

Summary

There is no clear definition of evidential value in the literature on the subject. Nevertheless, it can be assumed that evidential value means the usefulness of a given piece of evidence for a given proceeding. The aim of this dissertation was to undertake considerations on the significance of expert witness's opinions from selected types of forensic identification for criminal proceedings, with particular attention paid to those areas that have an impact on the assessment of the opinion by the trial decision-maker. The structure of this dissertation consists of five chapters, including four theoretical and one empirical.

The first chapter introduces the necessary terminology used in the study. On the basis of the literature on the subject, the author discussed research methods in forensic science, distinguishing between quantitative and qualitative methods. In the following sections, an issue relating to the notion of scientific evidence and scientific quality of research in forensic science is presented, since opinions formulated by forensic science are often recognised as evidences in criminal proceedings. At the end of the chapter, individual stages of identification research are described and commented. The main focus is put on those issues which may subsequently influence the assessment, and thus the evidential value of the forensic opinions.

The third chapter is of a comparative legal nature. It outlines the legal regulations concerning expert witnesses and the assessment of opinions in force in the USA, Great Britain, Germany and France. The choice of these countries was not accidental: the aim was to present norms in the above-mentioned areas where both the common law legal order and the continental law system are in force. Attention has also been drawn to the elements which differentiate regulations from those existing in Poland.

The fourth chapter is an in-depth discussion of four selected forensic identifications, i.e. dactyloscopic, genetic, typographic and physicochemical identification. Genetic and physicochemical tests are mainly based on quantitative tests, as their results are mostly based on the analysis of data obtained with the use of specialised equipment, while the results of dactyloscopic and scribal tests are generally based on the knowledge and experience of an expert. In this chapter attention is paid to the detailed course of particular stages of each identification, as well as to the formation of confidence of trial decision-makers in each of the stage.

The fifth chapter considers the formal evaluation of expert witness. Identification research is completed with an expert's opinion, and its evidential value is, in a way, derived

from its final evaluation by the trial decision-maker. This chapter, therefore, describes issues related to the evaluation of the opinion as well as the concepts of evidential value and diagnostic value. It also indicates the possibilities of convalidation of expert witness's opinion.

The sixth chapter contains a summary as well as conclusions drawn from the research of court files conducted in district and circuit courts as well as surveys conducted among judges passing judgements in criminal departments of these courts.