



Forensic Science Regulator

Interpretation Specialist Group (SG)

Note of the meeting held on 25 March 2024 in Birmingham and online via videoconference

1. Welcome and introductions

- 1.1. The chair welcomed the members to the fourth meeting of the Interpretation Specialist Group. A list of attendees by organisation is available at annex A.

2. Actions from previous meeting

- 2.1. The action log was reviewed with relevant updates provided to the group. Resulting from a review of the actions, the following relevant action was agreed:
 - 2.1.1. Action 35 from January 2024 “ Chair to circulate the “no comment” paper with senior investigating officers and the judiciary and collate feedback for consideration”, was updated for the action to be closed, as after some consideration.
- 2.2. A log of the remaining outstanding actions is provided as annex B.
- 2.3. The minutes from the last meeting were agreed with no corrections.

ACTION 39: Secretariat to publish minutes from the previous meeting.

3. Review of progress

[Paper 3] Guidance: Interpretation for Forensic Science Activities

- 3.1. Prior to the meeting an updated draft of the guidance was circulated to members of the Interpretation Specialist Group. The Chair provided a brief update to members that drafting suggestions from previous meetings had been

Minutes – Minutes – Minutes – Minutes – Minutes – Minutes – Minutes – Minutes

introduced along with new comments and questions for review and consideration.

3.2. The Chair opened the discussion to members to discuss the questions and comments which had been added to the draft.

3.3. The group discussed at length the sub-section 'Levels of issue' within the 'Scope' section within the draft guidance document, which was led by the legal academic, wording and grammatical issues were raised within this section of the draft guidance which the meeting addressed. The key points from the discussion were:

- Currently within the guidance 'offence level' addresses 'the issues with intent', which the legal academic highlighted that the issue isn't particularly 'mens rea' but about who has the authority to determine particular questions.
- Regarding the statement "Offence level issues are for the trier of fact to address, not the forensic practitioner", within the guidance, the legal academic highlighted to the group that this is misleading as all of the issues are to be addressed by the trier of fact, including the issues of expertise.
- One of the AFSP representatives, highlighted at the end of the section the 'sub-source' section, and wanted to clarify whether this related to DNA and body fluids, and if it did the wording was generic and an example would assist in making this section clearer. The chair agreed and noted that it would be tricky to use this terminology in other FSAs than DNA and body fluids.
- The challenges expert witnesses face when addressing levels of issue within propositions, an example of this would be trying to address 'activity level' when there are limitations with what can be addressed.
- The legal academic highlighted that the wording currently used would be 'misleading to a person who is not familiar with this discourse', the members agreed and noted that future drafts would be more accessible.

Minutes – Minutes – Minutes – Minutes – Minutes – Minutes – Minutes – Minutes

- 3.4. The group then discussed the 'Interpretation principles' section within the draft guidance document, wording and grammatical issues were raised within this section of the draft guidance which the meeting addressed. The key points from the discussion were:
- Regarding the statement 'Part 19 of the CrimPR [REF] contains rules relating to the use of expert evidence in criminal proceedings.' The legal academic highlighted that this suggested that this is the primary source of rules in relation to use of expert evidence. it was agreed that this would be updated to 'Part 19 of the CrimPR [REF] *creates* rules...'
 - The wording used around the criteria for the admissibility of evidence.
 - Definition what an 'expert' is, and clarification of the competencies required to be considered an expert, as the term 'expert' could be interpreted differently.
 - Clarification for what 'calibration of expertise' means regarding to organisations, practitioners, evidence type and the consequences if the expectations aren't met, the deciding factors and how this would apply to the defence community.
 - Consistency is needed with terminology throughout the draft guidance document, as multiple words are used to define the same thing.
 - How would the group address the expression of a conclusion as there are different ways currently used i.e., qualitatively, and quantitatively, and if there would be a way the group could standardise this to ensure that it can be used in all FSAs.
- 3.5. The Chair thanked members for their comments and raised that there would be further amendments ahead of the next meeting with further additions of text and editorial changes, encouraging the members to send through any further comments.
- 3.6. The chair summarised the next steps. These are identified in the actions below:
- ACTION 40:** Legal academic to rewrite section 3.3 of the draft guidance document.

Minutes – Minutes – Minutes – Minutes – Minutes – Minutes – Minutes – Minutes

ACTION 41: Representative from the Bar Council to share relevant documentation to the secretariat

ACTION 42: The Chair and representative from the OFSR to redraft section 4.1.2 of the draft guidance document.

ACTION 43: All to share any comments regarding the ‘no comment/no alternative proposition’ document to the secretariat.

ACTION 44: The Chair and the representative from the OFSR to review C-118 and guide 4 by Jackson, Aitken and Roberts.

ACTION 45: All to share comments regarding ‘points’ in this meeting to the secretariat, the representative from the OFSR, and the Chair by 5th April 2024.

[Paper] no comment/no alternative proposition

- 3.7. Prior to the meeting this paper was distributed to the members.
- 3.8. This addressed alternative propositions when faced with a ‘no comment’ proposition. The group discussed the suggested phrases and agreed that the use of ‘explanations’ instead of ‘propositions’ would be misleading as it has a different meaning.
- 3.9. It was highlighted that the use of certain words was confusing as it has a different meaning to what it is trying to convey within the phrasing. It was agreed that specific terminology needed to be used throughout to ensure clarity and consistency.
- 3.10. The group further discussed the document, and all agreed that there would still be issues caused when attempting to use evaluative or investigative interpretation.
- 3.11. The chair refocussed the group discussion and addressed that this issue would still need further work, which can be further addressed at another time.

4. Next steps**[Paper 4] Consultation response**

Minutes – Minutes – Minutes – Minutes – Minutes – Minutes – Minutes – Minutes

- 4.1. Prior to the meeting a paper regarding Section 36 'Opinions and Interpretation' in version two of the FSR's Statutory Code was circulated to the members of the Interpretation Specialist Group.
- 4.2. The chair wanted to highlight two points to the SG members, which were:
- The draft guidance that is being produced by the SG is in line with what is stated within the main Statutory Code.
 - The guidance cannot set new requirements, so where possible to refer to the relevant sections within the Code.
- 4.3. The chair explained that when going through the draft and trying to refer to relevant sections within the Code, that was not possible as the code only mentions evaluative interpretation and doesn't address the other types of interpretation that is stated within the draft guidance.
- 4.4. The Chair then informed members that this paper is what they contributed to the consultation on version two of the FSR's Statutory Code, to request that Section 36 'Opinions and Interpretation' is made more generic to cover all types of interpretation, to ensure it can easily be referred to within the draft guidance.

[Paper 5] Proposed draft structure for FSA specific guidance

- 4.5. Prior to the meeting a proposed draft structure was circulated to the members of the Interpretation Specialist Group. However, a more recent version was circulated to the Chair.
- 4.6. The representative from the Firearms Specialist Group, described to the group the purpose of this paper which was to support the tasking of subgroups when looking to draft FSA specific guidance.
- 4.7. The Chair highlighted that within this updated version, there are three additional points within this document, and asked the secretariat to distribute this to the members.
- 4.8. The chair highlighted that the draft document would need more work before discipline specific subgroups could be established to address these points within their FSAs. The Chair asked members to share their feedback regarding paper 5 in the meantime.

Minutes – Minutes – Minutes – Minutes – Minutes – Minutes – Minutes – Minutes

ACTION 46: All to feedback any comments regarding paper 5 (INTSG-20240325-05) to the secretariat.

ACTION 47: Secretariat to share updated version of paper 5 (INTSG-20240325-05) to members of the Interpretation SG.

5. Any other business

- 5.1. A representative from the OFSR made the group aware of the changes to the FSR's annual conference. The members were informed that the conference would now be held on 9-10th October 2024 in Leeds, instead of 13th June 2024 in Birmingham.
- 5.2. A representative for the RSS, reiterated the point made by the legal academic, which was to ensure that throughout the guidance, words are clearly defined to ensure there is total understanding of what is being said.
- 5.3. CSoFS rep highlighted to the members a group that had been set up to work on a commission from the Regulator, the main points highlighted were:
 - The group is in its early stages and have had 4 meetings so far.
 - The CSoFS rep believes there will be an overlap between the Interpretation SG and the group set up by the CSoFS
 - Been tasked by the FSR to write the FSA that relates to Case Review. However, after lots of discussion it was decided that Case Review may not be an FSA alone, but it's part of all the other FSAs.
 - The group is now at a point to consult with small businesses and sole traders within the forensic community but will have a larger consultation after Easter.
 - Highlighted that there is confusion as to what constitutes an activity that falls within case review, where it might fall within the other FSAs, and how compliance might be assessed.
- 5.4. The date for the next meeting was agreed to be held on 3rd June 2024 in Birmingham and online via videoconference.
- 5.5. A log of the actions recorded during this meeting is provided as annex C.

Minutes – Minutes – Minutes – Minutes – Minutes – Minutes – Minutes – Minutes

Minutes – Minutes – Minutes – Minutes – Minutes – Minutes – Minutes – Minutes**Annex A – Meeting Attendees****Representatives present:****In person**

Chair

Two representatives from the Office of the Forensic Science Regulator (OFSR)

Digital Forensics Specialist Group

Firearms Specialist Group

Two representatives from the Association of Forensic Service Providers (ASFP)
(Eurofins and Cellmark)

Chartered Society of Forensic Science (CSoFS)

Royal Statistical Society (RSS)

Bar Council

Online

Royal Statistical Society (RSS)

A legal academic

Chartered Society of Forensic Science (CSoFS)

Fingerprint Quality Standards Specialist Group (FQSSG)

Biology Specialist Group

Incident Examination Specialist Group (scenes)

Medical Forensics Specialist Group

Incident Examination Specialist Group (collision investigation)

Incident Examination Specialist Group (fire investigation)

United Kingdom Accreditation Service (UKAS)

Apologies received

Digital Forensics (policing)

Minutes – Minutes – Minutes – Minutes – Minutes – Minutes – Minutes – Minutes**Annex B – Log of outstanding actions from previous meetings**

ACTION 10: OFSR representative to identify a representative from the DTN specialist group to join to the interpretation SG.

ACTION 15: Chair to look at identifying a representative from the judiciary.

ACTION 23: OFSR representative to speak to OFSR Digital lead to look at forming a digital working group/subgroup.

ACTION 24: OFSR representative and the chair to talk to regulator and other chairs of the specialist groups to have groups ready to be formed by February 2024.

Annex C – Summary of Meeting Actions

ACTION 39: Secretariat to publish minutes from the previous meeting.

ACTION 40: Legal academic to rewrite section 3.3 of the draft guidance document.

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ACTION 42: The Chair and representative from the OFSR to redraft section 4.1.2 of the draft guidance document.

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