



# Forensic Science Regulator

## Interpretation Specialist Group (SG) Meeting

### Note of the meeting held on 16 September 2024 in 23 Stephenson Street, Birmingham and Online via MS Teams

#### 1. Welcome and introductions

- 1.1. The Chair welcomed the members to the sixth meeting of the Interpretation Specialist Group. A list of attendees by organisation is available in annex A.
- 1.2. As there were new members to the group, the Chair asked the members to briefly introduce themselves and the organisations they are representing.

#### 2. Actions from the previous meeting

- 2.1. The action log was reviewed with relevant updates provided to the group. Resulting in a review of the actions.
- 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 54:** OFSR Scientific Support to publish minutes from the previous meeting, held in June.

#### 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 the members of the group. The Chair provided a brief update to members that drafting suggestions from previous meetings had been introduced along with new comments and questions for review and consideration.

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- 3.2. The Chair mentioned the upcoming interpretation workshop that will be held on the 9<sup>th</sup> of October, the day before the Regulator’s annual conference.
- 3.3. Subgroups at this workshop will be looking at what the interpretation guidance means to their disciplines and that the aim of this overarching guidance is to be top level guidance that discipline specific guidance can be developed from.
- 3.4. It was noted that the aim for today’s meeting was to get the draft guidance to a position of provisional agreement from the Regulator so that it can be shared at the interpretation workshop. It was reiterated that this meeting was the last opportunity for any comments to be addressed before the interpretation workshop.
- 3.5. The Chair reassured the members that this sign off from the Regulator would not mean that this document is finalised and ready for publication.
- 3.6. The group started on the section ‘interpretation types’ within the draft guidance, wording and grammatical issues were raised within this section of the draft guidance which the meeting addressed.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 phrase ‘evidence evaluated’ with the CSoFS representative suggested change to ‘evaluation of findings’, this was agreed by the group. The Chair expanded on the suggested change to ensure clarity.
  - CSoFS representative led the discussion regarding the phrase ‘weight of evidence’ with the suggested change to ‘strength of evidence’, this was discussed at length and was decided that ‘weight of evidence’ shall remain the term. However, it would be defined within the glossary section of the draft guidance.  
**ACTION 55:** The OFSR representative to start forming a glossary for the draft guidance document.
  - Addition of ‘marks’ within categorical opinion table, suggested by EFS rep.

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- Pseudo level activity brought up and discussed at length, the outcome of the decision was to keep the propositions 'tight' and refer to those as the main aim of the document is to provide simplified high-level guidance.
- Suggested removal of the example from 3.3.15 as there is a risk of transposing the conditional, agreed it would need re-writing to ensure clarity to the reader. Agreed to change 'opinions' to 'assumptions' and to remove the example given.
- At section 3.3.16 it was suggested and agreed to change 'opinions' to 'biases'
- At section 3.3.20 it was agreed by the group that the addition of 'attribution' within the overarching guidance would best fit within the FSA specific guidance. The CSoFS representative also mentioned that the body fluid specialist group also discussing this and have come up with some wording that can be used with the discipline specific guidance.
- The OFSR representative highlighted whether the 'sub source' sub-section within the draft guidance would need amending as this level of issue relates to DNA casework. It was suggested to amend this section to reference this would be addressed within the discipline specific guidance.

3.7. The Chair led the group to discuss Section 5 next, which included 'investigative interpretation and 'evaluative interpretation. Prior to addressing the section, the Chair asked the OFSR representative if there were any updates regarding version 2 of the Code. The OFSR representative responded and highlighted to the group that the suggested wording within the consultation was accepted however the numbering of the paragraphs may change as the Regulator has decided the Code could be better organised.

3.8. The Chair asked the members to focus on the next section of the draft guidance document. The Incident Scene representative (scenes) highlighted to the group that the Regulator is considering the suspension of ISO 17020 accreditation for a period of time within scene examination and that an addition of a caveat at 5.1.2 regarding suspension of 17020 for scenes may be required.

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- 3.9. The 'Evaluative interpretation' section of the draft guidance was then focussed on by the group. The FCIN rep representative highlighted the issues faced when discussing evaluative opinion with members the collision investigation community, the group shared this sentiment and highlighted that this interpretation type is the most difficult to address.
- 3.10. The chair asked the group to then review the 'Investigative interpretation' subsection within the draft guidance. The Chair then asked members who mainly do investigative interpretation whether the section that addressed that interpretation type needed anything else added as it appears 'thin'.
- 3.11. The Incident examination representative (scenes) answered and highlighted that although the section appears 'thin', the brevity of the section would be useful to the community as it starts as a good basis which could be built upon, instead of starting off with a larger section that could potentially confuse practitioners.
- 3.12. The CSoFS representative highlighted a potential addition to the list within section 5.2.2 within the draft guidance, stating 'who was involved' as within forensic biology that is a key investigative issue, particularly for DNA. The FCIN representative stated that with the discipline specific example it may be necessary to have other discipline specific examples so that other practitioners can relate the guidance to their FSA, which would take away from the overarching guidance.
- 3.13. The incident scene representative (fires) also stated that the section feels thin, and that sometimes fire investigators struggle with this, however, it was highlighted that this issue may be community specific and may have to be addressed in their working group when developing discipline specific guidance. The Chair agreed and noted that the issues raised could be built into discipline specific guidance as this kind of overarching guidance has been embedded in some traditional forensic science disciplines, so there was an anticipation that the subgroups would be starting at different points with some needing more assistance and guidance.
- 3.14. Other key points that were raised within the group's discussion of the 'investigative interpretation' subsection were:

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- The legal academic suggested to change the phrase ‘not able to address any activities’ to ‘not able to address activities’, to ensure clarity to the reader, which was agreed by the members.
- Regarding section 5.2.12 it was suggested by an AFSP representative (Eurofins) to add an example to clarify what this means as currently it can be misinterpreted by the reader to mean the findings are neutral rather than there being insufficient information to properly address a pair of propositions.
- Within section 5.2.13, the legal academic led the discussion that the phraseology within that section could be more succinct, to ensure clarity to the point of ensure ‘likelihood ratios should not be transposed at the wrong level’. This was agreed by the members, which created the following action:

**ACTION 56:** Chair and OFSR representative to review wording at sections 5.2.12 and 5.2.13.

- The CSoFS representative wanted clarity regarding the term ‘full evaluation’ within section 5.2.14 and questioned what made this different to any other evaluation, after a lengthy discussion it was agreed to change this term to ‘evaluation’.
- Regarding the phrase at section 5.2.15 there was a proposed change from ‘the line(s) of defence should be identified’ to ‘the defence account should be identified’.
- Within section 5.2.25 there was a suggestion to add ‘...to the findings, given the propositions.’ To complete the sentence as it wasn’t clear that this section is about the generation of a likelihood ratio.

3.15. The Chair asked the group to focus on the ‘analytical interpretation’ section and encouraged the group make any comments. The group didn’t have any comments or suggested changes.

3.16. The group then focussed on the ‘factual interpretation’ sub-section within the draft guidance document. The Chair asked the representatives who carry out

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'factual interpretation' their views on this section within the draft guidance document.

- 3.17. The Digital Forensics Representative (policing) pointed out to the group that digital forensic practitioners believe 'factual opinion' is stating what they did to obtain their results, but there has been some 'strain' as to providing an opinion or interpretations. The Chair thanked the representative for their feedback and encouraged them to review the section and provide feedback if necessary.
- 3.18. The chair then asked the group to focus on the 'categorical interpretation' subsection within the draft guidance document. The main points of discussion were as follows:
- The legal academic noted that the wording in 5.2.44 is confusing for practitioners and would need to be reviewed as the current wording within this section currently mixes up the idea of a fact and a proposition about evidence. This in turn led to the creation of the following action:  
**ACTION 57:** legal academic to review wording in section 5.2.44 and feedback to the group.
  - The Fingerprint Quality Standards Specialist Group representative noted to the group that what has been stated within 5.2.44 would be difficult for the fingerprint community as it's difficult to separate providing a categorical opinion when trying to address activity level. It was highlighted that this point would be interesting to highlight to the Fingerprint subgroup at the upcoming Interpretation workshop.
- 3.19. The group reviewed the document further, and the key points from the review of the remaining sections of the document were:
- The representative from the Royal Statistical Society (RSS) suggested the addition of phrase 'knowledge base' to the glossary, as this term is used in multiple disciplines with different meanings.
  - The RSS representative commented on section 11.1.9a and stated to the group that this was 'too technical' to include in an overarching guidance document. The suggested change was agreed by the chair, and it was decided that point 11.1.9b was to be added to the section above and that

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the remaining parts of section 11.1.9 can be moved into the 'Annex' of the document.

- 3.20. 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.

#### **4. Next steps**

- 4.1. The Chair then led the group onto the next sections within the guidance and asked the group what would need to be addressed within the 'expressing a conclusion'. The main points of the discussion were as follows:

- It was suggested by legal academic to start off with the legal responsibilities within the CPD for the expert.
- The CSoFS representative noted the importance of addressing that conclusions need to be easily identified within reports and statements.
- The FQSSG representative pointed out that addressing conclusions where different FSAs are used can be quite difficult within larger organisations, with the suggestion to have one standard expression to ensure clarity and consistency.
- The need for practitioners to think carefully regarding who the conclusion is for.
- The inclusion of the level of guidance regarding answering questions beyond what you did and your remit.
- The inclusion of a qualitative and a quantitative scale of support.

- 4.2. There was a large discussion regarding the transition of investigative to evaluative opinion and recognising that evaluative questioning may happen at court. Additionally the blending of interpretation types has always been an issue within the community, which has prompted the need for a section within the draft guidance to address switching from 'investigative' to 'evaluative' off the cuff within court.

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- 5.1. The OFSR representative led the discussion regarding the FSR Conference 2024. They informed the members that the Interpretation Workshop that would be held on the 9<sup>th</sup> of October would be from 11am until 3:30pm.
- 5.2. The OFSR representative has sorted the discipline specific groups with the aim of the subgroups focussing on the questions set out in paper 4 which was circulated to the members prior to the meeting.
- 5.3. The OFSR representative highlighted that the role of the Interpretation SG members at the workshop was to guide their groups regarding questions and issues that need to be addressed within their discipline specific guidance or within the main overarching guidance.
- 5.4. It was also highlighted that the outcomes and feedback from workshop will be fed into the main conference the following day.
- 5.5. It was suggested by the group the need for a proposed timetable of meetings for the subgroups to keep track of the progression of their work when developing their discipline specific guidance. The Chair and the OFSR representative would attend some of those meetings to assist in any way they can, and it was advised that regular check ins and milestones would be required.
- 5.6. There was suggestion of deadlines, which was discussed at length by the members where it was agreed that this would be beneficial to have to assist with keeping the work on track.
- 5.7. The Chair and OFSR representative focussed on a timeline for the overarching document be ready so that the groups can officially start FSA specific interpretation guidance. The Chair proposed to the group that the aim would be to have the overarching guidance finalised by Spring 2025.

**6. AOB**

- 6.1. No other business was raised by the members.
- 6.2. The date for the next meeting was not yet agreed.



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**ACTION 58:** OFSR representative and OFSR scientific support to suggest meeting date for December 2024.

- 6.3. The Chair thanked all for coming and closed the meeting.
- 6.4. A log of the actions recorded during this meeting is provided as annex B.

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Representative from the Office of the Forensic Science Regulator (OFSR)

Office of the Forensic Science Regulator's Scientific Support

Firearms Specialist Group

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

Incident Examination Specialist Group (collision investigation)

**Online**

Chair

Representative from the Royal Statistical Society (RSS)

A legal academic

Incident Examination Specialist Group (scenes)

Medical Forensics Specialist Group

Incident Examination Specialist Group (fire investigation)

Digital Forensics (policing)

Fingerprint Quality Standards Specialist Group (FQSSG)

Bar council

Chartered Society of Forensic Science (CSoFS)

Digital Forensics Specialist Group

**Apologies received**

United Kingdom Accreditation Service (UKAS)

Biology Specialist Group

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Chartered Society of Forensic Science (CSoFS)

Representative from the Royal Statistical Society (RSS)

**Annex B – Summary of meeting actions**

**ACTION 54:** Scientific Support to publish minutes from the previous meeting, held in June.

**ACTION 55:** OFSR representative to start forming a glossary for the draft guidance document.

**ACTION 56:** The Chair and OFSR representative to review wording within sections 5.2.12 and 5.2.13 of the draft guidance.

**ACTION 57:** The legal academic to review wording within section 5.2.44 of the draft guidance.

**ACTION 58:** The OFSR representative and OFSR Scientific Support to set a date for the next Interpretation SG meeting in December.