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23 December 2013

Dear Barima,

Consultation on new statutory powers for the forensic science regulator

Response from LGC Limited

As, Chief Scientific Officer of LGC I have responsibility for overall science strategy and for developing and joining up science across LGC. I am pleased to be able to respond to this consultation. LGC has a wide range of expertise upon which I can draw, specifically from LGC Forensics, which has significant experience and expertise in forensic drugs and toxicological analysis.

Q1: For each of the stages in the forensic evidence process listed below, please state whether you think they should, or should not be covered under the remit of the Regulator's statutory powers.

- Manufacture of forensic consumables
- Collection of evidence at the crime scene
- Collection of samples from individuals
- Preservation, transport and storage of evidence
- Screening and selection of evidence
- Examination and testing of evidence
- National forensic databases
- Assessment or review of examination and test results;
- Reporting and presentation of results with associated expert interpretations and opinions

I believe that all the above aspects should be covered.

Q2: For each of the forensic science disciplines below, please state whether you think they should, or should not be covered under the remit of the Regulator and his statutory powers (definition of forensics)

- DNA extraction and profiling
- Fingerprint enhancement, development and comparison
- Toxicology (alcohol/drug testing)
- Footwear comparisons
- Trace evidence examination such as fibres, glass and paint
- Facial identification

- Other CCTV analysis e.g. gait analysis (CCTV cameras themselves come under a separate regulatory regime – only scientific analysis of the images is covered here)
- Drug identification and analysis
- Firearms and ballistics
- Gun shot residue
- Explosives
- E-forensics (Computer / mobile phone analysis)
- Blood pattern analysis
- Toolmarks
- Tyre examination
- Document analysis
- Medical forensics including victim and suspect sampling in sexual assault cases.
- Forensic pathology
- Forensic dentistry/odontology
- Fire examination
- Vehicle examination
- Forensic anthropology
- Forensic archaeology
- Forensic palynology
- Accident investigation and reconstruction
- Disaster victim identification
- Forensic accountancy
- Forensic psychiatry
- Forensic psychology

I believe that all the above aspects should be covered with the exception of forensic psychology and forensic psychiatry.

Q3: If you have any other comments on the role of the Regulator that you would like us to take into consideration, please outline them below:

I have no further comments on the role of the Regulator.

Q4: For each of the groups listed below, please state whether you think they should, or should not be required to have regard to a statutory Code of Practice on forensic standards.

- Manufacturers of forensic consumables
- Suppliers of 'DNA free' components to manufacturers
- Police forces
- Other law enforcement agencies, such as the Serious Organised Crime Agency and military police.
- Police and Crime Commissioners
- Forensic Service Providers – for the police / prosecution
- Forensic Service Providers – for the defence
- Individual experts
- Legal Aid Agency
- The Crown Prosecution Service
- The Home Office (as the organisation responsible for the national DNA and fingerprint databases).

I believe that all the above aspects should be covered.

Q5: To what extent do you agree or disagree that admissibility of the Code in court, contractual penalties and a power to investigate serious breaches, is sufficient to ensure compliance with the Code? (Please select one option a to e):

I would support a) Strongly agree

Q6: To what extent do you agree or disagree that putting the existing Code of Practice on a statutory footing will be beneficial? (Please select one option a to e):

I would support a) Strongly agree

Q7: If you have any other comments on putting the Regulator's Code of Practice on a statutory basis that you would like us to take into consideration, please outline them below:

I have no comments on putting the Regulator's Code of Practice on a statutory basis

Q8: For each of the powers below, please state whether you think they are necessary on a statutory basis:

- Powers of entry
- Access to information (documents and records)
- Power to impose an improvement plan
- Discretionary power to produce a report

Or:

- No powers should be given

I believe that all the above aspects are necessary

Q9: For each of the sanctions below, please state whether you think they would or would not be effective for organisations that refuse to co-operate:

- Refer organisation to UKAS for review of accreditation status
 - Give the Regulator the power to recommend an organisation be suspended from the procurement framework
 - Removal or suspension of work written into any public sector contracts
- investigation.

I believe that the three aspects listed above would be effective as they provide protection for stakeholders from organisations refusing to co-operate by disabling them from carrying out forensic work.

Q10: To what extent do you agree or disagree that the Regulator should have a statutory power to access information supplied to UKAS and subject to its confidentiality requirements? Please explain your answer.

I agree that the Regulator should have a statutory power to access information supplied to UKAS and subject to its confidentiality requirements. Such information, resulting from, for example, internal audits, responses to improvement actions, etc. will be beneficial to the Regulator in assessing the performance and compliance of organisations.

Q11: To what extent do you agree or disagree that statutory powers to investigate will be beneficial? Please explain your answer.

I believe that statutory powers to investigate will be beneficial. The Regulator needs to be able to carry this out if the standard of forensic investigations is to remain high, and will give the public confidence in the system.¹

Q12: If you have any other comments on giving the Regulator statutory powers to investigate that you would like us to take into consideration, please outline them below.

I have no further comments.

Q13: Are there other issues relating to the regulation of standards in forensic science not mentioned in this paper for which new legislation may be required?

No.

Q14: If you have any alternative cost / benefit estimates to those used in the Impact Assessment published alongside this consultation document, please explain them below.

This is outside my field of competence.

Q15A: Which of the following best describes you or the organisation or sector that you represent? Please give details in the box below.

• Forensic Service Provider

Q15B: If you represent a Forensic Service Provider, please state the size of your organisation, by approximate number of employees:

—250+

Thank you for this opportunity to comment.

Yours sincerely



Derek Craston
LGC Chief Scientific Officer