



Forensic Science Regulator

Incident Examination Specialist Group (IESG)

Note of the meeting held on 19 April 2023 in Birmingham and online via videoconference

1. Welcome, and Introduction

- 1.1. The chair welcomed all the members to the third meeting of the incident examination specialist group (IESG). A list of attendees by organisation is available at Annex A.
- 1.2. The minutes of the previous meeting were agreed and would be published by the secretariat.

2. Update from the Forensic Science Regulator (FSR)

- 2.1. The Forensic Science Regulator (FSR) thanked the members of the IESG for being a part of the specialist group and noted the important role the specialist groups had in aiding the regulation of forensic science.
- 2.2. The FSR had three points to highlight to the IESG members.
 - i. Senior Accountable Individuals (SAIs) – complex governance arrangements in both policing and the commercial sector had made identification of SAIs challenging. The group were reminded that the role of the SAI was accountability not responsibility and some actions could be delegated. The main issues for the SAIs to be aware of were; referrals, the baseline compliance survey, reviewing risk, and accreditation requirements (ensuring alignment across the FSAs).
 - ii. Self-referral – this was noted as a positive that aided the identification of risks and supported shared learning. However, the FSR noted that was a

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reactive process which the FSR would be seeking to make more proactive. The aim of the compliance survey that had run alongside the statutory consultation was to proactively collect information regarding the organisations carrying out Forensic Science Activities (FSAs). A further survey, reflecting the format of the final Code would be run to refresh this information.

- iii. Effective forensic science regulation, particularly with regard to incident scene examination which needed to reflect the uncontrolled nature of scenes. The FSR noted that alignment of forensic science activities with schedules of accreditation would assist organisations with understanding the compliance requirements for the FSAs, particularly with regard to the regulation and accreditation of major crime. The Regulator would be grateful of the views of the IESG on how this alignment could best be achieved.

- 2.3. The Regulator highlighted the important and critical role of the IESG in drafting the Forensic Science Activity Specific Requirements (FSA SR) for incident examination. These requirements were intended to be added to the statutory Code and would be the primary requirements for incident scene examination, interpreting other standards as necessary. The requirements would focus on incident examination as a forensic science activity, rather than a testing or inspection activity, and the Regulator hoped they would provide a meaningful and effective way of regulating incident examination including the application of professional judgment and managing risk. The IESG would be asked to use the opportunity in developing these requirements to review the existing approach.

3. Update from the IESG Chair

- 3.1. The chair of the IESG highlighted there was an opportunity for the group to set the specific requirements (SR) for FSA – INC 100, using four reference points for compliance; the Code, ISO 17020, ILAC G19 and RG201. There would potentially be an additional opportunity to develop guidance under section 9 of the FSR Act 2021.

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- 3.2. The chair emphasised the point around primacy of the document and the way in which it may be designed so it could be used to interpret other standards and remove the need to refer to multiple documents.
- 3.3. The chair mentioned that the FSA specific requirement would have an emphasis on professional judgement. There was a need for the IESG need to formalise the interpretation of professional judgment and how it would be effectively described in the FSA SR. There was an opportunity for the IESG to ensure it was used in the right context.
- 3.4. The chair also noted the role for the sub-groups of the IESG in developing specific requirements for different scene types and identifying where guidance documents were needed. The chair would be engaging with representatives from a range of incident types.

4. Incident examination draft FSA Specific Requirements – discussion and review

- 4.1. The chair noted to the members of the IESG the importance of their roles in the provision of advice to the Regulator, both on the content of the FSA SR document, and on how to continue to drive the development of quality management, particularly around major crime.
- 4.2. The chair introduced the first draft of the incident examination FSA SR, this had been circulated to the IESG ahead of the meeting.
- 4.3. The chair highlighted to the members the impact the FSA SR could have on the practitioners, crime, victims and even the public and recommended the IESG consider this while supporting the development of this FSA SR. The aim was to have a document that would assist with the accreditation assessment process. The UKAS representative noted that requirements in the FSA SR would need to be clear and sufficiently detailed to use the requirements for assessment.
- 4.4. The group discussed the challenges around meeting the requirements for checking and peer review (section 26 of the Code) as part of incident scene investigation. The group agreed noted that professional judgement would also be relevant to peer review and checking.

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4.5. The group discussed professional judgement and it was agreed that there needed to be a clear definition of what it is, and the requirements of how professional judgement could be demonstrated. The following issues around professional judgement were highlighted:

- Clarity over how it would be applied
- How to assess consistency if different approaches were taken
- The influence of human interpretation
- Risks around volume crime where a single practitioner would be present
- Influences on decision making such as bias and experience
- How decision making would be reviewed, e.g. dip sampling
- Consideration of variation in decision making approach between the practitioner and a peer reviewer.

4.6. The chair requested that the IESG draft a section on professional judgement to be included in the FSA SR and three members agreed to produce this for review by the IESG.

Action 1: Representatives from the National Crime Agency (NCA), the Metropolitan Police Services (MPS) and UKAS to draft a definition and requirements of professional judgement for inclusion to the FSA SR.

4.7. The group then discussed forensic scene management. The main points highlighted were:

- The need for role descriptions to include forensic scene managers (FSM)
- Clear competency boundaries for performing an FSM role
- Identification of scenes requiring an FSM
- The differing roles for external practitioners called to a scene

4.8. A representative from the NCA informed the group of a document they had produced which was designed to aid the investigative process for scenes involving a death. The group agreed that this document would be beneficial consider as part of the FSA SR review.

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Action 2: The representative from the NCA to circulate the death scene investigation document to the IESG.

4.9. The IESG members reflected that they found the distinction between the differing crime scene attendees, the definitions and the requirements useful. A representative from the Association of Forensic Service Providers (AFSP) noted that there was a need to specify when the attendance of an 'expert' is required at scenes.

4.10. The chair requested that the IESG draft a section on the role of external practitioners at an incident scene to be included in the FSA SR and a member agreed to produce this for review by the IESG.

Action 3: A representative from the AFSP to expand on FSA SR section on practitioners attending a scene to carry out an FSA and to draft a section regarding expert attendance to scenes for inclusion in the FSA SR.

4.11. The group discussed interpretation and reporting of incident scenes and it was agreed that there needed to a definition of what interpretation meant in the context of incident scenes and how investigative opinions differed from expert opinions. The chair requested that the IESG draft a section on the steps in interpretation at an incident scene to be included in the FSA SR and a member agreed to produce this for review by the IESG.

Action 4: A representative from Thames Valley Police (TVP) to draft a definition and requirements of incident scene interpretation for inclusion to the FSA SR.

4.12. In final reflections on the FSA SR, the chair suggested that the IESG continue to review the document and to identify any thematic areas for discussion.

Action 5: The IESG to continue to review the draft FSA SR and to share comments with both the chair and the OFSR regarding suggested thematic areas for discussion.

4.13. The UKAS representative noted that the Regulator had indicated that ISO 17025 would be required for some activities at scenes (such as BPA). The representative from the AFSP commented that accreditation requirements may be used to set requirements for contract tenders and if there was variation in the

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standard held by a provider and the standard required then this may impact on an FSPs ability to tender.

- 4.14. The chair noted this concern and asked the representative from the FCN to do so also. The chair would raise this concern with the NPCC forensic marketplace group.

Action 6: The chair of the IESG to speak to the forensic marketplace portfolio regarding tendering.

5. Sub-group updates

Fire sub-group

- 5.1. The chair of the fire subgroup provided an update to the members of the IESG. It was noted that the fire sub-group had been established and the group was due to meet at the end of May.
- 5.2. It was noted that the subgroup had reviewed the draft FSA SR with validation, cleaning, scientific methods at scene, and testing at scene raised as the main thematic areas for review.
- 5.3. It was reported that the subgroup raised the requirement for the fire investigator Code of Practice and NFCC competency framework to be referenced in the FSA SR.
- 5.4. The chair of the fire subgroup noted to members of the IESG that the requirement for fire investigators to be competent about exhibit packaging as well as challenges around peer review of critical findings were two key topics of debate.
- 5.5. The difference in practice between crime scene investigators (CSI) and fire investigators were discussed and it was agreed that a separate FSA SR would be required to ensure relevance of each document was maintained as there were a number of areas of difference.
- 5.6. The group discussed how the point at which a fire scene requires forensic examination would be defined, it was agreed that a definition/threshold for this would be included within the FSA SR.

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- 5.7. It was discussed that the intention was for the FSA SR to developed in time for fire investigators to use it to support the design of accreditation pathways.

Collision investigation sub-group

- 5.8. The sub-group chair noted the terms of reference for the collision investigation subgroup were being developed with a representative from the OFSR.
- 5.9. The sub-group chair informed IESG members that the subgroup would be looking at some challenges that had been identified with regard to digital forensic activities that were part of collision investigation.
- 5.10. The sub-group would also be looking at clarifying those activities within collision investigation that would be part of the collision investigation FSA (FSA - INC 101) and those that would be covered by other FSAs. This was important as there were differing requirements for compliance for some activities.
- 5.11. It was noted that examination of vehicles not part of a collision investigation, was not covered in the incident scene FSA and this should be added.

Covert sub-group

- 5.12. The chair of the IESG provided members with an update on the progress of the covert sub-group. It was highlighted that covert investigations were excluded from the first issue of the statutory Code but that covert forensic science activities would require compliance with the Code in the future. There was a need to ensure quality standards were consistent and met.
- 5.13. Stakeholders for membership of the covert subgroup were being identified. The chair asked the members to assist with establishing the scope of covert forensic activities.

Action 7: IESG members to share with the chair, the representative from the NCA and the OFSR, areas in which they have previously had interactions with covert activities as a landscape scoping exercise.

Counter Terrorism (CT) sub-group

- 5.14. The chair of the IESG provided members with an update on the CT sub-group. The need for a separate FSA SR for CT incidents was discussed and it was agreed that forensic science activities undertaken as part of a CT investigation

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would be broadly the same as those for an incident, however as the crime scene management element was different a CT sub-group would be established to review the FSA SR from a CT perspective.

- 5.15. The chair raised that CT explosion scenes would also be considered as part of the remit of the CT sub-group.

Major crime sub-group

- 5.16. The chair of the IESG raised to the members of the IESG that a CSI technical forum had been set up with the FCN. The CSI technical forum would focus on all aspects of crime scene investigation including Code compliance. Meetings of the CSI technical forum would run in parallel to meetings of the IESG and the chair of the major crime sub-group would be leading on the major crime approach for the technical forum.

- 5.17. The chair of the major crime sub-group provided members of the IESG with a progress update, noting their current focus was on the technical forum which would support and inform work of the IESG, ensuring alignment.

- 5.18. It had been suggested that section 9 guidance could be developed for major crime by the sub-group. This was to be explored.

- 5.19. The level of involvement by the UKAS representative was discussed to ensure impartiality was maintained.

Other

- 5.20. It was raised whether a subgroup for wildlife crime was required. It was discussed this was being worked on at a national level and it was suggested that a representative could be invited to the next IESG meeting. Joined up working could be explored.

Action 8: OFSR to contact the NPCC Wildlife Crime Group for an update and extend an invitation to provide an update at the next meeting of the IESG.

Workplan

- 5.21. The following areas were raised as potential areas for exploration, it was agreed these should be added to the workplan for as areas for future review:

- disaster victim identification (DVI)

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- FSA – INC 103 – examination to establish the origin and cause of an explosion, whether this could be merged with incident scenes and fire scenes FSAs as appropriate.
- recovery of evidence from the deceased

Action 9: Secretariat to update the IESG workplan and include review of the workplan as a standing agenda item.

6. Stakeholder updates

- 6.1. Members of the IESG were provided stakeholder updates from the AFSP, UKAS and the FCN ahead of the meeting. Members were provided the opportunity to share comments or questions.
- 6.2. It was raised to the group by the UKAS representative that change in accreditation standard from ISO 17020 to ISO 17025 for some activities carried out at incident scenes was still under discussion between UKAS and the Regulator and therefore there was no change plan but this would be developed as appropriate with the FSR.
- 6.3. The UKAS representative informed the group that UKAS were recruiting and training technical assessors for incident scenes. The UKAS representative also advised that an update would be provided at the next meeting on plans to streamline of the assessment process.
- 6.4. The representative from the FCN noted that inconsistencies in accreditation assessments had been reported to them and commented that the detail on professional judgement being added to the FSA SR may assist with reducing this. The group were also informed that appointment of fire investigations lead at the FCN was pending confirmation of funding.

7. Any other business

- 7.1. The representative from Thames Valley Police noted to the group that inconsistencies had been observed across the CSI community during accreditation assessments with regard note taking and validation (providing an example of perceived variances in the number of participants expected to be

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involved in testing). It was questioned whether guidance could be developed with regard to this. The group debated and agreed that defining validation with the FSA SR would be challenging but these issues could be explored by the CSI technical forum. It was agreed that issues raised at the CSI technical forum would be a standing agenda item.

7.2. The chair thanked all for coming and closed the meeting.

Action 10: Secretariat to schedule the next meeting of the IESG and circulate an updated FSA SR ahead of the next meeting.

Annex A

Representatives present:

In person

Chair

Forensic Science Regulator

Metropolitan Police Service

Bedfordshire, Hertfordshire and Cambridgeshire Police

Thames Valley Police

United Kingdom Accreditation Service (UKAS)

Forensic Access

National Crime Agency

Greater Manchester Police

Office of the Forensic Science Regulator

Home Office (secretariat)

Online

Association of Forensic Service Providers (ASFP)

Scottish Police Authority – Forensic Services

Forensic Capability Network (FCN)

Forensic Collision Investigation Network (FCIN)

No apologies received