

The use of experts and other professionals in forensic practice

Abstract

Expert witnesses play a larger role in criminal proceedings than many people think. This is even more so in criminal proceedings, where a decision based on a bad expert opinion can change a person's whole life. A very careful balance must therefore be weighed between introducing new methods and procedures into the work of expert witnesses as early as possible and avoiding wrongful convictions.

The aim of this paper is to identify the problems faced by forensic experts in the Czech Republic and then to select one of them for a more thorough look and suggest possible solutions, including the use of experience from abroad, namely the USA and the UK. The work is divided into two parts.

The first part discusses the basic theoretical background of expert practice, such as who is an expert and how to become one, the issue of the register of expert witnesses and a brief description of the historical development of expert practice in the Czech Republic. In a more general way, the regulation of expert activities in the United States of America and Great Britain is also described.

The second part focuses on the identification and description of the problems faced by experts. The individual problems were identified by the author during research and communication with expert witnesses while writing the first part. They include low expert fees, declining numbers of expert witnesses and the problem of the single expert witness. The problems are presented, described, and possible solutions to them are suggested. One of these problems, the introduction of new expert methods, is then further discussed using four cases from the Czech Republic and abroad, and the main lessons are highlighted.

Finally, possible solutions are discussed, both in terms of specific cases and in general terms. An important lesson is the need for the involvement of the academic sphere, a possible change in legislation in favour of a more flexible introduction of new methods and the training of judges, prosecutors and members of the police. A possible follow-up to this work is also suggested, including potential methods.

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