



Quality Standards Specialist Group (QSSG)

**Minutes of the meeting held on 4th July 2017
Home Office, 2 Marsham Street, London, SW1P 4DF**

1 Opening and welcome

1.1 The Chair, Dr Gillian Tully, the Forensic Science Regulator (the 'Regulator'), welcomed all to the meeting. Apologies were received from Anthony Heaton-Armstrong, Anya Hunt, Glyn Hardy and Kevin Sullivan. See Annex A for the full list of attendees and apologies.

2 Minutes of previous meeting

2.1 The minutes of the previous meeting held on 22nd March 2017 had been approved by members prior to the meeting and were published on the GOV.UK website.

3 Matters arising

3.1 Action 5: The secretariat to investigate the option of adding an anonymous reporting function to The Regulator's GOV.UK website. This action was in progress and the secretariat was liaising with the appropriate contacts within the Home Office.

3.2 The remaining actions from the previous meeting had been completed.

4 Code of Conduct

4.1 The group was presented with a revised version of the Regulator's Code of Conduct, a document outlining the values and ideals of the forensic science profession that practitioners were expected to uphold. The document had been updated based on feedback from the QSSG and the Regulator's Forensic Science Advisory Council (FSAC).

4.2 Members heard that revisions were made to allow practitioners to declare compliance with the Code of Conduct, prompted by the introduction of Part 19B of the Criminal Practice Directions (CPD) for which requires experts to make such a declaration.

4.3 Members discussed the range of practitioners and expert witnesses to which the Regulator's Code of Conduct was relevant. It was advised that occasional experts should also sign up to the Code of Conduct, whilst experts from other fields would most likely have their own codes to comply with but ought to be steered towards the Codes by those commissioning them as it aligns with case law requirements.

4.4 The Code of Conduct required practitioners to seek access to exhibits/productions/information that may have a significant impact on the output of their

work (particularly evidence) and record both the request for material and the result of that request. It was highlighted that forensic scientists could ask for access to such information, but they could not demand it. Furthermore, it was suggested that current resource and financial pressures may restrict the amount of material that forensic scientists were provided access to, but that in line with the Code of Conduct forensic scientists must outline any limitations to their evidence in expert witness statements.

Action 1: The Regulator to liaise with the Legal Aid Agency on issues related to the provision of materials and information to forensic scientists.

Action 2: Sandy MacKay to provide the Regulator with specific feedback on the Code of Conduct by email.

4.5 The Regulator suggested that it would be useful to review how the revised Code of Conduct was being implemented when the group met next in November.

5. Statements of non-compliance

5.1 The Group was provided with an update on declarations of non-compliance with the requirements set in the Regulator's Codes of Practice and Conduct (the 'Codes'), with an emphasis on accreditation. This disclosure would prompt practitioners to outline in witness statements how risks are controlled and mitigated for where accreditation is required, but not yet attained.

5.2 Members heard that the Regulator, the FSAC and the judiciary favoured inclusion of the declaration in both factual and expert witness statements. However, the police favoured disclosure through the use of MG6 forms ('case file evidence and information'). The police representative would provide further information to the Regulator in due course. The Regulator confirmed that disclosure of non-compliance can be made earlier during a case using a MG6 form as well as in statements, and intended to publish guidance on this issue within the next two months.

5.3 The group discussed the impact of statements of non-compliance on the criminal justice system (CJS). It was suggested that these statements would facilitate greater understanding within the community as to the obligations expected of forensic scientists which were included in the Codes.

5.4 It was queried why a declaration of accreditation status was not required by the Codes. The group heard that for some forensic disciplines, such as archaeology, accreditation was not the requirement and in other areas accreditation was not yet required. As such there was concern that focusing on accreditation status may undermine valid evidence in court. The group heard that the individual circumstances of a case must be taken into account. The Regulator had spoken with the Lord Chief Justice on this issue, and would consult further with the Crown Prosecution Service (CPS).

Action 3: The Regulator and Mark Bishop to discuss how to progress issues related to the disclosure of accreditation status.

6. Expert report guidance

6.1 The group heard that guidance on the content of expert reports was being updated due to the high variability between such reports, particularly in the field of forensic pathology. The updated guidance incorporated information from the Criminal Procedure Rules (CrimPR) and relevant case law. In addition, any references within the document to expert 'statements' had been changed to expert 'reports', in order to harmonise the terminology with the CrimPR. The updated guidance had been sighted by the Association of Forensic Science Providers and the CPS.

6.2 The guidance stated that measurements must be made using the International System of Units (SI units) during forensic analyses. However, during stakeholder engagement it was highlighted that within forensic firearm analysis, non-SI units, such as inches, were used to describe items. The Regulator clarified that as these were descriptors, not measurements, this was not in breach of the guidance.

6.3 Members discussed a section of the guidance related to the qualifications of expert witnesses, which stated the CJS should give consideration to whether witnesses had been the subject to criticism in the past. It was suggested that the guidance be clarified to state that the witness had to be aware of this criticism.

6.4 It was also suggested that a section on clarity be updated to include a requirement for the report to be balanced, transparent, logical, and robust. Furthermore, in relation to accreditation it was suggested that a link to the United Kingdom Accreditation Service (UKAS) LAB1 document ('reference to accreditation for laboratories') be included.

6.5 Members were invited to provide further feedback on the draft guidance within three weeks.

Action 4: QSSG members to provide feedback on the draft expert report guidance within three weeks.

7. Firearms standards update

7.1 The group was provided with an update on a proposal for a separate standards document for the simple classification of firearms. The Regulator was awaiting a national police response to this proposal, with the expectation being that a national standard operating procedure (SOP) for simple firearm classification would be provided by the police. The matter was currently with the firearms section of the National Police Chiefs' Council (NPCC).

7.2 Members heard that a group of police forces were giving consideration to this issue. This group had yet to meet, but Hertfordshire police had been established as the lead for the work.

7.3 It was confirmed that a representative from the Forensic Science Regulation Unit (FSRU) was meeting with the National Ballistics Intelligence Service (NABIS) and the police shortly. The Regulator emphasised that a decision on this issue would have to be made soon, given that the next version of the Codes were due to be published imminently. In addition, it was clarified that some providers were conducting simple firearm classifications

under the current accreditation scheme, and this process would be mandated by the Codes, if a new set of standards could not be agreed.

8. Data integrity

8.1 The Regulator provided an update on an investigation into malpractice within a Forensic Science Provider (FSP) that had resulted in the re-testing of a significant number of toxicology samples. As a consequence, the Regulator had asked FSPs to conduct toxicology audits, which included analysis of raw data. The results were beginning to be submitted.

8.2 The group heard it was difficult to assess the extent of the re-testing that would be required, with re-testing of positive samples (~10,000 in total) underway. Prioritisation was being given to those relating to live cases or where the individual in question was currently serving a custodial sentence. In addition, negative samples would also have to be re-tested.

8.3 Relevant stakeholders, including the civil courts, were being kept informed of progress, and the Regulator was due to meet with the new policing minister to provide an update on the situation. Detailed feedback had been provided by the FSAC, which advised against the introduction of any new regulation unless there was clear evidence that malpractice was a wider issues within the community. The Regulator emphasised that individuals within FSPs had an obligation to quality check work that they have directed.

9. DNA mixture interpretation guidance

9.1 The group heard that the information reported to court on mixed DNA samples (multiple contributors) suffered from a high degree of variability. This had resulted in some challenges to such evidence in courts. To reduce this variability the Regulator introduced two guidance documents for consultation. The first outlined guidance for DNA mixture interpretation (FSR-G-222), and the second for DNA mixture interpretation software validation (FSR-G-223). Both documents had been developed in consultation with the Regulator's DNA specialist group.

9.2 FSR-G-222 outlined that if a DNA mixture could not be interpreted using statistical methods, the results of subjective interpretation should not be presented to the courts. However, if mixture interpretations were undertaken subjectively, following a procedure which had been competency-tested, then the results of those manual interpretations were appropriate for early investigative purposes.

9.3 FSR-G-223 detailed the steps required to validate the statistical models used by DNA mixture interpretation software, as well as validation of the how the software implemented the statistical model. This was particularly pertinent given the increase in the software tools available for such analysis.

9.4 QSSG members were asked to review the documents and provide feedback to the Regulator within two weeks.

Action 5: QSSG members to provide feedback to the Regulator on the DNA mixture interpretation guidance within two weeks.

10. Footwear text in the statement of standards and accreditation

10.1 The group heard that the Codes required footwear impression screening to be accredited by October 2017. The FSAC and QSSG had agreed that footwear impression screening could be split into its component parts. Proposed replacement wording for the 'Statement of Standards and Accreditation Requirements' contained in the Codes was presented to the group. The proposal split footwear screening into i) coding of custody prints taken from suspect footwear, ii) footwear coding of crime scene marks, iii) screening of footwear by pattern type and size, and iv) footwear impression comparison. The group was asked for comments on the proposal.

10.2 The police representatives put forward the view that screening and comparison should be accredited, but that coding did not require accreditation. The logic behind this view was that initial coding of footwear was used for intelligence use only and there was a low risk of jeopardising the CJS procedure through incorrect coding. It was also cautioned that requiring police to accredit coding would significantly jeopardise the adoption of new technology. All members agreed that initial footwear coding was distinct from comparative analysis by experts.

10.3 The Regulator confirmed that the FSAC was also content for coding to be considered as an intelligence tool and therefore did not require accreditation. Footwear evidence was anticipated to be presented to suspects before they were charged, however it was cautioned that footwear analysis should be carried out by competent individuals and appropriate safeguards must be in place. It was emphasised that in the majority of cases footwear evidence was just one aspect of the total intelligence used to charge suspects.

10.4 The group discussed the range of definitions used for the activities involved in footwear analysis. It was agreed that formulating a purpose-based, rather than method-based, definition for these activities would be a useful activity. This could be used to decide whether allowing competent individuals to use a validated method was an acceptable alternative to accreditation.

Action 6: The FSRU to create a list of definitions for footwear analysis activities based on the purpose of the activity.

10.5 The group heard that some police forces has already gained accreditation for footwear analysis, and that it would be useful to have their feedback on their experience of accreditation.

Action 7: Ashley Beaumont to solicit feedback from police on their experience of successfully gaining accreditation for footwear impression screening.

11. Forensic Anthropology

11.1 The group heard that the British Association of Forensic Anthropologists was compiling a code of practice for forensic anthropology, in conjunction with FSRU. A draft of this standard had been circulated to the group ahead of the meeting and the Regulator had received feedback. The group supported the current version of this standard, subject to the comments made, and it would be taken forward by the Regulator in consultation with relevant stakeholders.

12. **AOB**

Corrosive substances

12.1 The group were informed that there had been a significant increase in corrosive substance attacks over the year. The most common substances used were bleach, ammonia and acids. The College of Policing had requested the Regulator's assistance in determining best practice for the analysis of such substances, including the safe recovery of such substances and methods by which to identify them.

12.2 The members agreed that analysis of corrosive substances on the street (e.g. during stop and search by police) was not advisable for health and safety reasons, and therefore analysis would have to be carried out in a controlled environment, such as a police station. The FSRU agreed to consult with the Centre for Applied Science and Technology (CAST) to investigate potential methods police could use to identify corrosive substances.

Action 8: Jeff Adams to consult with CAST on options for the analysis of corrosive substance by the police.

The definition of forensic science

12.3 The group considered whether the definition of 'forensic science' was fit for purpose. It was noted that the scope of the discipline was increasing, and there was a concerted effort to harmonise the criminal and civil courts in terms of forensics. The Regulator reminded members that her jurisdiction was restricted to the criminal courts.

13. **Date of the next meeting**

13.1 The next meeting of the QSSG would take place on the 1st November 2017.

Annex A**Present:**

Gill Tully	Forensic Science Regulator (Chair)
Jeff Adams	Forensic Science Regulation Unit
Ashley Beaumont	Cambridgeshire Constabulary
Mark Bishop	Crown Prosecution Service
Stephen Bleay	Centre for Applied Science and Technology, HO
Craig Donnachie	Scottish Police Authority Forensic Services, Scotland
Martin Hanly	LGC Forensics
Peter Harper	Orchid Cellmark Ltd
Simon Iveson	Forensic Science Regulation Unit
Chanda Lowther-Harris	Metropolitan Police Service
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
Jo Taylor	College of Policing
Thomas Vincent	HO Science Secretariat

Apologies:

Glyn Hardy	Legal Aid Agency
Anthony Heaton-Armstrong	Criminal Bar Association
Anya Hunt	The Chartered Society of Forensic Sciences
Kevin Sullivan	Independent