



Forensic Science Regulator

Firearms Specialist Group (FSG)

Note of the meeting held on 14 July 2022 via video conference.

1. Welcome and introduction

- 1.1 The Chair welcomed all to the first meeting of the Firearms Specialist Group (FSG).
- 1.2 Members introduced themselves to the group.

2. The Forensic Science Regulator Act 2021

- 2.1 The representative from the Forensic Science Regulation Unit (FSRU) provided the Firearms Specialist Group (FSG) with a high-level overview of the Forensic Science Regulator Act 2021 (henceforth 'the Act').
- 2.2 Provisions of the Act require the Forensic Science Regulator (henceforth 'the Regulator') to publish a Code of Practice (henceforth 'the Code') and would create an obligation on the Courts to consider whether forensic activities, which are subject to the Code, had been carried out in adherence with the Codes.
- 2.3 A draft of the Statutory Code of Practice had been developed. The draft includes a 'core' Code where the existing Codes of Practice and Conduct have been incorporated. The Code would also define the activities covered by the Code, known as Forensic Science Activities (FSAs) and include activity specific appendices.
- 2.4 Two drafts of the Code had been made available for informal comment, and a refined draft of the Code would be published for the statutory consultation. The

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statutory consultation would be open for a period of 12 weeks and was expected to commence in late July 2022.

- 2.5 Following the consultation, the Code would be presented to the Secretary of State for the Home Department and both Houses of Parliament for approval. This was expected to take place in early 2023.
- 2.6 Firearms appendices had been drafted. The FSRU representative informed the group that these appendices were not likely to be published in the first iteration of the Code. Pending inclusion in the Codes, it was expected that a guidance document would be produced with regards to firearms.
- 2.7 The Chair highlighted that an important element of the guidance on firearms would be accreditation issues such as variance in terminology, and determination of value and classification of firearms.
- 2.8 The representative from the National Ballistics Intelligence Service (NaBIS) asked about the FSAs and how activities would be linked to competencies. The representative from the FSRU replied that the FSAs focussed on the activity rather than the person performing it, therefore anyone carrying out a defined activity would be covered by the Code.

3. Review of the terms of reference and membership

- 3.1 A copy of the draft terms of reference (TOR) had been circulated to members ahead of the meeting.
- 3.2 The representative from the United Kingdom Accreditation Service (UKAS) asked if the remit of the group should be expanded beyond firearms examination and analysis, to include allied FSAs, such as analysis of gun shot residue (GSR) or scene examination.
- 3.3 It was agreed that the FSG should be able to advise on scene investigation as this was a key activity.
- 3.4 The group agreed that they should be able to advise the Regulator on topics that relate to, or affect, firearms investigations. This would include GSR as a firearm examiner may request recovery of GSR at a scene and would expect recovery to have been completed before a firearm was submitted to a

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laboratory for examination. However, microscopic analysis of GSR would not be covered by the group.

- 3.5 The Chair also noted that the FSG may be required to advise on set up of firearms laboratories including avoiding unintentional contamination of other areas with GSR.
- 3.6 The representative from Staffordshire University highlighted the need to consider activities which historically have not been considered as extensively, for example forensic science with regard to wildlife crime. The representative from the FSRU acknowledged this and responded that the provisions of the Code meant that it could cover a range of organisations. The Code, therefore, includes general statements regarding who must commission work for it to be considered an FSA, in the first version of the Code this would be focussed on policing, but future iterations of the Code could include other agencies such as environmental health or local councils.
- 3.7 The Chair agreed that the value of firearm examinations as part of wildlife crime investigations was not well enough understood, and education was ongoing in this area.
- 3.8 The members were asked about the composition of the group, and it was noted that the TOR needed to be updated to include representation from UKAS.

ACTION: Update TOR to include representation from UKAS.

- 3.9 The representative from the Durham Constabulary suggested including the firearms lead at the Forensic Capability Network (FCN) in the FSG. It was agreed the firearms lead from the FCN would be identified and considered for membership.

ACTION: Chair to discuss with the Regulator whether a representative from the FCN should be appointed.

- 3.10 The representative from Staffordshire University suggested a member from the Organisation of Scientific Area Committees for Forensic Science (OSAC) be included for an international perspective on the standards. It was agreed that information exchange between the FSG and international groups such as the

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OSAC, but also the European Network of Forensic Science Institutes (ENSFI) would be beneficial, but that this could be done through existing members of the group.

4. Firearms Forensic Science Activities (FSA)

- 4.1 The draft FSA definition for firearms was distributed to the FSG members ahead of the meeting. The FSRU representative described the structure of the FSAs to members.
- 4.2 The FSRU representative highlighted that the key issues for the FSG members to consider were whether the definition was clear regarding what should and shouldn't be covered and what requirements should apply. It was noted that sub-activities defined with the FSA would be discussed at a subsequent meeting.
- 4.3 The independent representative asked about examiners not working within a laboratory and inclusion of activities such as lethality assessment. The UKAS representative responded that analysis for lethality was not included in the FSA.
- 4.4 It was agreed that there were some activities missing from the FSA and some definitions needed amending. The group agreed to review the whole FSA.
- 4.5 The representative from the Metropolitan Police Service Forensic Firearms Unit (MPSFFU) raised that consistency in the approach to describing activities would be beneficial as the terminology in the MPSFFU UKAS schedule of accreditation was very different to in-house terminology which created confusion. The UKAS representative replied that they had been working with the Regulator to develop a common approach. The UKAS representative noted they would welcome further suggestions on terminology for consideration.
- 4.6 A representative from NaBIS noted that there was no inclusion of opinions and interpretations of examiners. The representative from the FRSU noted that a 'general requirements' section had been written into the Code, which covered many of the general issues which affect forensic science activities, including opinions and interpretations. A copy of the general provisions could be shared with the group.

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ACTION: The representative from the FSRU to share the FSA General Requirements with the group.

4.7 The chair and FSRU representative highlighted that the priority for the next meeting would be to seek agreement for a final FSA for firearms that could be included in the final version of the Codes. Discussions would be required ahead of the next meeting in order to have a final version ready to agree at the next meeting.

ACTION: All to review the draft Firearms FSA definition and provide comments.

5. Triage classification of firearms

5.1 The issue of triage classification of firearms was discussed. The Chair noted that the previous Regulator had advised that where organisations could demonstrate ongoing competence, they could carry out triage classification despite not being accredited to ISO 17025.

5.2 The chair highlighted that staff in accredited facilities were able to carry out initial classification of firearms and write an initial statement for remand purposes. Such a statement should be replaced with a full statement from an accredited organisation for court purposes, however defendants could plead guilty on the basis of the initial 'remand' statement only. This risked errors in sentencing decisions or wrongful convictions if classification was inaccurate.

5.3 A representative from NaBIS queried the use of the term 'triage' within the Code and questioned if it should be further defined. The representative commented that 'triage' was synonymous with 'remand statement'. The chair responded that the FSG should view 'triage' as broader than remand statements and would remain relevant in situations where an accredited forensic provider would not be required for classification, such as assessment of power of air weapons.

5.4 The representative from the Durham Constabulary highlighted that there was no recognised training within Policing for triage classification. The terminology 'competent individual' within the Code would by default set the standard for

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individuals to be authorised to carry out triage. Defining competency in the Code would support triage practitioners by giving weight to the requirement for training.

- 5.5 The representative from the Durham Constabulary highlighted that there was a particular need for training in two specific areas. Firstly, training regarding identification of firearms requiring examination by a forensic service provider and secondly for assessing whether or not the items should be added to the NaBIS database.
- 5.5.1 The chair noted that competence to handle NaBIS submissions would sit outside the remit of this group, as would other areas that fell under operational policing.
- 5.6 The representative from the FSRU noted that incompetent firearms classification held a significant risk. It was noted that triage classification could be a separate FSA and excluded from the first version of the Code. It would be necessary to define 'competent individual' to ensure consistency amongst the different police services across the United Kingdom.
- 5.7 A representative from NaBIS highlighted that the difficulty with defining competence was a range of individuals, in different roles, were likely be completing remand statements resulting in a range of interpretations.
- 5.8 A representative from NaBIS commented that if there wasn't a provision for unaccredited individuals to carry out initial remand statements there could be challenges in meeting demand, and custody time limits. The representative suggested that should the provision for non-accredited individuals to provide a remand statement remain, a learning package be used throughout the system to aid embedding and understanding of the process.
- 5.9 A representative from NaBIS drew attention to the fact that the exemptions in Issue 7 of the Codes of Practice were not included in the draft firearms FSA proposed for the statutory Code. The representative questioned whether the intention was to remove provision for non-accredited individuals entirely.

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- 5.10 The representative from the FSRU responded that to create an exemption, the necessity would need to be clear, and this would need to be discussed with the Regulator. If an exemption was included, safeguards would need to be in place.
- 5.11 The UKAS representative noted that as there was no assessment of competency, this would be self-declared and presented a large risk. Each Police service would have differing approaches to defining competence. The provision of competence should be about ongoing competence, continuing professional development (CPD), and supporting practitioners in achieving competence.
- 5.12 The representative from Durham Constabulary suggested that the FSG could define the minimum standards and requirements for competency in triage classification.
- 5.13 The representative from Helston Guns suggested a formal peer review system could assist in performing a quality standards check.
- 5.14 It was agreed that the issue of triage classification would be discussed with the Criminal Prosecution Service and discussed further at the next FSG meeting.

6. Issues to be raised

- 6.1 The chair highlighted the following items to be raised at the next meeting:
- the FSA definitions
 - triage classification of firearms
- 6.2 The UKAS representative raised kinetic energy and the provisions on kinetic energy as an issue to be discussed by the FSG members. This was agreed.
- 6.3 The representative from Key Forensics raised shooting incident investigation as an issue to be discussed by FSG members. Clarity around the who could give advice at scenes was needed.
- 6.4 The representative from Helston Guns proposed that the group review the Royal Society Ballistics primer for the Courts. The Chair proposed that the group feed into the second draft of this document when it was produced.

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6.5 The representative from Key Forensics raised the issue of the evaluative approach and evidential strength assessment as it related to firearms examination.

6.6 These issues were all noted by the chair and the issue of kinetic energy was agreed to be discussed at the next meeting.

7. Date of the next meeting

7.1 The chair proposed the next meeting takes place in October.

7.2 All members are to review the FSA definition and provide comments ahead of the October meeting.

8. AOB

8.1 There was no other business.

Annex A

Representatives present:

Chair

The National Ballistics Intelligence Service (NaBIS)

Metropolitan Police Service Forensic Firearms Unit (MPSFFU)

Key Forensics

Staffordshire University

Durham Constabulary (Representing Police Armourers)

Helston Guns

Merseyside Police

United Kingdom Accreditation Service (UKAS)

Forensic Science Regulation Unit (FSRU)

Home Office Science Secretariat

Apologies received from:

Crown Prosecution Service (CPS)

Principal Forensic Services