

Quality Standards Specialist Group

**Minutes of the meeting held on 21 March 2016
Home Office, 2 Marsham Street, London, SW1P 4DF**

1.0 Opening and welcome

1.1 The Chair of the QSSG (Quality Standards Specialist Group), Dr Gillian Tully welcomed all to the meeting. See Annex A for the list of attendees and apologies.

2.0 Minutes of previous meeting and matters arising

2.1 Progress on the previous actions was reviewed as follows:

- Action 1: The FSR (Forensic Science Regulator) to circulate a determination on the further developed firearms classification proposals. The determination was circulated widely including in the FSR's annual report and the latest FSR newsletter and so the action was complete.
- Action 2: QSSG to provide comments on the rape case review pilot proposal. This item would be discussed under a separate agenda item.
- Action 3: QSSG to provide comments on the expanded description of the accreditation scope for digital forensics. No further comments had been received from members and the document had now been published in issue 3 of the FSR's Codes of Practice and Conduct.
- Action 4: Circulation of the draft video validation guidance. This action was undertaken in November 2015. The guidance would become a joint video/audio document or a video/photo document. Further comments were still welcomed, as it had not yet been finalised.
- Action 5: QSSG members to feed back historical digital cases raising specific issues to the FSR. No further specific issues had been raised by QSSG members.
- Actions 6 & 7: Consideration of the structure of the Cell Site Analysis pilot. A one-day workshop had been held with UKAS® (United Kingdom Accreditation Service) on structuring this pilot.
- Action 8: The DNA Laboratory Anti-contamination document had been clarified as including both requirements and recommendations with an

implementation date of 6 April 2016. The requirements would subsequently be published in a separate document.

- Action 9: The deadline for accreditation to the Codes (FSR's Codes of Practice and Conduct) for laboratories undertaking Blood Pattern Analysis would be 1 October 2017.

3.0 Matters arising

3.1 FSR's Annual Report

3.1.1 The FSR's Annual Report had been published on 4 December 2015.

3.2 Statutory Powers for FSR

3.2.1 The Home Office Forensic Science Strategy had recently been published and it signalled the intention to give the FSR a statutory basis by the end of the current Parliament.

3.3 House of Commons Science and Technology Select Committee review

3.3.1 The House of Commons Science and Technology Select Committee would be reviewing the government's Forensic Science strategy and the Forensic Science Regulator would be providing oral evidence. QSSG members were invited to submit evidence to the Regulator to be included in her oral evidence by 25 March 2016. The FSR indicated that the evidence presented would include reference to previous FSR recommendations.

Action 1: QSSG members to provide comments to the FSR on the Forensic Science Strategy by 25 March 2016.

3.4 Review of ISO standard 17025

3.4.1 A technical review to modernise the ISO (International Standards Organisation) standard 17025 was under way but significant changes that would impact on the forensic community were not expected, in part because ILAC (International Laboratory Accreditation Cooperation) G19 was in place and would persist despite any changes to ISO 17025. This was a move away from some ISO 9000 definitions, but as ISO 17000 would remain it was not clear that it would succeed, although if it did, the digital community were more likely to have views on these changes, as the computing community were quite familiar with the ISO 9000 definitions.

3.5 Hutton Review of Forensic Pathology

3.5.1 "A review of forensic pathology in England and Wales" by Peter Hutton had been published and its recommendations were being taken forward. A key message was that standards within Forensic Pathology were high, with the service being undertaken by 35 Home Office registered forensic pathologists, but there were a number of issues with coronial pathology,

where the service made use of many pathologists, who undertook a rapid and therefore less in-depth service. There were concerns that combining the two pathologies risked a decline in forensic pathology standards because of the relative sizes of the two disciplines.

3.6 Use of court casework for pilot studies

3.6.1 A document on the protocol for the use of court casework for pilot studies and research would be published on the GOV.UK website on 31 March 2016. This had arisen from a requirement set out by the DPP (Director of Public Prosecutions).

3.7 Primers for the judiciary

3.7.1 The Royal Society had set up a board, chaired by Lord Hughes of the Supreme Court, to draft primers for use in courts. The Regulator had offered her assistance to the development of these primers, but would not be leading on their development, as they were concerned primarily with communication and not forensic science standards. The first primers to be developed covered DNA and gait analysis. The FSR would be attending a meeting in May with the Lord Chief Justice, GO-Science (the Government Office for Science) and Home Office officials.

3.8 Publicising the work of the FSR in the legal and defence community

3.8.1 The committee considered how to publicise the work of the FSR to the legal and defence community. A special issue of the Journal of Criminal Law was planned, and the FSR had agreed to co-author a paper to set out her role. However this was a subscription journal which only a limited number of barristers would receive. Other possible legal journals were suggested including The Criminal Bar Quarterly and The Barrister. In addition, the magazine Counsel was a free publication circulated to all members of the Bar, and likely to be read by barristers as well as judges. It was agreed that inquiries would be made to determine whether an article could be published in Counsel to raise the profile of the FSR. It was noted that the FSR's document titled 'Cognitive bias effects relevant to forensic science examinations' could be of great benefit to legal counsels.

Action 2: Anthony Heaton-Armstrong to make inquiries to determine whether it would be possible to publish an article on the work of the FSR in the magazine Counsel.

3.8.2 The committee heard that the Advocacy Training Council, led by Professor Ormerod QC (Queen's Counsel), was seeking funding for a piece of work in relation to cross-examining expert witnesses, and the FSR might wish to be involved. In addition, the Criminal Bar might be interested in a lecture from the FSR as part of their Winter lecture series that are held at the Old Bailey.

Action 3: Anthony Heaton-Armstrong to liaise with the Criminal Bar Association regarding a lecture from the FSR in the Winter series at the Old Bailey.

4.0 FSR Codes of Practice and Conduct

4.1 Issue 3 of the Codes had been published. The main changes in this issue related to updates to the scope of accreditation requirements, in particular on digital forensics and firearms, and references to the ILAC G19 standard for forensic science processes. Work now proceeded towards issue 4 of the Codes, which would take further account of ISO/IEC (International Electrotechnical Commission) 17020 accreditation of crime scene investigation.

4.2 Issue 3 of the Codes had allowed for the ISO 15189 medical laboratories' standard to be used as an alternative standard for toxicology work, because this standard had the same requirements as ISO 17025, provided accreditation included reference to ILAC G19. Normally a hospital laboratory undertaking toxicology analysis would be accredited to ISO 15189. If it worked to the ISO 15189 standard for Forensic Pathology, then it would need to also be accredited to the ILAC G19 standard.

4.3 Section 23.3 of the Codes referred to the handling of forensic exhibits and the requirement to uniquely identify these. This had not been fully addressed and would need to be addressed when the Codes were implemented by police forces. Accreditation against the Codes would commence in October 2016 to ensure that all organisations had achieved compliance by 2017.

4.4 Police forces who were due surveillance visits in October or November 2016 noted concern that failure against the Codes might impact on the rest of their accreditation. However, the Regulator noted that there would be a period of implementation and if an issue arose which related to an additional area not currently included in ISO 17025, then a more flexible approach would be taken. The FSR would circulate the relevant text from the latest FSR newsletter to QSSG after the meeting.

Action 4: The FSR to circulate the text from the FSR newsletter on ISO 17025 and the Codes to QSSG. Post meeting note: this was circulated on 22/03/2016

4.5 An editorial committee would be reconstituted to take forward issue 4 of the Codes, and given that QSSG was content, the FSR would invite a small number of members to take part.

4.6 There would not be sufficient time for all forensic providers to carry out individual pre-assessment against the Codes so the FSR would fund two or three collective pre-assessment days in workshop format to deal with routine issues. Beth Joule at Lancashire Constabulary could host a pre-assessment

in the North of England and a timetable would be developed and circulated shortly.

Action 5: The FSR to arrange a timetable for pre-assessment events for the Codes.

5.0 Rape Case Review Pilot

5.1 The FSR gave a progress report on the rape case review pilot, which was at an early stage. The aim of the pilot was to map entire rape cases from the initial report to the outcome at court. The CPS (Crown Prosecution Service) had set a number of requirements for access to their rape case files. Compliance with most of these was straightforward, however obtaining victim consent for each case would be challenging and draft wording had been developed for seeking consent.

5.2 The early results for the pilot were as follows; out of a total of thirteen cases, nine complainants were medically examined and four were not. The reasons for no medical examination taking place were either refusal from the complainant or because of the time that had elapsed since the rape. Five suspects had been medically examined and forensic testing had been undertaken in ten of the cases. In four of the cases a prosecution was mounted, with the defendant found guilty in two, and not guilty in the other two.

5.3 Almost all the cases that did not proceed had stalled because of sufficiency of evidence. Questions arose around whether this was an appropriate and reasonable decision and whether a different forensic strategy would have affected the outcome. The forensic case files needed to be obtained so that the discussions within them could be reviewed. This was the next stage.

6.0 Legal Obligations of Expert Witnesses

6.1 The Legal Obligations document detailed the standard requirements to be met by expert witnesses and addressed changes which had arisen due to changes in legislation and recent cases. Accordingly it had been reviewed by a barrister. It was now believed to be accurate and publication was sought. The key changes were related to Criminal Practice Directions and Kennedy (Appellant) v Cordia (Services) LLP (Respondent) (Scotland) [2016] UKSC 6. These expanded the nature of the expert witness role.

6.2 An earlier version of the document had been useful to FSPs (Forensic Science Providers), however it was lengthy, and one suggestion was that a summary document might be useful. While the document was repetitive, it was thought that the repetition was useful to ensure that individual sections provided full advice. A copy had been supplied to the Criminal Procedure Rules Committee, who had commented positively.

6.3 There was no process to monitor adverse judicial comments on expert witnesses and these criticisms were sometimes veiled and difficult to locate. The CPS was unable to maintain a database of experts who had been criticised. It was suggested that the FSR could send a letter to the Criminal Procedures Rules Committee to raise this issue, with the hope that a central point could be developed to refer criticisms of expert witnesses. It would be important for the expert who had been criticised to be notified and have an opportunity to appeal.

Action 6: The FSR to write to the Criminal Procedure Rules Committee on the recording of criticisms of expert witnesses and report back to QSSG.

6.4 In the past, the FSR had written to the CPS and those investigated, in cases where expert behaviour had been determined as inappropriate. The CPS instigated full-scale checks in cases where experts were criticised and fed back to the experts on the issue if it had been substantiated. Forensic science was also used in family courts, which currently lacked a regulator. However procedures used in criminal courts tended to be also adopted in family courts.

6.5 The current version of the document would have specific issues corrected and then be published. Abridgement would be considered for the next issue.

Action 7: FSRU to proofread and publish the Legal Obligations of Expert Witnesses document.

7.0 SARCs and Custody Suites interim guidance

7.1 An interim guidance document had been drafted on anti-contamination for forensic medical examinations in SARCs (Sexual Assault Referral Centres) and custody suites, because there was a need to rapidly issue core standards. Issues included potential contamination when a single medical examiner examined several individuals involved in the same case and inadequate medical rooms used for these examinations.

7.2 Feedback was sought from QSSG members by June Guinness, by 12 April 2016, on the document, in particular any omissions or errors, or additional references or extracts from other documents to be included. The guidance would then be submitted to the FSR's FSAC (Forensic Science Advisory Council) on 29 April 2016. Members were also requested to forward the document to their custody staff for comments and it would also be sent to the NPCC (National Police Chiefs' Council) custody lead T/CC Nicholas Ephgrave for his views.

Action 8: QSSG members to forward the interim SARC guidance to custody staff for comments.

Action 9: QSSG members to feed back to June Guinness by 12 April 2016 on any omissions, references, and documents to be included in the interim SARC guidance document.

7.3 The mention of full PPE (Personal Protective Equipment) in sections 7.2.4 and 8.3.5 of the draft required a reference to the laboratory document that defined PPE. Typographical errors in sections 2.1.1 and 9.1.2 of the document were noted. A quality manager for these facilities would not be a requirement in this version, but this would be added to the full guidance being produced for SARCs.

8.0 Digital forensics

8.1 Digital forensic method validation

8.1.1 A number of one-day workshops had been held on Digital Forensics accreditation and the digital community had contributed substantial improvements to the Digital Forensic Method Validation document. The audio and cell site topics had been removed from the document and cell site analysis would be covered by a separate one. The document was being circulated for comment but was otherwise complete.

8.1.2 The document would be proof-read prior to submission to FSAC for approval and would then be ready for publication in two or three weeks following that meeting, subject to their comments.

8.2 Digital Forensics: Cell Site Analysis

8.2.1 The committee heard that there was still substantial outstanding work associated with the CSA (Cell Site Analysis) community. Work was required in particular to eliminate bias and the transposition of conditionals. A pilot was planned which would include cell site providers from a range of organisations. A guidance document had been drafted and following minor changes it could be used for the pilot. Lessons learnt from the pilot would then be incorporated into the document.

8.2.2 There was an issue with the expertise of cell site practitioners. Some had considerable police experience, while others had relevant degree qualifications with little experience. As a range of experience and various degrees were useful for CSA work, it was suggested that a national training course for practitioners would be useful. Besides CSA techniques, analysts also needed wider forensic analysis skills, including statement writing.

8.2.3 The committee heard that some CSA was carried out within police forces and some by external companies. Some forces only carried out a cell site survey while others included reporting on the call records. Some forces went further to include opinions in their report along with the factual material. These would deal with the suspect moving and related issues.

9.0 AOB and date of next meeting

9.1 The following AOB items were raised:

- The membership of QSSG had grown organically. Jo Taylor from College of Policing had now been invited to join and Skills for Health and Justice would no longer be attending. Lynne Townley no longer worked for CPS, should be removed and was replaced by Mark Bishop. Francesca Wiseman of the Legal Aid Agency should also be deleted from the QSSG membership list. In addition, Debbie Simpson, the NPCC lead on Forensic Pathology, would be invited to consider QSSG representation from policing.

Action 10: Debbie Simpson, NPCC lead on Forensic Pathology to be consulted on QSSG membership.

Action 11: QSSG secretary to update the QSSG membership list

- The European committee for standardisation had now agreed to transfer their work on forensic standards to the corresponding international committee.
- The European Union were working on the EU Data Protection Directive. The relevant documents were available on their website. This process would take two or three years to implement and the EU Data Protection legislation would then become primary legislation in the UK. There would be an opportunity to feed back comments on this to the Home Office.
- In the European Union 2011 Conclusions document, an European Forensic Science Area was to be set up by 2020 to set common forensic standards. An action plan was being prepared, led by the Netherlands, to implement this and would shortly be published.
- In 2003, ACPO (the Association of Chief Police Officers) and FSS (Forensic Science Service) had drawn up the rules for retention periods for case material in a memorandum of understanding. However, FSPs had found it difficult to establish the currently appropriate retention periods. The NPCC Forensic Portfolio Board had been asked to review this document. Feedback from QSSG members to Jeff Adams on retention periods was requested.

Action 12: QSSG members to feed back to Jeff Adams on retention periods for case material.

- A query was raised on engaging with senior officers on forensic science quality standards awareness. The FSR would speak to Debbie Simpson, the NPCC forensic lead, on this.

Action 13: FSR to discuss with Debbie Simpson forensic science quality awareness of senior police officers.

- A query was raised whether forensic analysis of integrated GPS (Global Positioning System) would come under the ISO 17025 standard for laboratories, or ISO 17020 for scenes. The question really focussed on which deadline applied. Any system integrated into a vehicle would be covered by the later 2020 deadline (i.e. ISO 17020), while removable items which ought be already to be submitted to digital forensic laboratories would come under the early deadline for accreditation to ISO 17025 by 2017.

9.2 The next QSSG meeting would take place on 18 July 2016.

Annex A

Present:

Gill Tully	Forensic Science Regulator (Chair)
Jeff Adams	Forensic Science Regulation Unit
Mark Bishop	Crown Prosecution Service
Stephen Bleay	Centre for Applied Science and Technology, HO
June Guinness	Forensic Science Regulation Unit
Martin Hanly	LGC Forensics
Peter Harper	Orchid Cellmark Ltd
Anthony Heaton-Armstrong	Criminal Bar Association
Anya Hunt	The Chartered Society of Forensic Sciences
Simon Iveson	Forensic Science Regulation Unit
Beth Joule	Lancashire Constabulary
Chanda Lowther-Harris	Metropolitan Police Service
Sandy Mackay	Expert Witness Institute
Nuala O'Hanlon	Forensic Science Northern Ireland
Karen Smith	Thames Valley Police
Sandra Stanley	Greater Manchester Police
Kevin Sullivan	Independent
Emma Burton-Graham	HO Science Secretariat
Mike Taylor	HO Science Secretariat

Apologies

Shirley Bailey-Wood	British Standards Institute
Martyn Bradford	Avon and Somerset Constabulary
Teresa Cunningham	British Standards Institute
Craig Donnachie	Scottish Police Authority Forensic Services, Scotland
Glyn Hardy	Legal Aid Agency
Jane Higham	Glaisyers Solicitors
Matthew Marshall	British Standards Institute
Nigel Meadows	Coroners Society, England & Wales
Katherine Monnery	United Kingdom Accreditation Service
Brian Rankin	The Chartered Society of Forensic Sciences
Ewen Smith	Criminal Cases Review Commission
Jo Taylor	College of Policing
Jonathan Vaughan	Centre for Applied Science and Technology, HO