



Quality Standards Specialist Group (QSSG)

**Minutes of the meeting held on 15 November 2016
Home Office, 2 Marsham Street, London, SW1P 4DF**

1 Opening and welcome

1.1 The Chair, Dr Gillian Tully, the Forensic Science Regulator (Regulator), welcomed all to the meeting. See Annex A for the list of attendees and apologies.

2 Minutes of previous meeting

2.1 The minute of the previous meeting held on 18 July 2016 had been agreed and published on the GOV.UK website.

3 Matters arising

3.1 Progress on actions from the previous meeting was reviewed as follows:

3.2 **Action 1: Jeff Adams to continue to progress with the Criminal Procedure Rule (CrimPR) Committee the requirement for expert witnesses to be informed when their evidence is criticised in court.** Jeff Adams had discussed this issue with the Secretary of the CrimPR Committee. However, the judiciary were not amenable to implementing extra processes. The Regulator would hold further discussions with the judiciary and the Ministry of Justice.

3.3 **Action 5: A statement setting out the requirements for accreditation to be included in the next Regulator's newsletter.** This action was complete and the Regulator emphasised the necessity for forensic techniques to be founded on a robust scientific footing prior to Forensic Science Providers (FSPs) applying to UKAS to gain accreditation.

3.4 **Action 9: The Regulator to draft a statement explaining that out-of-scope finger-mark visualisation techniques could still be used but they needed validation equivalent to Codes requirements.** The Regulator clarified that this guidance would have a broad application and when drafted it would outline the minimum requirements of the Regulator's Codes of Practice and Conduct (Codes) which would need to be applied to all forensic techniques and specifically those which were only used occasionally and were outside of the FSP's scope of accreditation.

3.5 All the other actions were completed or were agenda items for this meeting.

4 FSR Codes of Practice and Conduct update

4.1 An editorial committee chaired by the Regulator had reviewed the third issue of the Codes and commenced work on drafting a fourth issue, for publication in 2017, as part of an ongoing process to update the Codes. QSSG members were invited to feed back to the Regulator any comments or highlight any requirements that they considered unnecessary. The draft Codes would be circulated for consultation prior to publication. The following points were discussed by the QSSG:

- The phrase “Forensic Service Provider” (FSP) had been replaced with “forensic unit” to emphasise that small specialist police units, in particular in digital forensics, had to work within the requirements set out in the Codes, and to harmonise with International Laboratory Accreditation Cooperation (ILAC) G19 document terminology.
- The fourth issue of the Codes would contain further clarification on the retention of material supplied to forensic units instructed by the defence. The group heard that the defence’s forensic unit should retain the notes and records it had created, in line with the Codes, however the retention obligations would fall on the police and prosecution side.
- Guidance on continuity planning would be expanded to ensure that both customers and forensic units had addressed the risks associated with a forensic unit going out of business.

4.2 The QSSG queried what the requirements might be for ‘unique identifiers’ for exhibits. The Regulator had met the National Police Chiefs’ Council (NPCC) Performance and Standards Group and National Quality Managers on 15 November to discuss this issue. The Codes specified that a unique identifier was required for each item of forensic evidence. However the new version of the Codes would not specify that the unique identifier needed to be an electronic barcode.

4.3 The QSSG heard that the Forensic Science Regulator’s Advisory Committee (FSAC) had put forward the view that the new version of the Codes should not be published prior to October 2017 (or at least not take effect before that date), as many FSPs were in the process of gaining accreditation prior to the October 2017 deadline for compliance with the Codes. A vehicle was required to outline the expected changes which would be made to the Codes, in order to raise awareness amongst FSPs, and it was thought that the Regulator’s annual report would be a suitable mechanism.

Action 1: QSSG members to feed back comments on the third version of the Regulator’s Codes by mid January 2017.

5 Disclosure of Non-Compliance with the Regulator's Codes

5.1 The Regulator informed the group that it was anticipated that a number of FSPs, particularly in the area of digital forensics, would not be fully compliant with the Regulator's Codes by October 2017, which was the date for compliance. The Regulator had determined that non-compliance with the Codes should be disclosed in statements and that this requirement was already included in the Criminal Procedure Rules (CrimPR) in England and Wales.

5.2 The Regulator summarised that lack of accreditation and validation of forensic procedures, where the Regulator had indicated that both should be in place, had the potential to undermine court cases if not properly handled and therefore should be disclosed to the court. It was queried whether infrequently used methods should be classified as a non-compliance. The Regulator held the view that if it had not been possible to include the procedure within the FSP's scope of accreditation, yet the risks had been managed through structured controls and validation, then this should be spelled out to the court to decide on admissibility. It was agreed that further detail on infrequently used forensic methods should be drafted.

Action 2: Simon Iveson to draft text for the Codes, or for an appendix or guidance, on infrequently used forensic methods.

5.3 It was clarified that disclosure of non-compliance should apply to major areas of non-compliance where a process ought to be accredited and validated, and mitigating actions which had been taken to address the lack of accreditation should be outlined.

5.4 It was suggested that clarification should be sought from the judiciary as to whether they would welcome disclosure of non-compliance in FSP witness statements. The Regulator informed the group that she would be meeting with the Lord Chief Justice (LCJ) to discuss this issue but prior to this meeting she would welcome views from the QSSG.

5.5 Streamlined Forensic Reports (SFRs) would not need to include this disclosure as they were only used when the forensic evidence would be undisputed in court and had been agreed between both prosecution and defence.

5.6 The group discussed that the non-compliance disclosure procedure would need to be implementable for all parties, including external FSPs for both the prosecution and defence and police forensic units. Therefore, it was not practicable to use the disclosure sections on the Prosecution Manual of Guidance (MG) 6 form.

5.7 Two potential routes for disclosure of non-compliance were put forward. These were: (1) to append the disclosure to the statement but not include it in the main body of the statement, or (2) to include the disclosure in the main body of the statement.

Action 3: The Regulator to consider options for disclosure of non-compliance with the Codes prior to the FSAC meeting and to develop standardised wording.

5.8 The local lead for quality standards who worked within the CPS at Derbyshire Police was suggested as a potential useful contact to hold discussions with on this issue.

Action 4: Steve Lyne to provide Simon Iveson with contact details for the local CPS contact for quality standards.

6 Fingerprint Comparison Scope

6.1 The Regulator had received a number of queries from police forces about the scope for accreditation for fingerprint comparison and whether IDENT1 Automated Fingerprint Identification System (AFIS) should be included in bureaux' scopes of accreditation. The Regulator would not normally take the approach of specifying the scope of accreditation. However as all bureaux used IDENT1 it was recognised that a consistent approach on this issue should be found. The views of the group were sought.

6.2 The Scottish Police Authority (SPA) had been accredited to ISO 17025 for their fingerprint processes and had included the IDENT1 AFIS system in the scope of their accreditation. The SPA had reached the view that IDENT1 contributed an integral part to the fingerprint process and would be used for the majority of cases and therefore it could not be excluded from their scope of accreditation. The SPA highlighted that considerable learning about their methodologies had been achieved by gaining accreditation to ISO 17025, and if IDENT1 had been excluded from the scope of their accreditation, they would have learned much less about this system.

6.3 The group heard that the new fingerprint AFIS system would be introduced around late 2018 or early 2019 and would be centrally 'validated' by the Home Office. It was queried whether the IDENT1 system could indeed be centrally validated rather than individual forces undertaking their own validation. However, in response, it was highlighted that gaining accreditation would provide bureaux with the opportunity to understand their own processes, have confidence in their capabilities and limitations and feel more assured of their fingerprint processes. The Regulator suggested that it would not be logical for her to recommend that the current AFIS IDENT1 system should not be included in bureaux scope of accreditation as forensic practitioners needed to understand the limitations of their techniques and without accreditation of IDENT1 this would not be possible.

6.4 The QSSG also heard that fingerprint bureaux had queried whether ten-prints should be included in the scope of accreditation, as this process was automated. The Regulator welcomed further comments from QSSG members on the scope of accreditation for fingerprints.

Action 5: QSSG members to provide any further comments on the scope of accreditation for fingerprint comparison to the Regulator.

7 Automated Footwear Coding Projects

7.1 The Regulator invited the QSSG to discuss a pilot project by the Metropolitan Police Service which would automate the coding of footwear in custody suites and whether this process should be exempt from accreditation. Currently, the codes of practice indicated that coding of footwear should be accredited.

7.2 The QSSG heard that the pilot included detention officers in the custody suites, who were involved in the coding process. There was computer-assisted coding of footwear by detention officers in custody suites at the time of processing prisoners, which prompted an automated search against outstanding crime marks, reporting to the arresting officer, within minutes, for intelligence, and prior to interview. Including detention officers in the accreditation requirement was seen as a barrier for this model of footwear coding. All cases where the intelligence was to be pursued beyond interview, unless there were an admission, prompted a traditional forensic examination. An initial validation of approximately three hundred cases had shown the pre-coding using the software to be robust. The only error found in this study was caused by a forensic practitioner setting up the test rather than by a detention officer using the software.

7.3 The group considered the risks that might arise if errors should occur during automated coding of footwear. Automated coding would only be used for intelligence purposes and would only be used in the courts if the suspect submitted a guilty plea. Non-guilty pleas would require coding through accredited routes and the production of a full witness statement. The QSSG thought that risks might still exist in relation to guilty pleas. However it was also noted that risks to the CJS would also arise if the accreditation process prevented the automated coding system from being implemented, as currently footwear evidence remained under-utilised and therefore crimes were going undetected, even though crime marks were available. It was decided that these issues should be considered in more detail when the results of the pilot study were made available. It was noted that more forensic work was likely to be undertaken within custody suites as technologies developed, and consideration should be given to setting a precedent for not accrediting a process simply because it was more difficult to accredit.

Action 6: FSRU to report back to QSSG with the results from the Metropolitan Police Service pilot project on automated footwear coding in custody suites.

8 Firearms classification accreditation

8.1 The QSSG were reminded that issue 3 of the Codes included further details on the requirements for firearms classification accreditation. The default position was a requirement for accreditation of all types of firearms

classification to ISO 17025 standards from April 2012, with the accreditation to include the Codes by October 2017. However the Regulator had permitted the National Ballistics Intelligence Service (NABIS) and the NPCC to set up a central alternative system by October 2016 for both triage and simple classification of firearms outside ISO 17025 standards and accreditation using parts of the new ISO 9001 standard. The types of classifications eligible for the NABIS and NPCC scheme, which included whether the weapon could fire, were discussed previously with QSSG.

8.2 The QSSG heard that the NABIS and the NPCC had not set up the alternative accreditation scheme by the October 2016 deadline, and problems existed with the current firearms classification procedures, including that the certificates used for the firearms chronographs referred back to an earlier Forensic Science Service (FSS) machine and therefore had no value.

8.3 The NPCC Performance and Standards Group and its expert committees had reviewed the proposed alternative scheme. The chair of the NPCC Performance and Standards Group would write to the Regulator in response to her earlier proposal. Police forces would be required to either adopt the alternative scheme if approved, or the full ISO 17025 accreditation for firearms classification.

Action 7: The NPCC Performance and Standards Group Chair to provide the police force response on firearms classification accreditation to the Regulator.

9 Facial Identification and Comparison

9.1 The QSSG were informed that the Regulator was moving towards the development of specific standards for facial identification, although the current video appendix did provide broad detail. The group heard about discussions which had taken place at the facial identification standards group. Currently, fundamental issues existed with the techniques of facial identification, as minimal underpinning research had been undertaken for any of the facial identification techniques and actually, all but one of the methods had been discredited in scientific literature. Therefore, the development of a standard was proving to be complex and the Regulator had requested that research be undertaken by academia.

9.2 The QSSG heard that the technique of “super recognition”, which was used to identify individuals from photographs and video, was not founded on a scientific basis and therefore should not be used as expert evidence. Discussions would be held about facial identification and super recognition and guidance would be drafted for the judiciary, prosecutors and investigators. This guidance would be shared with the QSSG at a later date.

Action 8: The Regulator to undertake further work on options for standards for facial identification evidence and to establish whether these would be practicable.

10 CCTV and video viewing guidance

10.1 The QSSG were reminded that issue 3 of the Codes provided details of the video processes which needed validation under ISO 17025. The Codes included a permitted viewing route for CCTV outside of ISO 17025 accreditation¹. A flowchart and risk assessment had been produced which assisted with explaining the scope of accreditation and had been circulated previously to QSSG, FSAC and also the wider NPCC network.

10.2 It was clarified that the only processes out of scope of accreditation were the viewing and recording of CCTV and if an individual was identified from CCTV and that individual did not dispute the identification. If the identification of an individual was disputed then the process would be transferred to an accredited unit which would ensure the quality and integrity of the image which was submitted to court.

11 Anthropology

11.1 Work on an anthropology code of practice began under the previous Regulator, and had been circulated to QSSG previously. Since then it had been through three editing iterations, and was almost complete. If completed soon, it would be circulated to QSSG by email. Otherwise it would be a paper for the following QSSG meeting.

Action 9: The Regulator to provide QSSG with a draft code of practice for anthropology either by email or at the subsequent QSSG meeting.

¹ Further detail of the CCTV/Video viewing guidance is in the QSSG minutes from 18 July 2016 available at: <https://www.gov.uk/government/organisations/forensic-science-regulator/about/membership#quality-standards-specialist-group>

12 FSR Annual Report

12.1 The Regulator provided an update on her forthcoming annual report for 2016, which was in draft. This report would follow the structure of the previous one, by outlining the high, medium and low risks to forensic evidence, and the priority forensic standards work. The Regulator planned to recruit an additional member of staff, budget permitting, to assist with work for the Regulator.

12.2 The annual report would include, in particular, risks to digital forensics, work on custody suites, issues of DNA anti-contamination and a further pathology audit. A further risk which had been identified was the adaptation of quality systems which were originally established for a narrow scope and had been expanded to include much broader scopes. Police force Quality Managers had also provided feedback on a lack of support and investment for forensics quality from their senior management. One priority for the Regulator was to reach a shared understanding on forensic quality standards. To achieve this there had been meetings with GO-Science, the Home Office, the LCJ and others. QSSG members were invited to provide the Regulator with details of any particular current issues within forensic science, as the annual report provided an escalation route for them.

Action 10: QSSG members to feed back to the Regulator any forensic science areas that have risks or need further standards work, to be included in the Regulator's second annual report.

13 AOB and date of next QSSG meeting

13.1 The following AOB items were raised:

Digital Forensics Accreditation Schedule

13.2 An area of concern had come to the attention of the Regulator on the likelihood that a number of forces would not achieve digital forensics accreditation by the October 2017 deadline. The Regulator had met DCC Nick Baker (NPCC Digital Lead) and John Beckwith (Forensic Delivery Board Lead for Digital Forensics) as well as others, to discuss how police forces could mitigate the risks. Police forces were planning a programme to validate digital kiosks and embed validation and verification capability. There was also a need to identify which areas of digital forensics would be out of scope for accreditation.

Fire Inspection Forensic Standards Accreditation

13.3 A question had arisen as to the extent to which fire investigation at crime scenes was subject to Regulator quality standards, since fire investigations were included in the 2020 deadline to accredit crime scene investigations. Following a meeting of Home Office, police, the fire service and the Regulator, it was reiterated that forensic fire investigation for crime

investigation was in scope, but the non-scientific inspections carried out by fire inspectors at a crime scene, relating to fire signage, closure of fire doors and related fire safety standards, were out of scope. The Regulator would revert to QSSG with a formal statement on such fire investigation quality standards.

Action 11: The Regulator to draft a formal statement relating to routine fire inspections at crime scenes and circulate it to QSSG.

Defence Requests for forensic evidence background details

13.4 An issue had been raised in relation to excessive requests for background details for forensic evidence made by defence solicitors to the prosecution in court cases. These requests created an excessive workload for the prosecution, unless they were successfully rejected by the CPS. Peter Harper was aware of a web link on this subject.

Action 12: Peter Harper to forward the web link relating to forensic background material requests from the defence, to the Regulator and Katherine Monnery.

FSR Annual Quality Conference

13.5 QSSG was informed that the next Regulator Annual Quality Conference would be held in Birmingham on Wednesday 8 March 2017.

Date of next QSSG meeting

13.6 The next meeting of QSSG would take place on Wednesday 22 March 2017, and invitations had been circulated to QSSG members.

Annex A

Present:

Gill Tully	Forensic Science Regulator (Chair)
Adrian Craven	Centre for Applied Science and Technology, HO (in place of Stephen Bleay)
Duncan Brown	College of Policing (in place of Jo Taylor)
Emma Burton-Graham	HO Science Secretariat
Craig Donnachie	Scottish Police Authority Forensic Services, Scotland
Martin Hanly	LGC Forensics
Peter Harper	Orchid Cellmark Ltd
Anya Hunt	The Chartered Society of Forensic Sciences
Simon Iveson	Forensic Science Regulation Unit
Chanda Lowther-Harris	Metropolitan Police Service
Steve Lyne	Dorset Police
Sandy MacKay	Expert Witness Institute
Katherine Monnery	United Kingdom Accreditation Service
Nuala O'Hanlon	Forensic Science Northern Ireland
Brian Rankin	The Chartered Society of Forensic Sciences
Karen Smith	Thames Valley Police (in place of Karen Georgiou)
Kevin Sullivan	Independent
Mike Taylor	HO Science Secretariat

Apologies

Mark Bishop	Crown Prosecution Service
Stephen Bleay	Centre for Applied Science and Technology, HO
Karen Georgiou	Bedfordshire Police
Glyn Hardy	Legal Aid Agency
Anthony Heaton-Armstrong	Criminal Bar Association
Jane Higham	Glaisyers Solicitors
Matthew Marshall	British Standards Institute
Nigel Meadows	Coroners Society, England & Wales
Ewen Smith	Criminal Cases Review Commission
Jo Taylor	College of Policing
Jonathan Vaughan	Centre for Applied Science and Technology, HO