Republic of Latvia

Cabinet

Regulation No. 606

Adopted 13 September 2016

**Procedures for Organising Forensic Expert-examinations**

*Issued pursuant to*

*Section 17, Paragraph eleven of the Law On Forensic Experts*

**I. General Provisions**

1. The Regulation prescribes the procedures for organising forensic expert-examinations (hereinafter – the expert-examination) at a forensic expert-examination institution, and also if the expert-examination is performed by forensic experts of several forensic expert-examination institutions (hereinafter – the institution) and experts who are not employed at the institution.

2. If the institution detects that the assigned expert-examination is not within the competence of the institution, the latter shall inform the person directing the proceedings, the court or the person who ordered the expert-examination (hereinafter – the person ordering the expert-examination) and shall return the object of research and other submitted materials (hereinafter – the materials) to the person ordering the expert-examination.

**II. Procedures for Organising an Expert-examination at the Institution**

3. Upon receiving a decision from the person ordering the expert-examination or an application on ordering of expert-examination (hereinafter – the decision) and materials, the institution shall assign an expert-examination registration number to the decision. Each institution may assign several registration numbers to the decision in conformity with the number of specialities of experts involved in the expert-examination.

4. If the person ordering the expert-examination has ordered the expert-examination to a specific expert of the institution, the director of the institution or an authorised person thereof (hereinafter – the director of the institution) shall determine a performance deadline and hand over the decision and materials for execution to the expert of the institution referred to in the decision.

5. If the expert-examination has been assigned to the institution, the director of the institution, taking into account the experience and work load of the expert of the institution, shall:

5.1. assign performance of the expert-examination to an expert of the institution or create a commission of experts of the institution, appointing an expert of the institution responsible for coordinating the performance of the expert-examination (hereinafter – the leading expert);

5.2. determine the priority of the case in accordance with internal regulatory enactments of the institution;

5.3. determine a performance deadline for the expert-examination unless the latter has been laid down in laws and regulations;

5.4. inform the person ordering the expert-examination or the commission of the experts of the institution who has been assigned to perform the expert-examination;

5.5. hand over the decision and materials for execution to the expert of the institution or the leading expert.

6. The performance deadline for the expert-examination shall be controlled by the director of the institution.

7. The director of the institution shall determine the process of an expert-examination, the procedures for determining the performance deadline and circulation of materials during the expert-examination, and handling of materials after completion of the expert-examination at the institution.

**III. Procedures for Organising a Commission Expert-examination**

8. A commission expert-examination shall be performed by the institution on the basis of a decision wherein:

8.1. the expert-examination has been assigned to several experts of one institution;

8.2. a commission which consists of experts of the institution and experts who are not employed at the institution has been specified;

8.3. the expert-examination has been ordered to the institution, but involvement of other experts of the institution or experts who are not employed at the institution is required to resolve the question, and the commission consists of the director of the institution.

9. If the commission expert-examination is performed by experts of one institution, the procedures for organising the expert-examination shall be laid down in Chapter II of this Regulation.

10. The conformity of the opinion of the expert commission with the requirements laid down in laws and regulations shall be controlled by the director of the institution who is responsible for coordinating performance of the expert-examination (hereinafter – the managing authority).

**IV. Procedures for Organising an Expert-examination if Composition of the Expert Commission is Specified in a Decision**

11. The director of the managing authority shall appoint the leading expert and hand over the decision and materials to him or her.

12. If it is stated in the decision on ordering an expert-examination that several institutions and experts who are not employed at the institution are included in the composition of the commission:

12.1. the director of the leading institution shall inform the experts or institutions involved in the commission on the leading expert appointed by the managing authority;

12.2. the director of the institution shall inform the managing authority or the leading expert on the expert who will participate in the commission.

13. The leading expert shall organise performance of the expert-examination by specifying the following:

13.1. the procedures and sequence for studying the received materials;

13.2. the performance deadlines of certain studies, taking into account the performance deadline determined for the expert-examination.

14. Circulation of decisions and materials among experts shall be arranged by handing them over to each expert and returning to the leading expert in written form.

15. If questions asked in the decision on performance of a commission expert-examination or any of the asked questions are to be resolved individually, each expert shall resolve them regardless of each other in accordance with the procedures laid down in Chapter II of this Regulation, but questions to be resolved in the aggregate – in accordance with the procedures laid down in Paragraphs 11, 12, 13, 14, 15, and 16 of this Regulation.

16. If in the course of the expert-examination experts discover traces or an object which is not attributable to the ordered expert-examination or the expert believes that by applying expertise it is possible to obtain information which is important to the person ordering the expert-examination, but in relation to which no question was asked, the leading expert shall inform the person ordering the expert-examination thereon in written form.

17. If the expert commission performs repeat expert-examination, information on the initial expert-examination and also conclusions drawn as the result of the expert-examination shall be included in the introductory section of the opinion of the expert commission.

18. After completion of the expert-examination the expert commission shall prepare a joint opinion of the expert commission in accordance with Section 16 of the Law On Forensic Experts, unless laid down otherwise in procedural law.

19. If any of the experts does not agree with the joint conclusion, he or she may inform the other members of the commission in written form, specifying and substantiating the difference of opinions.

20. The opinion of the expert commission shall be prepared on the form of the managing authority or the leading expert. The number of copies of the opinion shall correspond to the number of experts involved in the commission. One copy shall be issued to the person ordering the expert-examination.

**V. Procedures for Organising an Expert-examination if Composition of the Expert Commission is not Specified in a Decision**

21. If only one institution has been indicated in the decision on ordering the expert-examination, but the director of the institution discovers that a commission expert-examination is required to resolve the asked question and experts who are not employed at the institution must be involved therein, he or she shall inform the person ordering the expert-examination thereon within five working days.

22. If the person ordering the expert-examination has asked the director of the institution to create the expert commission, the director of the institution shall create the expert commission and inform the person ordering the expert-examination on the composition of the commission within three working days (if the expert commission consists of experts from one institution) or at least within 10 working days (if the expert commission consists of experts from various institutions) after the decision and materials are received.

23. If the person ordering the expert-examination has approved the composition of the expert commission, the director of the institution shall inform the experts involved in the commission regarding the expert-examination and experts who are not employed at the institution managed by him or her by sending a copy of the decision.

24. The expert-examination shall be organised in accordance with the procedures laid down in Paragraphs 11, 12, 13, 14, 15, 16, 17, 18, 19, and 20 of this Regulation.

**VI. Determining Performance Deadline for Commission Expert-examination**

25. Upon harmonisation with other experts involved in the expert-examination, the managing authority or the leading expert shall determine one of the following performance deadlines within five working days after the decision and materials are received (if experts of various institutions have been included in the composition of the expert commission according to the decision) or the day on which the expert commission composed of experts of various institutions has been created:

25.1. up to one month if complicated studies are not required within the scope of the expert-examination;

25.2. up to two months if complicated studies are required within the scope of the expert-examination or a great volume of study objects has been submitted for the expert-examination.

26. The performance deadlines referred to in Paragraph 25 of this Regulation may be extended for a period of one month, if the leading expert or the commission discovers the following in the course of the expert-examination:

26.1. additional materials must be demanded from the person ordering the expert-examination;

26.2. additional studies are required or other experts must be involved in the work of the expert commission. An additional expert shall be involved in accordance with the procedures laid down in Paragraphs 21, 22, and 23 of this Regulation.

Prime Minister Māris Kučinskis

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