

FORENSIC SCIENCE ADVISORY COUNCIL

Note of the meeting held on 8 November 2010 Home Office, 2 Marsham Street, London SW1P 4DF

Present:

Andrew Rennison (Chair)	Forensic Science Regulator
Jane Beaumont Nathanael Bevan	United Kingdom Accreditation Service Research, Analysis and Information Unit (NPIA)
Kath Mashiter	Lancashire Police (sitting in for John Fletcher)
Julie Mennell Tom Nelson Nigel Pilkington	UK Forensic Science Education Group Scottish Police Services Authority Crown Prosecution Service (for Roger Coe- Salazar)
Ann Priston Basil Purdue Brian Rankin Roger Robson Karen Squibb-Williams Sheila Willis Soheel Joosab	Forensic Science Society British Association in Forensic Medicine Forensic Science Society (FSSoc) Forensic Access Crown Prosecution Service Association of Forensic Science Providers Forensic Science Regulation Unit (Secretary)

1. Welcome

1.1 Andrew Rennison welcomed those present to the fourteenth meeting of the Forensic Science Advisory Council (FSAC).

2. Apologies

2.1 Apologies were received from:

Alan Woods	Skills for Justice
Andrew Goymer	Judiciary
John Fletcher	ACPO
Julie Goulding	Criminal Cases Review Commission
Tom Nelson	Scottish Police Services Authority
Roger Coe-Salazar	Crown Prosecution Service

3. Minutes of the last meeting (7 June 2010)

3.1 Subject to a minor correction, the minutes were approved.

4. Matters arising from minutes of the last meeting

4.1 Mr Rennison advised the Council that the NPIA had raised concerns that as the proposed Regulators Codes of Practice are not statutory based, that they can only be adhered to by forensic providers on a purely a voluntary basis. The Regulator said that this comment had been echoed by a number of other stakeholders. He advised that he would make clear in the foreword to the Codes of Practice that such standards would be based on a mandatory (and non-statutory) requirement enforced through police contracts, agreements with ACPO and gate keeping functions by the Crown Prosecution Service. Accordingly, Mr Rennison advised that the NPIA had withdrawn their concerns around how the Codes would be conveyed.

4.2 In relation to adoption of the Codes, Mr Rennison said that there may be a possibility that defence practitioners may chose not to adhere to the Codes; and on that matter, he reminded the Council that he had written to the Legal Services Commission to discuss the Codes, but has yet to meet with them. He added that he is actively engaging with the Ministry of Justice on the consequential effects in establishing the Codes.

5. Update on CSR and review of arms length bodies

5.1 Mr Rennison advised that he, as the Forensic Science Regulator, and the FSAC had not been included in the review.

5.2 He added that the end of his three year tenure as Forensic Science Regulator was near approaching, and that he had made a formal approach to Home Office Ministers to seek agreement to a second term (together with the FSAC) to further progress the forensics standards agenda¹.

6. Paper: National Policing Improvement Agency, Science Research Strategy ('the strategy')

6.1 Nathan Bevan introduced the item saying that the paper earlier circulated to the Council was to provide members with a brief overview of the police service's science and innovation priorities up to 2012. Mr Bevan wished to share with the Council how those priorities could support the development of forensic science.

6.2 The strategy was first published in March 2010 on behalf of Association of Chief Police Officers, Association of Police Authorities and the Home Office and illustrates how the police service maintains a positive approach in using forensic science to make significant and effective contributions in policing, e.g. through fingerprint and DNA identifications.

¹ Home Office Ministers have subsequently agreed a second three year term for Mr Rennison and the FSAC.

6.3 Mr Bevan added that to be fully cost effective, investments in scientific capabilities should be targeted effectively and that research and evaluation should be used to drive more effective policing.

6.4 Therefore the strategy includes new measures to increase the impact of scientific work, particularly from a forensic perspective, which includes the establishment of a clear multidisciplinary framework of priorities which will align scientific development work with policing responsibilities.

6.5 The Council was advised that the three underlying aims (as agreed by the ACPO Cabinet and the Policing Portfolio Group) are:

- to cut crime and increase public safety;
- to enhance cost effectiveness; and
- to increase public confidence in policing.

6.6 Following consultation with the Association of Police Authorities, HMIC, ACPO and other key stakeholders, the five key priorities within the aims are:

- i. use knowledge, information and intelligence policing;
- ii. enhance police investigations;
- iii. tackle the criminal exploitation of technology;
- iv. increase collaboration between police forces; and
- v. enhance the role of communities and partner agencies in policing.

6.7 The priorities have been 'mapped' onto ongoing Home Office Scientific Development Branch projects to identify where that work could feed into the Strategy priorities.

6.8 The Council was advised that next steps were to determine:

- knowledge/capability gaps within the priority areas which have not already been identified; and
- how existing Home Office science programmes for 2010-12 would contribute to addressing the capability and knowledge gaps under each of the identified five priority areas in order to support the further development of science and research plans.

6.9 Overall, the Council welcomed the proposed work. However, there were a few initial considerations. It was felt that the strategy seemed to have a very 'top-down' approach and so, conversely, would benefit from a bottom-up approach to best ensure that the essentials of the proposed priorities are based on a sound understanding of direction and that elements of the programme are collectively linked at all levels. It was also highlighted that the goals within the strategy are all quite generic and does not seem to articulate issues regarding scientific aspects.

6.10 It appeared to the Council that the strategy will identify knowledge and resource gaps but does not identify areas of possible future scientific research (although this may be forthcoming). Associated to that point, it would add further validity if the police, at an operational level, could identify their user requirements with the scientific community to help further develop and complement requisite scientific techniques.

6.11 The Council asked that once the strategy paper is in more of a

comprehensive form, could the paper be shared wider with colleagues, i.e. to scientists, researchers, academia and commercial forensic providers for their consideration and possible feedback/contribution – Mr Bevan said this would be agreeable.

6.12 Prof. Mennell said that she had recently worked with ACPO in taking forward a mapping exercise looking at what forensic science projects were currently in progress. Prof. Mennell said that she would forward a copy of the exercise findings to Mr Bevan for his note.

Action: Prof. Mennell

6.13 In closing, Mr Bevan said that through Mr Rennison, he would keep the FSAC updated with the strategy progress.

7. Codes of Practice and Conduct

7.1 Andrew Rennison advised this item had been withdrawn for consideration at a later date.

8 Forensic Science Society: Assessment of Competence

8.1 Dr Priston and Mr Rankin opened the item. The Council was advised that the model being developed by the Forensic Science Society (FSSoc) is to test specialist knowledge and application of practical skills of forensic providers. This assessment, of competence based testing of knowledge and skills, focuses on the individual, and not on the wider organisational processes.

8.2 The Council was advised that the model had recently undergone a 'dry run' with Forensic Podiatrists and that findings looked promising. It was highlighted that although piloted with Forensic Podiatrists the model would also be applicable to other specialists within the forensics arena. A final review exercise of the scheme will shortly take place.

8.3 The Council was informed that the FSSoc recently launched its Continuing Professional Development (CPD) Scheme. The scheme, to promote sustained commitment to professional standards for its members, will be a specific requirement for the new category of Chartered Forensic Practitioner. It is intended to provide assurance to the CJS of the current and competent practice of those chartered individuals and will harmonise the professional standards at an individual level with quality frameworks founded upon UKAS accreditation of institutions.

9 Proficiency testing

9.1 Andrew Rennison introduced the paper drafted by Dr Jeff Adams (Forensic Science Regulation Unit). The Council was informed that the outline paper illustrated historically that many commercial laboratories which provided

forensic science services cooperated in a wide ranging programme of declared and undeclared proficiency testing. The extent of those tests was diverse and ranged from the assessment of a specific analytical technique to the other extreme of testing the proficiency of all the processes applied in a case.

9.2 However, fluidity within the forensic science market and case handling procedures (e.g. shifting cases between labs) has made the application of this method of proficiency testing difficult to sustain. This is particularly true in relation to undeclared trials.

9.3 Accordingly there are a number of possible approaches to best ensure the quality of the service provided;

- a) the validation of methods before introduction demonstrates that the method is fit for purpose;
- b) quality procedures establish the correct and consistent use of the method; and
- c) the training of staff and competency testing (including ongoing testing) of staff ensures the method is operated properly.

To capture the approaches one method might be to incorporate them within a proficiency testing framework.

9.4 Although the benefits of such testing were acknowledged, it was equally recognised that there would be issues of costs. Perhaps, therefore, initial considerations might be given as to how best incentivise and support police forces (and independent forensic providers) to adopt such an approach, and, equally, who might be best placed to steer such an initiative and what the working principles of a proficiency testing framework might look like.

9.5 Mr Rennison said he was aware that the Association of Forensic Science Providers (AFSP) has a programme of proficiency tests. Although the nature and quality of those tests has not been reviewed, he considered that there would be merit in approaching the AFSP to discuss their work on the topic.

Action: Andrew Rennison

10 Implications of the Court of Appeal judgement R v T

10.1 Mr Rennison advised the Council that the Court of Appeal had recently considered an appeal against a conviction for murder (R v T). One of the grounds of appeal was the use of the Bayesian method in the interpretation of footwear evidence. The Court of Appeal, in this case, rejected the use of the Bayesian approach in footwear. Given this, it might be construed that the Court's judgement could be taken to apply comparably to other scientific

evaluation types and so may have an impact on present, and future, methods for the evaluation and presentation of forensic scientific evidence.

10.2 It was drawn to members attention that the Court ruled that only where there was limited statistically reliable data sets that the Bayesian approach should not be employed (in this case it was considered that the footwear database used was limited). However, where a comprehensive database exists, the judgement accepted that Bayesian statistical approach could be used, e.g. in the area of DNA.

10.3 The judgement also underlined that it is essential that the examination process, and methods applied, should be effectively case managed. Central to this is that any statistical formula/analysis applied must be comprehensively recorded in the experts report and include the associated influence it had on their conclusions.

10.4 Given the Court of Appeal judgement in R v T, Karen Squibb-Williams, in her capacity as Senior Policy Advisor in the CPS strategy and policy directorate, said that she would be producing draft guidance for CPS prosecutors on the key points and interpretation of the case and would arrange for the draft to be circulated to Council members.

11 Any other business

11.1 For laboratories considering accreditation, Mr Rennison said that UKAS had developed a laboratory specific training course. The objective of the course is to provide labs who are non-accredited (or already have ISO/IEC 17025:2005 but are considering accreditation to ISO17025) with an overview of the key features of the accreditation process. He added that he had received positive feedback from practitioners who had taken this course.

12 Date of next meeting

- 1 March 2011, 11:00am Conference room 6, Home Office, 2 Marsham Street, London, SW1P 4DF