

Message from the Regulator



Welcome to newsletter 21 aimed at keeping you up to date with my work.

My business plan for the forthcoming year (2013/14) is with the Minister prior to publication and will translate into another busy year for my support unit and specialist groups. I will finalise and publish the appendices to my Codes that were consulted on last year and consult on a number of new appendices, while commissioning the production of a small number of appendices through the year.

Many of you will be aware of the looming deadline for accreditation of DNA laboratory activities, to everyone who has put in a huge effort in achieving accreditation against tight timescales, well done and thank you.

Following the success of the Quality Managers Conference in March, I intend to hold another event on 4 February 2014, so look out for further details.

I look forward to working with you over the coming year and hope that I can count on the continued support that has been extended to me and to my team.

Andrew Rennison
Forensic Science Regulator

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Web Page Change

Government policy has steered departments from allowing independent appointees to set up their own websites. Therefore until recently the Home Office has been hosting web pages on behalf of the Forensic Science Regulator. This has now been transferred to a single government web domain, GOV.UK.

The scale of the undertaking meant that not all individual web content owners were able to re-work their content to comply with the new, more rigid, structure. This has meant that some links have been lost, functionality temporarily reduced and some of the text on the pages relating to the Regulator are not correct. Over the coming months we hope to work with the Cabinet Office, which now controls the content, in order to return some of the internal links and to correct errors, but we apologise that external links from our published documents are lost. In the meantime, our page should be considered as under (re)construction.

That said, many of the publications are still available on the site, even if the links may be lost, so the following are temporary links to certain key publications and information.

- [FSR Codes of Practice and Conduct 2011](#)
- [Specialist Groups](#)
- [Legal Obligations](#)
- [Recent consultations](#)
- [Current business plan](#)
- [GOV.UK Contracts finder](#)

If there are other published documents that no longer appear to be available, please contact us at: FSREnquiries@homeoffice.gsi.gov.uk

DNA Deadline – Autumn 2013

The Regulator laid down his requirement for various disciplines in 2011, including the requirement for all DNA laboratory activities to be accredited to ISO17025 by the end of November 2013. This coincides with the EU Council Framework Decision 2009/905/JHA, but is not dependent upon it.

This deadline is approaching very fast and the Centre for Applied Science and Technology (CAST) Forensics21 team reports that the majority of the police services that intend to continue locating, recovering and/or analysing potential DNA evidence away from the crime scene will make the deadline. The Regulator would like to congratulate all those organisations that have either achieved accreditation or are in the final stages of achieving it.

It might be prudent to remind organisations that will have achieved accreditation by the deadline that accreditation applies to the location/facility it is awarded to. Any other locating or recovering activities that may have been conducted in other areas are not covered and should cease.

Appendices to the *Codes of Practice and Conduct* – Consultations

Digital Forensics and Video Analysis

The Regulator tasked several of his specialist groups to produce appendices to his *Codes of Practice and Conduct*. The digital group has maintained editorial control of the digital forensic services appendix and it was published for consultation with a related appendix on video analysis. The specific feedback from each consultation will feed back into the editorial process and final versions of the appendices will be published later in the year.

A number of respondents to the consultation asked if ISO27037 was being considered as an alternative to ISO17025. ISO27037 was one of a number of ISO standards that were published during the development of the Regulator's standards framework relating to digital forensic science. The Regulator's specialist group had a representative on the ISO SC27 Working Group that drafted the standard, and was therefore well placed to advise the Regulator on its applicability. Although ISO27037 may map across to certain sections of ISO17025, the deliberate guidance style and differences in the quality management of vital issues such as competency make this standard inappropriate as a substitute for ISO17025. So the simple answer is no. The Regulator is still committed to the target laid down in December 2011 for digital forensic science to be accredited to ISO17025 by October 2015.

Production of New Appendices

The Regulator continues to build on his standards framework by producing bespoke appendices to his *Codes of Practice and Conduct*. Some are produced in house, some by the specialist groups; however, many are contracted out. Although each appendix has a relatively modest contract value and is therefore very cost effective, the collective financial value of the series of appendices exceeds the specific threshold for the European public contracts directive (2004/18/EC). Therefore the appendices were subject to a notification published in the Official Journal of the European Union; however, individual appendices are advertised in a far more accessible way on the [Government contracts finder website](#).

The contracts finder site allows individuals, groups and organisations to receive notifications on a wide range of contracts worth over £10,000. The Regulator wishes to draw on the widest group of experts so will always try to also circulate the advert as widely as possible.

On previous rounds, successful candidates provided excellent, tailored evidence against each of the essential requirements, tying in the experience of the individual(s) who would actually be involved in the writing. The standard of the previous bids has been very high and thus far all the successful bids have contained UK based experts of the highest calibre, even if the organisation is based overseas. Bidders are

welcome from all jurisdictions, but all bidders need to demonstrate in the application a strong understanding of the international standards specified and the requirements of the legal system of England and Wales. Successful and unsuccessful bidders can receive feedback on request, an offer which has been taken up for all the previous rounds of adverts. Commercial confidence is of course respected, so feedback can only be on what could have been tailored better for each bid rather than revealing the specific aspects of other bids, successful or otherwise.

To date the Regulator has commissioned organisations to prepare the first draft of an appendix covering the following areas:

- blood pattern analysis;
- drug identification;
- entomology;
- fibre examination;
- firearm discharge residue;
- firearms related examinations;
- footwear;
- tool marks;
- fingerprint comparison;
- contamination avoidance (laboratory)
- contamination avoidance (scene of crime); and
- elimination databases (DNA).

Production of New Appendices

The intention is to have these draft appendices reviewed by a small group of subject experts to produce a second draft. There will then be a consultation exercise on the second draft followed by reconsideration by the subject experts. In some cases the group of subject experts will be created specifically for this work (particularly for drugs and firearms) and in others existing groups will be employed.

In each case the initial membership of the panel of subject experts will be drawn from organisations providing those services to the criminal justice service (CJS) and relevant professional/scientific bodies.

The review process has already started with the draft appendix for blood pattern analysis, contamination avoidance (laboratory), elimination databases and fingerprint comparison. Over the next few months the review process will begin with the draft appendices for entomology, firearms discharge residue and footwear. The others will be dealt with thereafter.

The Regulator is currently advertising for two appendices, both with the application deadline of noon 19 August 2013:

Draft guidance on cognitive bias effects relevant to forensic science examinations

Draft guidance on method validation for digital forensic science:

Publications

Forensic Pathology

The first attempt at producing specific standards for forensic pathologists in the UK was the publication of *Practice Guidelines* by the Home Office in 1995. In 2004 that guidance was replaced by the *Code of Practice and Performance Standards* for Forensic Pathologists, published jointly by the Royal College of Pathologists and the Home Office. While this Code applied to England and Wales only, it was employed in Northern Ireland by a determination by Professor Crane (the State Pathologist). The document was also used as the basis of standards, published in 2007, for Scotland.

The Forensic Pathology Specialist Group has reviewed the document and a new *Code of Practice and Performance Standards for Forensic Pathology* has been published by the Home Office, Royal College of Pathologists, Department of Justice for Northern Ireland and the Forensic Science Regulator. Importantly, this document applies to those performing forensic pathology, as opposed to just forensic pathologists, in England, Wales and Northern Ireland.

The **new Code** is available on the Internet site of the Royal College of Pathologists.

Sodium Rhodizonate Review

In a Parliamentary debate Damian Collins MP highlighted his concerns about the use of the sodium rhodizonate test for the detection of firearm discharge residues in the 1970s. In responding to the debate Lynne Featherstone MP, then Parliamentary Under Secretary of State for Equalities and Criminal Information, said that she would raise the matter with the Forensic Science Regulator.

The information that was readily available at that time did not lend much support to the contention that there was a problem with the use of the test. The Regulator therefore decided that the appropriate course of action was to perform a preliminary review to determine whether there was sufficient evidence of a problem to warrant the commissioning of a full review of the use of the test.

The Regulator has now completed the preliminary review: **Report on Sodium Rhodizonate Testing in the 1970s**. He concluded that there is no need to commission a full review.

The Forensic Archive

The Forensic Archive was established in 2012 to look after more than 4 million items relating to forensic examinations and investigations carried out by the Forensic Science Service (FSS) on behalf of the CJS.

The material, some of which dates back to the 1930s, includes millions of case files, frozen material (such as DNA extracts) and retained items, including microscope slides, fibre tapings and recovered hairs.

All are valuable items when used in current cases, cold cases and potentially, future appeals. The Archive also holds supporting material such as validation and verification records relating to FSS scientific methods and techniques.

The Archive is available to authorised users as follows:

- police forces, in relation to archived material originating from work previously performed by the FSS on their behalf;
- investigating bodies, in relation to archived materials that were originally commissioned by such bodies, including HM Revenue & Customs (HMRC), the Serious Organised Crime Agency (SOCA) and replacement bodies, and the Independent Police Complaints Commission (IPCC);

- the Crown Prosecution Service (CPS), in relation to all archived material;
- the Criminal Cases Review Commission (CCRC), in relation to archived material;
- the National Database Unit (NDU) and replacement bodies, in relation to archived material; and
- coroners, in relation to archived material that relates to cases under their jurisdiction.

Private individuals, appellants and defence solicitors, for example, cannot access the Archive; their first port of call should be the original investigation police force.

The contact details for the Archive are as follows:

telephone: 08453 400517

email: forensic.archive@forensicarchive.cjsm.net

(non-secure email) general.enquiries@forensicarchive.com

internet: www.forensicarchive.com

The Forensic Archive Complaints Process

The creation of the Forensic Archive has led to the position where work undertaken by the Forensic Science Service Ltd (and its predecessors) will be available to the CJS but without any operational forensic science provider to deal with issues raised about that work. In particular, there is no body directly responsible for dealing with concerns or complaints about the quality of the work or the competence of the individuals who undertook the work.

The Regulator has agreed a protocol, with the Forensic Archive and the Home Office, which sets out the circumstances where he will deal with such complaints. This protocol (referred to as FSR-P-301) will be published on the Internet in the near future.

Conferences

Quality Managers Conference – 21 March 2013

Based on feedback from previous conferences, this year's Regulator's Quality Managers Conference held in March was based on the theme of a quality standard for fingerprint comparison. Key stakeholders and specialists from across the globe presented to an audience of quality managers and fingerprint experts from across the UK.

A pre-consultation standard and fingerprint glossary was launched, and delegates were invited to give feedback on the documents for the fingerprint quality standards specialist group to review and produce the public consultation documents.

Presentations from the conference will be made available on the Internet in the near future.