Brdis

Register of Court Experts in Criminal Cases Decree (Besluit register deskundige in strafzaken).

## Bureau

The NRGD Bureau that supports the Board.

## Collegial review

The assessment of another person's work for the purpose of continuous quality control of a person's expertise. There is thereby not a hierarchical but a horizontal relationship between colleagues specialised in the same subject area. The reviewer does not sign the report.

## Continuing professional development

All (training) activities that contribute to the ongoing development of knowledge and skills, which is desirable and necessary in order to be able to continue performing the role of court expert in a professional manner.

## Independent reporter

A reporter who has independently prepared and signed the required number of case reports

## Initial applicant

An applicant who makes an application to be entered in the register and does not or not yet have an NRGD registration at the time when the application is made.

## Intervision

Intervision is a structured (interdisciplinary) meeting between people who are working or training in the same professional area. The subject of discussion is in any case the forensic work carried out and the associated problems. The aim is to enhance the expertise of those involved and improve quality of work. Unlike supervision, there is no hierarchical relationship between the participants.

## NRGD

The Netherlands Register of Court Experts of which the Board and the Bureau form part.

## Provisional registration

The registration of an expert for a period specified by the Board and possibly under certain conditions which must be met within that period. In principle the period to be specified by the Board is two years.

## Register

The national public register as referred to in Section 51 k(1) of the Code of Criminal Procedure, which lists the court experts which the Board deems suitable.

## Registered expert

An expert who is entered in the register.

### Registration

Entry in the register.

### Repeat applicant

An expert who at the time of submitting a repeat application already has a NRGD registration, possibly for a provisional registration.

### Reporter

An individual who issues a report for the administration of justice and/or gives testimony in court.

### Reporter training

A coherent and structured arrangement of organised training activities in which the necessary knowledge and experience are acquired to report as a court expert in criminal law proceedings and that is completed by an exam.

### Reporter with no own work

A reporter who has not independently completed and signed the number of case reports required for registration.

### Supervision

The assessment of another person's work, the joint consideration of the work and the supervision of a supervisee as part of a training or additional training process. Supervisor and supervisee are thereby in a hierarchical relationship. The supervisor will observe the subject of the investigation (the investigated person) in such a way that they can check the supervisee's investigation, and can endorse and take responsibility for the conclusions thereof. The supervisor will sign the report in all cases.

### User

Someone who uses the register in order to find and potentially engage a registered expert.

# Annex C Revision History

## Version 2.2

1.1.2019

Revisions made:

- Part III, adjusted policy as published in Addendum Collegial review (per 16.10.2018)
- Part IV, § 2. 1-4 Documents to be submitted: case reports (...), including annexes and photographs of the post mortem examinations.

## Version 2.1

Date: June 2018

Revisions made:

- Adjustments made on the basis of Template Standards 3.2:
  - Changes in policy, e.g. provisional registration
  - Generic textual changes and harmonization
  - Editorial changes in English terminology

## Version 2.0

Date: 12.12.2016

Revisions made:

- Generic adjustments:
  - addition: generic introduction for all fields of expertise in Part I
  - adjusted description of types of applicants: independent/work of his own
  - differentiation per types of applicants to provide an immediate overview of respective requirements (Part III) and assessment procedure (Part IV)
  - number of hours CPD for all types of applicants
  - number of case reports adjusted because of extending the registration period;
  - Continued Professional Development (CPD) mandatory for all types of applicants
  - possibility to submit profiles that were interpreted and reported on under supervision
  - possibility to submit profiles that were interpreted and reported on under the supervision of the applicant
  - integration of several NRGD policy frameworks in Standards
  - selection of case reports by applicants themselves

## Version 1.1

Date: 1.3.2014

Revisions made:

- Editorial changes

## Version 1.0

Date: 1.1.2014

Revisions made:

- First edition

## Addendum

In principle, the Assessment Framework of a field of expertise is adjusted no more than once a year. Exceptional circumstances may require an interim commentary on or a supplement of specific parts. This allows the Court Experts Board to respond more rapidly to developments in the field of forensics. The Addendum is part of the assessment framework of the field of expertise in question. The Addendum will be included in the first following version of the Assessment Framework and the Addendum itself then lapses.