Forensic Science Regulator
Overseeing Quality

Newsletter - March 2016- No 27

Message from the Regulator

Issue 3 of the *Forensic science providers: Codes of practice and conduct*, (the Codes), which expands on the requirements for accreditation and reflects updates to the *Criminal Procedure Rules* and *Criminal Practice Directions*, was published on 12 February. Although originally published in 2011, as at March 2016 only a few organisations have extended the scope of their accreditation to include the Codes ahead of the 2017 deadline. In order to ensure effective use of resources, I have asked the UK Accreditation Service (UKAS) to start assessing against the Codes **as part of the normal annual assessment visits**, starting from October 2016. This will ensure that all accredited organisations will have had an assessment by the Statement of Requirement date of October 2017.

UKAS will be in contact shortly to request some information to ensure that you are progressing with the implementation of the Codes. You will need to start planning for this extension to occur at your next annual visit after the 1 October 2016. To ensure the best use of resources, rather than UKAS conducting individual pre-assessment visits for the Codes, we will be organising group pre-assessment days. It is my intention to fund these days. UKAS will ask you to complete an application form and gap analysis, to be received well in advance of your annual visit. I recognise that UKAS will require additional effort to assess against the Codes. This will require a specific technical assessor to assess the information security aspect of the Codes, plus additional effort from the existing team to cover specific requirements of the Codes and any appropriate appendix requirements.

On a different note, I have raised previously my concern that too many errors are made during manual transcription processes; further such errors have recently come to my attention. I therefore ask all providers of forensic science services in the criminal justice system (CJS) to review any manual transcription stages in their processes with a view to eliminating as many manual transcriptions as possible, as quickly as possible. In the intervening period, providers will need to review and test the adequacy of checks on manual transcriptions, for example, by the deliberate introduction of slight changes in numeric or alphanumeric values to assess if such changes are identified by the checks currently in place.

Thank you for your continuing support and progress towards achieving the required standards.

Gill Tully
Forensic Science Regulator

Contents

Codes of Practice and Conduct

The Codes are for all providers of forensic science services, whether instructed by the prosecution or defence. They have been available for incorporating into quality manuals, processes and procedures since they were first published in December 2011. The Codes have recently been reissued and are available from:

https://www.gov.uk/government/collections/forensic-science-providers-codes-of-practice-and-conduct

Consolidating changes that have already taken effect, such as those to the *Criminal Procedure Rules*, the *Criminal Practice Directions* and the international guidance on accreditation,[1] are the main changes made to the core text.

All providers are expected to be complying with the Codes now, although deadlines are set for obtaining formal accreditation/recognition of attainment of compliance in the Statement of Accreditation Requirements. The Codes have been substantially revised, particularly for:

- **digital forensics**;
- **triage and simple classification of firearms**;
- **firearms classification, firing marks, ballistics, etc.**;
- **drug analysis to evidential standards**;
- **toxicology**.

1 That is, ILAC-G19 available at: http://ilac.org/news/ilac-g19082014-published/

Collision Investigation

Collision investigation is considered to be a scene investigation discipline and is included in the Statement of Accreditation Requirements as requiring accreditation to ISO 17020 by October 2020.

Digital techniques in scene investigation, such as various imaging and 3D photography techniques, are also included in this October 2020 target rather than in an earlier deadline for digital forensics.

As well as examining scenes and recovered vehicles, collision investigators will recover items that require further analysis. Where the recovered items would normally be expected to be examined or analysed in an accredited laboratory this remains the case. For example, extracting and analysing data from portable digital devices such as GPS systems are still regarded as ISO 17025 activities and are in scope for the digital forensics deadline of October 2017. Recovery from a working CCTV system, including a dashboard camera, falls outside of the digital forensics deadline. However, the exemption is for recovery and viewing only (see the Statement of Accreditation Requirements in the Codes for further details).

Integrated vehicle systems are included in the October 2020 deadline. Of course the manufacturer's guidance to calibrate or confirm that devices are calibrated should be sought. However, even when presenting the physical capture of data from systems (screen dumps, etc.) care should be made to ensure that the uncertainty of measurement is correctly conveyed in any reports.

As with all areas of forensic science, the use of a deadline for accreditation does not mean that adherence to the principles detailed in the Codes does not apply until that date, only that formal accreditation is not required before that date. Those new to accreditation should also be aware that accreditation will take most organisations several years and those in other disciplines will confirm that the four years will go very quickly.

The Regulator is exploring how best to support the collision investigation community in this endeavour, and invites any specific suggestions from the community to be sent to **FSRenquires@homeoffice.gsi.gov.uk**.

Fingerprints

It is almost a year since the Regulator published the requirements for fingerprint comparison activities in the **Fingerprint Comparison Standard** and set the timescale for accreditation to ISO 17025 and the Codes as October 2018.

The Regulator sponsored two accreditation awareness events delivered by UKAS. The Regulator has also agreed to provide some implementation support to ease some of the initial accreditation costs for this new area by funding up to ten technical assessor days, to a maximum of two days per organisation for early adopters.

The Regulator's Fingerprint Quality Standards Specialist Group (FQSSG) continues work to widen the scope of the Codes to include enhancement, image capture and searching to cover the end to end process. The FQSSG has developed the fingerprint enhancement and image capture appendix to the Codes, which is being finalised in readiness for public consultation in the summer.

Following the publication of the *Fingermark Visualisation Manual* (FVM) in 2014, the Home Office's Centre for Applied Science and Technology (CAST) has published its first **Fingermark Visualisation Newsletter**, which contains sections on the FVM, ISO 17025, research and development, future watch and other news.

There is also a list and links to other fingerprint publications at:

https://www.gov.uk/government/collections/centre-for-applied-science-and-technology-information#fingermark-documents

During the public consultation regarding the Fingerprint Comparison Standard, comments were invited separately about disputes and differences of opinion. This was addressed in the standard by the requirement to have a process to deal with such differences. The FQSSG was of the view that the majority of differences would revolve around when there were sufficient features to express the opinion that a mark and a print was an' identification', and that this could be dealt with internally by their process. For such cases in England and Wales, disclosure is required and a streamlined forensic report (SFR) is not applicable.

However, on the rare occasions where an organisation determined that the difference of opinion could not be dealt with by the internal process this would trigger the need for an external review. The FQSSG has developed a proposed process, competency/skills requirements and a reporting format for an external review. This framework will be published in the next version of the *Fingerprint Comparison Standard* (FSR-C-128) as an annex and will be available for any organisation to use. For these rare instances, there is a requirement for the organisation seeking the external review to notify the Regulator and the chair of the Fingerprint Governance Group (FGG) that it has invoked the review, and to provide feedback on the outcome.

Alongside the development of the *Fingerprint Comparison Standard*, the FQSSG developed an explanatory information document that provides the basis of fingerprint examination in England and Wales based on the Regulator's standard to aid the courts. The information sheet is intended as standardised text that can be used by practitioners for statements and court use. It does not cover complex comparisons; these are complex for a variety of reasons and therefore will require an explanation based on the specific findings in the case. The document is to be made readily available to the fingerprint community and will be published later in the year.

EU Accreditation Directive

EU Framework Decision 2009/905/JHA

The UK Government has indicated its intention to join the Prüm Decisions. The background to this position and the draft legislation to bring the intention into effect has been published at: **https://www.gov.uk/government/publications/prum-business-and-implementation-case**.

The draft legislation is available at: **https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/463469/ANNEX_J_Prum_draft_legislation__final_version_for_BIC__v3__2_.pdf**.
It makes clear that the process of joining the Prüm Decisions will involve re-adopting, and implementing through domestic legislation, Framework Decision 2009/905/JHA. Forensic science providers will be aware that the Decisions create requirements for certain activities related to fingerprinting and DNA profiling to be undertaken in an ISO 17025 accredited environment.

The timescales for the re-adoption have not yet been established.

DNA Anti-Contamination – Custody

The Regulator's Medical Forensics Specialist Group (MFSG) is developing a standard for sexual assault referral centres (SARCs) that aligns to ISO 15189:2012 *Medical laboratories – Requirements for quality and competence*. This draft standard is scheduled for public consultation after Easter. The MFSG will then develop a standard for the collection of samples from suspects in custody.

The Regulator is currently developing interim guidance for custody; the topic has recently been reported in a news article that can be found at:

http://www.lawgazette.co.uk/news/rape-cases-fear-over-tainted-dna-risk/5053746.article?utm_source=dispatch&utm_medium=email&utm_campaign=GAZ22022016.

Publications

Cognitive bias effects relevant to forensic science examinations

Forensic Science Regulator annual report 2015

Bloodstain pattern analysis: codes of practice

Forensic pathology audit

Laboratory DNA anti-contamination guidance

A performance review of the Scottish Police Services Authority

Forensic Science Providers: Codes of practice and conduct 2016

Forensic Science Strategy

The Home Office published the **Forensic Science Strategy** on the 11 March 2016 which sets out the government's vision for the future of forensic science.

Post publication the Science and Technology Committee launched **an inquiry into theForensic Science Strategy** with the intention to hold a hearing in April..

ISO Technical Committee 272 (ISO/TC 272)

The ISO/TC 272 was established following the work on the ISO 18385 standard. Further details of its work programme can be found at: **http://www.iso.org/iso/home/standards_development/list_of_iso_technical_committees/iso_technical_committee.htm?commid=4395817**.

The first pieces of work under way are a vocabulary and a 'crime scene' recovery standard that is being progressed under the Vienna agreement with the CEN/PC 419 Committee which is a European standard committee working on developing forensic science standards. The UK will contribute through the BSI FSM1 committee and will consult with stakeholders through the Regulator.

International Standards

DNA Consumable Standard ISO 18385

Given the prevalence of human DNA, contamination is not unexpected and is normally considered to be the introduction of DNA from a person(s) unconnected to the crime into samples linked to the crime. The DNA profiling methods used are sensitive and are able to generate profiles from very low amounts of DNA.

The consumables used in the recovery and processing of DNA material has been recognised as a route for the introduction of contamination, so the Regulator has developed a consumables standard **PAS 377:2012** *Specification for consumables used in the collection, preservation and processing of material for forensic analysis: Requirements for product, manufacturing and forensic kit assembly*. PAS 377:2012 covers requirements for forensic consumables, with specific requirements for DNA consumables (sections 3.2.2, 3.2.3 and Annex A).

The generation of the ISO 18385 standard was overseen by an ISO project committee (PC 272) following the ISO standard development process. The UK was one of the five countries that supported Standards Australia with the initial proposal to develop the first international standard in forensic science by way of the DNA consumables standard; the UK contributed through the BSI committee (FSM/1), which is chaired by the Regulator.

ISO 18385 is the standard for DNA consumables used in the DNA process chain, from packaging to analysis, required by the Regulator. This standard only replaces sections 3.2.2 and 3.2.3 and Annex A in PAS 377:2012. The updated technical details for sections 3.2.2 and 3.2.3 are published in sections 8.8.3 to 8.8.5 in FSR-208 *The control and avoidance of contamination in laboratory activities, involving DNA evidence recovery and analysis*. The remainder of PAS 377:2012 is still a requirement for consumables other than for DNA analysis until it is replaced with an alternative standard. The intention and plans are in progress to offer PAS 377:2012 for development to an ISO standard.

ISO 18385 is not an accreditation standard. Organisations can self-certify compliance with the requirements or obtain third-party certification. As it is a new standard, there is not yet a body in a position to offer certification. However, purchasers and end users are able to use the standard to assess providers of DNA consumables when determining approved suppliers.

The standard BSI ISO 18385 *Minimizing the risk of DNA contamination in products used to collect and analyze biological material for forensic purposes* was published in February, available at: **http://shop.bsigroup.com/ProductDetail/?pid=000000000030289935**

Events of Interest

There will be presentations by or on behalf of the Regulator at the following event:

Chartered Society of Forensic Sciences (CSFS) and Forensic and Policing Services Association (FAPSA) Small and Medium Enterprises (SMEs) and Sole Trader Engagement Workshop

Date: 22 April 2016

Venue: The Studio, 7 Cannon Street, Birmingham B2 5EP

The workshop is aimed at small organisations that have, as yet, no accreditation. The requirements for accreditation will be outlined, and the manner in which the CSFS may be able to work with UKAS, the Regulator and small businesses to assist in the process of gaining accreditation will be discussed with participants. Any new process is, unfortunately, unlikely to be in place sufficiently quickly for those who are already en route to accreditation by October 2017.

Further details are available at: **http://www.csofs.org/Events/Engagement-Workshop/33420**

Chartered Society of Forensic Sciences

To find out more about the CSFS events contact Keshia McGuire at **conference@csofs.org** or visit the **Chartered Society of Forensic Sciences** website.

2016 Fingerprint Society Annual Conference

Date: 8 April – 9 April 2016

Venue: College Court Conference Centre, Knighton Road, Leicester LE2 3UF

For further details and to book tickets visit: **http://www.fingerprintsociety.com/2016conference/index.html**

Contact

Comments, feedback and suggestions for topics are welcomed and should be sent to:

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FSREnquiries@homeoffice.gsi.gov.uk

https://www.gov.uk/government/organisations/forensic-science-regulator

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