



Forensic Science Regulator Newsletter

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Contact Details

If you have any comments or feedback on this newsletter, please contact the Regulator via the following routes:

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Email: FSREnquiries@homeoffice.gov.uk

Web site: <https://www.gov.uk/government/organisations/forensic-science-regulator>

Message from the Forensic Science Regulator

Since the last newsletter, the House of Lords Science and Technology Committee has published its report, which lays out a vision for the future of forensic science. I welcome the report and have written to the Chair of the Committee in response to the two recommendations (at paragraphs 90 and 91) that were specifically for the Regulator to address. The Government's response to the report has been published and can be accessed via the following link www.parliament.uk/documents/lords-committees/science-technology/forensic-science/Govt-response-forensic-science.pdf and states that giving statutory powers to the Regulator is an immediate priority.

In the meantime, I am pleased to note continuing progress by many organisations in implementing and maintaining quality standards, to improve the service that they provide to the criminal justice system (CJS). Accreditation is only the external assurance mechanism to ensure that organisations have met the standards – the real work of delivering to a consistently high quality is carried out within each organisation, seeking to learn and improve proactively. I challenge all those organisations that have not yet implemented this systematic quality management and improvement to do so without further delay. It is also timely to remind organisations delivering work at the instruction of the defence that if they are carrying out analysis (as opposed to simply case review), they are required to meet the standards set for the relevant discipline. An example is toxicology analysis for 'B' samples in road traffic cases.

All those working in forensic science will have been affected in one way or another by the consequences of the cyber attack that hit Eurofins Forensic Services (as part of Eurofins Scientific) in June. Policing, partners across the CJS, all of the forensic science providers and my office are working together to minimise the impact on the CJS. Everyone is mindful that delays are difficult for all parties in a case, but it is vital that we ensure that scientific evidence is reliable and that appropriate disclosure takes place.

I hope you all have the chance to take a holiday from forensic science at some point over the summer.



Dr Gillian Tully

Forensic Science Regulator

Anonymous Reporting Line

The Forensic Science Regulator is pleased to announce the launch of the Forensic Science Regulator's Anonymous Reporting Line, powered by the CrimeStoppers charity.

The new reporting line will allow forensic science professionals to raise concerns about service quality to the Forensic Science Regulator without revealing their identity.

Quality failures, such as sample contamination or data manipulation, can mean that innocent people are wrongly convicted or offenders escape justice. This line aims to ensure that any serious issues are flagged to the Regulator even if an individual does not feel able to report through the whistleblowing procedures in their own organisation.

The service is run by Crimestoppers, whose agents will record the information provided and pass it to the Forensic Science Regulation Unit (FSRU), to determine a suitable course of action.

The reporting line enables individuals to flag issues as a last resort when all other options have been exhausted. Individuals can phone 0800 917 0967 or use the online form, available via the following link crimestoppers-uk.org/forensicregulator to anonymously report their concerns.

The Minister for Policing and the Fire Service, the Rt Hon Nick Hurd MP, said: "Forensic science is an invaluable tool for bringing criminals to justice, but we must ensure it works to the standards that the public expects. I welcome the Forensic Science Regulator's new anonymous reporting line. It is important we have many routes to identify and prevent any issues within the system."

Legal Guidance for Experts

EU Framework Decision

The UK transposed the provisions of EU Framework Decision 2009/905/JHA into domestic legislation by The Accreditation of Forensic Science Provider Regulations 2018 (the Regulations), available via the following links:

www.legislation.gov.uk/ukxi/2018/1276/made/data.pdf

www.legislation.gov.uk/ukxi/2018/1276/pdfs/ukxiem_20181276_en.pdf.

These became effective on 25 March 2019. Because the Regulations arose from an EU Decision, the Regulator is unable to provide guidance on their interpretation or application.

Criminal Procedure Rules

In the last newsletter the change to the Criminal Procedure Rules requiring those individuals acting as expert witnesses to disclose information undermining their credibility was noted. That change came into effect in April.

Criminal Practice Directions

To support the new provisions in the Rules the Criminal Practice Directions have been amended to set out the types of information that may be taken to undermine the credibility of an expert.

The Regulator's documents Legal Obligations [FSR-I-400] and the guidance on the content of expert reports [FSR-G-200] have been updated and published to reflect the key changes.

The changes to the Criminal Procedure Rules and Criminal Practice Directions apply to all experts, but those reporting fingerprint and DNA cases should view these changes in relation to the introduction of The Accreditation of Forensic Science Provider Regulations 2018 noted above. The failure to perform work in accredited facilities, as required by the Regulations, could undermine the credibility of the evidence, the expert, or both. An expert is therefore required to disclose any non-compliance with the Regulations that may have occurred in the work on which they are reporting. It is advised that if an expert is aware in advance that the work is unlikely to comply with these Regulations they should consider the impact that non-compliance may have on admissibility and, in conjunction with the instructing party, evaluate alternative processing arrangements.

Forensic Science Regulator's Conference 2019

The Regulator's annual conference took place on 5 March 2019 at Villa Park stadium. The event was well attended by delegates representing many areas of the forensic community. The Minister with responsibility for policing, the Rt Hon Nick Hurd MP, provided a video presentation and since he was not able to be present on the day due to parliamentary pressures, Alex McDonald, Deputy Director for Identity Policy in the Data and Identity Directorate attended to take questions from the floor on the Minister's behalf. A brief summary of the presentations is given below.

How can Home Office policy support the provision of high quality forensic science?- The Rt Hon Nick Hurd MP (Minister for Policing and the Fire Service)

The Minister reaffirmed his commitment to giving the Regulator statutory powers. He also reaffirmed his commitment to maintaining high quality standards and fully supports the Regulator's timetables for accreditation. The Minister stated that he has had discussions with the Transforming Forensics Programme and policing colleagues to set up a specialist commercial team in the Forensic Capability Network (FCN). The team's immediate focus has been stabilising the market but in due course its role will broaden to procurement strategy, with a greater focus on sustainability and quality.

Crown Prosecution Service (CPS) expectations of forensic science quality – Mr Max Hill QC (Director of Public Prosecutions)

The focus of this presentation was the marrying of forensic science and legal expertise for the CJS to build public confidence. Mr Hill discussed the role of the CPS and how it relates to forensic science, including the codes for prosecution, the disclosure management documents and the need for transparency.

Integrity in forensic science – Dr Jeff Adams (Forensic Science Regulation Unit)

Dr Adams's presentation was on the integrity of forensic evidence, recent related issues and the responses. The issue of experts showing a lack of candour was also discussed, specifically with regard to descriptions of experience and expertise; however, it was acknowledged that whilst integrity issues only affect a very small number of cases, it is important to learn from quality failures.

Compliance with quality standards; a policing perspective – Mr Andrew Price (Head of East Midlands Special Operations Unit – Forensic)

The positive impact of following quality standards was clearly presented in Mr Price's talk. Mr Price discussed the process that the EMSOU-FS went through to achieve fingerprint analysis accreditation, highlighting the initial issues encountered, the challenges faced, the process followed and the outcomes.

Evaluative interpretation of scientific evidence towards probabilistic reasoning – Professor Christophe Champod

(Professor of Forensic Science, at Université de Lausanne, Switzerland)

Professor Champod's presentation focused on balance, probability and transparency as the key elements when interpreting scientific evidence. Specific areas were discussed, such as the balance of probabilities, balanced propositions and how these areas are explained in court. These areas were discussed using case examples of fingerprint evidence and footwear evidence.

Forensic science in homicide investigations – Professor James Fraser (Professor of Forensic Science, Strathclyde University)

Professor Fraser gave a presentation on how all aspects of forensic science come together during a homicide investigation. Police and forensic science cultures were discussed, including where obstacles can be addressed leading to a more productive relationship and outcomes.

The future of digital forensics – Mr Mark Stokes (Head of Digital Forensics, Metropolitan Police Service)

The focus of this presentation was on the audit management, risks, validation and testing related to digital forensics and what the future may hold for them. Mr Stokes stressed the importance of ground truth data and the need for a central facility for validating tools and software.

Forensic Science Regulator's Conference 2019 – Medical Forensics (SARCs – Sexual Assault Referral Centres) Parallel Afternoon Session

The Regulator's conference this year included a parallel session in the afternoon. This session focused on medical forensics and a brief summary of the presentations is provided.

Sexual assault and abuse strategy – Andrew Hunt (NHS England-Health and Justice)

The sexual assault and abuse strategy was developed to focus on priorities that include: prevention; involving the victims in the plans for improvements; promoting safeguards; introducing consistent quality standards; and training. Implementation plans have been devised and include access to mental health services, responding to national incidents, workforce review, and safeguarding leadership on sexual abuse prevention.

Introduction to accreditation and the United Kingdom Accreditation Service (UKAS) – Delia Geary (UKAS Forensics Project Manager) and Alison Brodie (UKAS Forensics Project Manager)

Accreditation is a procedure by which an authoritative body gives formal recognition that a body or person is competent to carry out specific tasks. UKAS is also subject to quality checks. To date, UKAS has accredited 60 forensic laboratories. When auditing a SARC, UKAS will accredit to the ISO 15189: Medical Laboratories– Requirements for quality and competence and the assessment will be based on impartiality, integrity, independent competence, appropriate resources and facilities, performance, and decision making.

The contamination elimination database (CED) – Kirsty Faulkner (Head of FINDS)

The aim of the CED is to identify and manage contamination events that could impact the National DNA Database (NDNAD) and casework. DNA Samples can be taken from police officers and staff, plus individuals at the scene of a crime and attending the SARC. The current process is that a DNA profile taken from a crime scene is uploaded to the NDNAD; if there is not a match, a search would then be conducted against the CED for any matches that could be from an individual due to contamination.

SARC and a Forensic Science Provider (FSP) Partnership– Paula O’Rourke (Forensic Account Manager and Commercial Team Sexual Offences Lead, Cellmark Forensic Services)

Recent advances in forensic techniques have improved semen extraction techniques and the identification of low level male DNA by Y-STR profiling. However, to obtain a strong DNA profile does still depend on the quality of the sampling and submission from the SARC. It was highlighted that there should be forensic awareness training provided to SARC staff, including cleaners, and SARCs should also provide the FSP with information on their processes and procedures for collecting samples so they can learn from each other.

What changes are needed to meet the requirements set out in the Regulator’s standard? – Mary Newton (Chair of the Forensic Science Regulator’s Medical Forensics Specialist Group) and The practical implementation of the Regulator’s standard and guidance – Dr Linda Teebay (Consultant Paediatrician and Forensic Lead, Paediatric SARC Alder Hey)

The aim of the Forensic Science Regulator’s standard and guidance is to help the delivery of a high quality medical forensic examination within a service that is compassionate and sensitive to the needs of the patient and to improve the outcomes for patients and the CJS.

This was a workshop session looking at the challenges that SARCs may face by implementing the Forensic Science Regulator’s standard and guidance (which is currently still in draft). The focus was on cleaning, environmental monitoring and the use of personal protective equipment (PPE).

New Forensic Science Regulator’s Publications

Forensic Science Regulator Annual Report 2017–2018

The Regulator’s annual report provides updates on developments between November 2017 and November 2018 and priorities for the year to come.

The report can be found via the following link:

assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/786137/FSRAnnual_Report_2018_v1.0.pdf

Lessons Learnt Issues 3, 4 and 5

These three documents provide an overview of the lessons that can be learnt from a number of quality referrals submitted to the Forensic Science Regulator. The topics covered in these issues are contextual bias in forensic toxicology, proficiency test handling, and the manipulation of data.

The documents can be found via the following link:

www.gov.uk/government/publications/forensic-science-lessons-learnt-issue-3

www.gov.uk/government/publications/forensic-science-lessons-learnt-issue-4

www.gov.uk/government/publications/forensic-science-lessons-learnt-issue-5

FSR-I-400 Legal Obligations (Issue 7)

This guidance provides details of the obligations placed on expert witnesses in the CJS in England and Wales.

It provides information on the requirements imposed by:

- a) the statute;
- b) case law;
- c) the Criminal Procedure Rules; and
- d) the Criminal Practice Directions.

The document can be found via the following link:

www.gov.uk/government/publications/legal-obligations-issue-7

FSR-G-200 Expert Report Guidance (Issue 3)

This guidance sets out the legal requirements for expert reports and requirements imposed by certain prosecuting authorities. It also provides advice on the application of those requirements.

The document can be found via the following link:

www.gov.uk/government/publications/expert-report-content-issue-3

Making Public Comments

In March HM Attorney General published the Government's response to a consultation on the impact of social media on the CJS (available via the following link: www.gov.uk/government/news/is-social-media-harming-our-criminal-justice-system). It is therefore timely to comment on the issues of social media and public comment.

There have been a number of cases over recent years when forensic scientists have come under scrutiny for making public comment on active cases or being perceived as having done so. This has involved criticism by the judiciary and a reference to HM Attorney General for consideration of prosecution for contempt of court. A number of these cases have involved the use of social media.

Guidance has been published on the issue of making comment (available via the following link: www.gov.uk/government/publications/forensic-science-regulator-public-comment-guidance).

Forensic scientists should consider this guidance and exercise great caution before making any comment that relates to, or might be thought to relate to, an active case. As there is a risk that a case may be active when the scientist thinks that it is closed (e.g. an appeal has been initiated) it may be wise before making any comment to seek views from the instructing party.

Relevant Events

Annual Meeting of the International Association of Forensic Toxicologists

2 to 6 September 2019

The ICC, Birmingham Broad Street, Birmingham, B1 2EA

The theme of this conference is 'Application of Toxicology in the 21st Century'. Topics will include post-mortem, clinical, occupational and human behaviour toxicology as well as drug-facilitated crime and analytical toxicology.

More information can be found via the following link: www.tiaft2019.co.uk/

Forensic Research and Technology Conference 2019

18 to 19 September 2019

Singapore City, Singapore

The topics to be covered will include the latest research, technology and innovation, victimology, cybercrime, forensic chemistry, toxicology, DNA analysis, and pathology.

More information can be found via the following link:

www.meetingsint.com/conferences/forensicresearch/about-us

UK Association of Forensic Nurses and Paramedics Conference

21 September 2019

College Court, Leicester

The conference will cover the following:

- a) Chemsex – the use of drugs before or during sex.
- b) Party drugs – commonly used party drugs, festival testing, harm reduction, and legal and ethical aspects.
- c) Club medicine – frontline experiences of dealing with the clinical aspects of party drugs.
- d) Pill farms/mills – an operation in which a doctor, clinic or pharmacy prescribes or dispenses narcotics without a legitimate purpose.

More information can be found via the following link: ukafn.org/ukafn-conference/

CSoFS Annual Student Conference

30 November 2019

University of Strathclyde, Glasgow

More information can be found via the following link: www.csofs.org/Events/Annual-Student-Conference/63944

PhD Opportunities

The University of South Wales (USW) Centre for Criminology has two funded PhD studentship opportunities on 'The use of digital forensics in the investigation and prosecution of major crime offences in England and Wales' and 'Understanding investigative errors in major crime investigations'. Please refer to the links below for further information. The first link provides information about the Doctoral Training Alliance (DTA) scheme and the second contains information about the criminology topics (please scroll down the list to USW). Please note that there are various rules about residency in the UK/EU that applicants need to read carefully. More information is available via the following links:

unialliance.ac.uk/dta/cofund/

unialliance.ac.uk/dta/cofund/programmes-and-projects/#social