



Quality Standards Specialist Group (QSSG)

**Minutes of the meeting held on 17 July 2018
Home Office, 2 Marsham Street, London, SW1P 4DF**

1. Opening and welcome

1.1 The Chair, the Forensic Science Regulator (the 'Regulator'), welcomed all to the meeting. See Annex A for a list of representatives present.

2. Minutes of previous meeting

2.1 The minutes of the previous meeting held on 22 March 2018 had been approved by members prior to the meeting and were published on the GOV.UK website¹.

3. Matters arising

3.1 *Action 1: FSRU to reconvene the editorial group to assess the changes made to the Codes.* There had not been many changes to the accreditation requirements. FSRU group has created a document that compares International Standards Organisation (ISO) 17025, 17020 and International Laboratory Accreditation Cooperation (ILAC) G19 standards which needed to be reviewed. The editorial process will mainly proceed via email rather than face to face meetings.

3.2 *Action 3: NPCC representative to keep the Regulator informed on developments in police force uptake of the FSR Code of Practice.* The Regulator attended a meeting with United Kingdom Accreditation Service (UKAS) and discussed which police forces had accreditation to the Codes of Practice, and which police forces were currently conducting forensic science examinations without the relevant accreditation. At the meeting, the Regulator had discussed the potential for a summary of accreditation and levels of compliance to be provided on a quarterly basis. However, this is for NPCC rather than UKAS to produce.

3.3 *Action 5: Legal Aid Agency (LAA) representative to write an update for the FSR newsletter on the changes to criminal and civil legal aid contracts.* This action was complete, however the Regulator requested that additional information was added on whether the LAA has a procedure for reporting non-compliant solicitors.

Action 1: LAA representative to provide additional information for the FSR newsletter on whether the LAA has a procedure for reporting non-compliant solicitors.

¹ Available from: www.gov.uk/government/organisations/forensic-science-regulator/about/membership#quality-standards-specialist-group

3.4 The Regulator informed members that following publication of the March 2018 minutes, an amendment had been made and an updated version published. A member from the National Fire Chiefs Council had pointed out an inaccuracy in section 12.2. This had now been amended to: “*Concerns had been voiced by some fire investigators that if accreditation was required, fire and rescue services may not offer this service anymore.*” The updated version was available on the GOV.UK website.²

3.5 All other actions were complete.

4. Digital Forensics Specialist Group (DFSG) update

4.1 An update was provided by the Forensic Science Regulation Unit (FSRU) scientific lead for the DFSG. An overview of the DFSG and its sub-groups was presented, including their reporting mechanisms to the QSSG. The statement of standards and accreditation for digital forensics in the Regulator’s Code of Practice was defined by exemption rather than inclusion. The DFSG had drafted 5 documents for publication by the Regulator, all of which would need to be updated with respect to the latest versions of the ISO standard 17025 and the ILAC G19 guidance document.

4.2 Some of the work streams currently being undertaken by the group were detailed. A new work stream on image comparison was being established which would be undertaken in consultation with the Chartered Society of Forensic Sciences (CSFS). To date, DFSG work in image comparison had focused mainly on height analysis, not objects. Work was ongoing on network forensics. It would be important to define what is meant by network forensics by practitioners and so a questionnaire had been circulated which had revealed that a huge range of activities were being conducted under this definition, some more appropriate than others.

4.3 Work was being conducted with the NPCC Data Communications Group (DCG) Futures Academy to host content on its website to engage with stakeholders concerning accreditation through short online video clips. It was proposed that these clips had the potential to reach a greater audience than traditional methods of stakeholder engagement. As the platform had restricted access, additional platforms were being sought to reach a wider audience.

4.4 Although there had been many reports in the press concerning digital disclosure in cases, none of these had been referred to the Regulator. It would be beneficial to disseminate any lessons learned from future referrals to the QSSG and FSAC.

5. Medical Forensics

5.1 The Regulator introduced the item. In 2016 anti-contamination guidance³ was issued for sexual assault referral centres (SARCS) and custodial settings. The guidance

² Available from: <https://www.gov.uk/government/organisations/forensic-science-regulator/about/membership#quality-standards-specialist-group>

³ <https://www.gov.uk/government/publications/sexual-assault-referral-centres-and-custodial-facilities-dna-anti-contamination>

was produced to address concerns made by a medical practitioner who had examined both the victim and the suspect in the same case. Concerns were held that despite this guidance being issued, the practice was continuing. The Regulator will work with the SARCS, policing and crime commissioners, and NHS England to develop an appropriate route to monitor adherence to the standard.

5.2 The Regulator had been invited to attend a SARC commissioning board monthly meeting chaired by NHS England.

5.3 The work plan for the Medical Forensics Specialist Group (MFSG) was discussed. The MFSG would be focusing on the SARC standard and guidance that aligns to ISO 15189 Medical Laboratory standard. The intention was for the standard and guidance to be published before the chair of the group retires in September 2019. The future work for the group will be to produce guidance for collection of evidence samples in custody. This would address issues around examining suspects in sexual assault cases while in a custody environment. These issues also included lighting, cleanliness, and the fact that many SARCS legally cannot or are not happy to examine suspects in their facility.

6. United Kingdom Accreditation Service (UKAS) update

6.1 All Police Forces had been offered a slot for an extension to scope assessment for fingerprint comparison prior to the October 2018 deadline but not all were in a position of readiness to take up their slot. Thirteen visits to Police Forces had been conducted, of these only 5 offers of accreditation were made. There were currently two organisations accredited for fingerprint comparison; the remaining organisations with offers were working through their actions.

6.2 Two organisations currently held some accreditation in relation to Crime Scene Investigation (CSI). No further applications had been received and no police forces had yet applied for accreditation. Two dry-run visits to police force organisations had been conducted which had been funded by the FSR. The purpose of the dry-runs was to gain an understanding of the current operational environment within UK Police Force CSI units and determine if the assessment approach taken would be appropriate. Overall, the outcome of the dry-run exercise had reaffirmed that the approach detailed in RG201 for the assessment of CSI activities remains appropriate. A key outcome of the dry-runs was the identification of the need for the scope of applications to be well defined and to clearly reflect the activities carried out at scenes, and the context in terms of crime type (volume/simple/major/complex). It was asked how well forces were working together to bring learning from the fingerprint accreditation process to CSI. An NPCC national coordinator was working on disseminating lessons learned from fingerprints to CSI.

6.3 A fire investigation pilot was being run through the UKAS Development Section. Four pilotees had been identified and attended a group pre-assessment event at UKAS earlier in the month. Discussions were held regarding the validation of the processes used and how soon data could be generated to meet the requirements for accreditation.

6.4 All routine assessments to ISO 17025 were to be conducted against the new version of the standard from 1st January 2019. Transition assessments were to be completed by 31 May 2020 to ensure that all organisations had successfully transitioned to

the new standard prior to 1st December 2020 when accreditation to the 2005 version ceases to be valid.

7. British Standards Institute (BSI) update

7.1 An update was provided on the BSI FSM/1 - Forensic Science Processes Committee which is responsible for the UK input into CEN/TC 419 and ISO/TC 272, and is also responsible for the preparation, publication and review of British Standards for forensic science services. One standard was published in 2016, BS ISO 18385, which related to minimizing the risk of human DNA contamination in products used to collect, store and analyse biological material for forensic purposes.⁴ Two further standards were scheduled for publication in August 2018, BS ISO 21043-1 and BS ISO 21043-2. Part 1 concerned terms and definitions⁵ and part 2 concerned with recognition, recording, collecting, transport and storage of items⁶. These international standards are not accreditation standards requiring technical assessment, so the Regulator would not set any requirement to comply with these as an alternative to the current standards framework within the UK.

7.2 An overview was provided of other standards being developed by the ISO/TC 272 that the FSM/1 Committee are dealing with, the status of which can be found at the BSI website.⁷ The FSM/1 committee proposal to develop an ISO standard around specification for consumables used in the collection, preservation and processing of material for forensic analysis, has been accepted by ISO/TC 272 which the Regulator welcomes as a number of referrals had been received on this topic.

7.3 A research study was being conducted on the use of artificial intelligence (AI) in digital forensics. A workshop was planned for October 2018 on the topic which would gather policy-makers, regulators, digital forensics experts, academics, investigators, laboratories etc. to identify standardisation gaps for the use of AI in digital forensics.

8. NPCC Update

8.1 The NPCC representative provided the members with an update. It was announced that two police forces have gained fingerprint comparison accreditation.

8.2 It was confirmed 50% of police forces that were previously not signed up to the FSR Codes of Practice and Conduct had now been granted accreditation. This applied to any police forces who conduct a forensic process. Another two forces had been recommended for accreditation, and 7 police forces had visits planned for accreditation to the Codes. There were five police forces that were currently not signed up to the FSR Codes.

8.3 The rate of attainment of accreditation in digital forensics had declined within police forces. This was likely due to police forces focusing on obtaining fingerprint comparison accreditation which had a deadline of October 2018. It was confirmed 21 police forces had

⁴ Available from: <https://standardsdevelopment.bsigroup.com/committees/50236770#published>

⁵ To be published at: <https://standardsdevelopment.bsigroup.com/projects/2016-00378>

⁶ To be published at: <https://standardsdevelopment.bsigroup.com/projects/2017-01985>

⁷ Available from: <https://standardsdevelopment.bsigroup.com/committees/50236770#in-progress>

accreditation, and 38 police forces had planned visits for accreditation. There were a further 11 visits planned between now and December 2018.

8.4 An 'accreditation gold group' had been set up by the NPCC. The group would focus on how to improve the success rate for police forces gaining accreditation for crime scene investigation (CSI) and fingerprint comparison. The group would focus on quality issues as well as the accreditation process.

9. Covert Forensics

9.1 The Regulator presented the members with an update on covert forensics.

9.2 The NPCC covert forensics working group had met twice, and three further working groups had been established; the Standard Operation Procedures and Accreditation Considerations Group (SOPAC), Training Competence Group, and DNA Anti-Contamination Group.

10. Defence Access

10.1 A draft appendix to the FSR's Codes of Practice and Conduct concerning defence access was presented. The original draft of the Codes of Practice and Conduct contained a large section on defence access, which was pared down for publication, but the remaining material was intended to be issued as an appendix later. The draft defence access appendix included the published policy of the Crown Prosecution Service (CPS), however experts routinely instructed by the defence argued that the published policies of the CPS on issues such as permissions for access to exhibits were interpreted more flexibly by local CPS, and restating CPS central policy was in their view a backward step. There was a clear onus to change the guidance to reflect current and desired practices rather than follow the CPS central policy. QSSG members were invited to comment on the draft appendix.

10.2 Members were supportive of the refreshed defence draft appendix and felt that it was a useful document to circulate to interested parties. It was suggested that the section on reimbursement for the costs associated with the examination was expanded, as well as providing further guidance on legal aid funding of access costs incurred by defence experts. Problems existed around charging of costs especially those associated with disclosure in newer areas of forensics, such as digital forensics.

10.3 Clear guidance was required on the disclosure process in general to prevent erroneous claims for access to exhibits. The FSR's disclosure management document could be linked to in the guidance. The LAA guidance on defence access would be updated to reflect the FSR's guidance to ensure that there is consistency between the two.

10.4 Members were asked to provide any further comments to the FSRU on the draft guidance, after which time it would be updated based on discussions and comments received.

Action 2: QSSG members to provide further comments on the defence access guidance to FSRU.

11. Expert Report Guidance - Update

11.1 The expert report guidance document was updated to address the changes to the Criminal Procedure Rules (CrimPR). The document was designed to provide guidance to forensic scientists and expert witnesses to ensure they comply with the Criminal Procedure Rules when making declarations in their reports. One of the requirements of the CrimPR (19.4e) required all assistants who worked on a case to be listed along with their qualifications. This caused several issues, especially in DNA analysis work where many different teams would be working on a case, at times up to 60 different individuals.

11.2 The Criminal Procedure Rules Committee has changed the Rules to make clear that the only people that should be listed are the people who have provided representations of fact and opinion. The document was amended to reflect the changes to the declarations, which now required the expert witness to list only the qualifications and roles of the people who provided representations of facts or opinions. A separate document was being developed with the assistance of forensic science providers and CPS that would include more detail about facts and opinions within statements. The document would be available within the next few weeks.

11.3 The document also addressed the issues of declarations of non-compliance with the Codes of Conduct. This had caused some confusion with the (CPS) over jargon used within the reports by some forensic scientists. The document provided forensic scientists with guidance on how to clearly address non-compliance in their reports. It was confirmed a paper would be developed and published in the CPS in-house magazine that would include the standards required for accreditation and terms the CPS may observe in reports about declarations and non-compliance and what they mean.

11.4 The document addressed criminal justice statements produced by expert witnesses for a department, for example the CPS, and were also used for another department, for example the family court without the consent or knowledge of the expert witness. The guidance document had been updated to include an optional declaration, which states the following: "This report must not be used outside of the criminal justice system without prior agreement"

11.5 A member suggested section 4.11 of the guidance should also cover the defence, as the document only refers to the police and CPS. It was agreed this should include the defence as well. The member also highlighted in the section regarding literature and information relied on the statement "The information used does not have to be in the public domain" and felt this should be available for use in court, especially if the information was being relied on and should be made available to the opposition experts.

Action 3: QSSG members to provide any further feedback regarding the expert report guidance to the FSRU within a couple of weeks.

12. Interpretation and Evaluative Evidence

12.1 The FSRU had produced a draft document for the interpretation and evaluation of forensic evidence. The document laid out the principles for the interpretation of evidence and would be a standard, (i.e. an appendix to the FSR's Codes of Practice and Conduct), as opposed to a guidance document as several published guidance documents on

interpretation already in existed. A workshop had been held in 2017 to support preparation of the standard which was attended by the Royal Statistical Society and various experts in interpretation. Now that the document had been prepared, it would go back to the workshop group for review.

12.2 One of the issues that had stopped a formal, agreed process for the interpretation of evidence was the *R v T* judgement⁸ which did not recommend the use of likelihood ratios⁹ when presenting evidence in court. The draft standard produced by the Regulator is recommending the use of likelihood ratios, addressing some of the concerns which had led to the *R v T* judgement, including transparency. The draft standard sets out a way of indicating to the court what level of confidence you can have in the likelihood ratio you have produced depending on the quality and relevance of the data sets.

12.3 Once the document has been agreed by the workshop group, it would be shared with senior judiciary to obtain judicial buy-in.

12.4 A member asked whether the guidance dealt with where the data had been obtained from and its reliability. The document addressed a range of data qualities and types, e.g. ranging from a large statistically representative database to the forensic scientist's own experience, and the risks associated with each. The quality assessment was scaled from no relevant data and little relevant expertise to extensive data of direct relevance and confidence in the likelihood ratio would be categorised accordingly.

13. Annual Report Items

13.1 The Regulator asked the QSSG members for any items that should be included within the annual report.

13.2 Suggestions from members included disclosure, judicial process, accreditation, competence, highlighting areas in forensic science that is working well, and areas that need improvement, policy issues, quality, Digital Forensics, referrals, and UKAS.

Action 4: QSSG members were asked if they had any more items that should be included in the annual report to inform The Regulator by the end of August 2018.

15. AOB

15.1 The Regulator announced they had written an article called Forensic Science in England & Wales, a Commentary. The article has been published in Forensic Science international 6 July 2018.¹⁰

⁸ Available from: <http://www.bailii.org/ew/cases/EWCA/Crim/2010/2439.html>

⁹ A likelihood ratio is used by forensic scientists to express the uncertainty associated with scientific evidence

¹⁰ <https://www.sciencedirect.com/science/article/pii/S0379073818303505/pdf?md5=515cde4475b052ea0762e2d8967af43c&pid=1-s2.0-S0379073818303505-main.pdf>

Annex A

Representatives present from:

- Forensic science Regulator (chair)
- Forensic science Regulation unit
- BSI group
- The Chartered Society of Forensic Sciences
- Crown Prosecution Service
- Expert Witness Institute
- Forensic Science Northern Ireland
- HO Science Secretariat
- HO Science Secretariat
- Legal Aid Agency
- Metropolitan Police Service
- The National Police Chiefs Council
- The Chartered Society of Forensic Sciences
- Cambridgeshire Constabulary
- National Fire Chiefs Council
- National Crime Agency - Forensic Services Department
- Defence Science and Technology Laboratory
- National Quality Managers' Group
- Eurofins Forensic Services

Apologies from:

- Criminal Bar Association
- Scottish Police Authority Forensic Services
- Glaisyers Solicitors Birmingham
- College of Policing
- United Kingdom Accreditation Service
- Independent
- Manchester Coroner's Office
- Orchid Cellmark Ltd