



Forensic Science Regulator

Interpretation Specialist Group (SG) Meeting

**Note of the meeting held on 03 December 2024 in 23
Stephenson Street, Birmingham and Online via MS Teams**

1. Welcome and introductions

- 1.1. The Chair welcomed the members to the seventh 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. A log of the remaining outstanding actions is provided as annex B.
- 2.2. The minutes from the last meeting were agreed with no corrections.
ACTION 59: OFSR Scientific Support to publish minutes from the previous meeting, held in September.

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.
- 3.2. The Chair highlighted to the group that at this stage of development of the draft guidance document, it would be best for the members of the SG to focus on

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aspects of the guidance that need expansion rather than phraseological aspects.

Bayes Theorem.

- 3.3. An AFSP representative (Eurofins) led the discussion regarding whether there was a need for explanation within the draft guidance document regarding Bayes Theorem, including its uses, the expectations of Bayes Nets and the levels of complexities as this was an issue raised within the Interpretation workshop held on the 9th of October.
- 3.4. The Chair summarised the issue raised by the representative and asked the group their views whether there was a need for further contextualisation regarding the likelihood ratio or expansion within the evaluative section of the draft guidance document to improve comprehension for forensic practitioners.
- 3.5. The SG members discussed this at length, the key points of discussion were:
- Biology SG chair highlighted that either a short explanation within the document or referencing a separate document within the guidance document could be beneficial.
 - The Chair highlighted to the members to ensure that the document does not turn into a training document rather than top tier guidance.
 - The RSS representative highlighted that there are many different documents that explain Bayes Theorem which would be confusing to the reader, as those explanations are different due to being targeted towards different audiences and that any reference to a document should be specific to the readers of this draft guidance document.
 - IESG representative highlighted to the group the Royal Society primer which could be useful as a reference.
- 3.6. The members agreed that the document should be kept as concise as possible and preferred the approach to reference an external resource, such as the RSS documents rather than overloading and potentially over complicating the guidance document.

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ACTION 60: RSS representative to review the RSS documents and Royal Society Primer to determine whether either of those documents might be relevant to reference within the draft guidance document.

R v T

- 3.7. Firearms SG representative led the discussion by asking the group their views regarding R v T. This discussion focused on the implications of R v T which is specific to footwear cases, and its relevance to forensic interpretation.
- 3.8. The group discussed at length the issues that arose from R v T and the derivation of a qualitative strength of support without considering statistical information.
- 3.9. After the discussion it was highlighted and agreed that the group cannot form an opinion on the matter as it is subject to court of appeal.
- 3.10. The Legal academic highlighted to the group an academic paper published within the Criminal Law Review that has 'neutralises' T, which may assist practitioners facing related challenges and suggested to add a reference to a paper within the draft guidance document to assist practitioners. This created the following action:

ACTION 61: The addition of a reference within the draft guidance document to explain the context, implications and interpretations of R v T.

Transposing the conditional

- 3.11. The biggest risk within the evaluative approach is transposing the conditional. A proposed caveat was suggested by the Firearms SG representative to determine what is meant and what isn't meant within reporting. The phraseology written by the FSG representative comprised of wording that describes how the practitioner has calculated their 'level of support' and what this means in terms of the propositions being evaluated. The members agreed that this should be added to the draft guidance as this would assist with clarity within reports. This created the following action:

ACTION 62: FSG representative and Legal academic to include a section on the transposition of the conditional within the draft guidance document and conduct a review.

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- 3.12. The legal academic noted to use caution with the phraseology 'evidential strength/weight of evidence' within the drafting suggestion, as often these can be misconstrued.
- 3.13. The EFS representative highlighted an issue within version 1 of the Code regarding evaluative interpretation and the roles of practitioners, i.e. who does what and when etc. the OFSR representative reassured them that this issue had been addressed and amended within version 2 of the Code.
- 3.14. The FSG representative asked for clarification regarding section 3.3.18 within the draft guidance document, which mentions the association of trace and alleged source related to categorical opinion regarding LR assessment and the definition of categorical opinion in a prior section as there seemed to be a contradiction between the sections. The Chair clarified that there is a separation however, in certain instances a practitioner can be categorical by excluding materials, people or items from being the origin or the exclusion of a reasonable alternative whilst using an LR assessment.

4. FSR conference 2024**[Paper 4] Interpretation Workshop questions**

- 4.1. Prior to the meeting a paper containing the questions received from the Interpretation workshop was circulated to members of the Interpretation Specialist Group. The main themes of the questions were:
- Calibration of opinion
 - Validation
 - Presentation of evidence in court
 - Interpretation types
 - Discipline specific interpretation
 - Levels of issue
 - Professional judgement
 - Interpretation within the Code

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- Addressing common misinterpretations

4.2. The OFSR representative highlighted to the group that these questions would be addressed and shared with the wider public on the Regulator's webpage and that the role of the SG was to assist the Regulator in coming to responses to these questions raised.

4.3. The group worked through each of the questions and the key points were as follows:

- The necessity for an addition to the document to assist certain disciplines as there are lots of other variables to consider, especially within Medical Forensics
- The iteration to ensure that this document remains as top-level guidance and doesn't turn into a training document. However there was a need to clarify end to end method validation with reference to the relevant Code section within the guidance document as currently there is differing interpretations as to what this means.
- The necessity to highlight different roles and responsibilities practitioners within the introductory section of the document to assist with clarification.
- The MFSG representative noted to the group that additional support would be required regarding tailoring their own discipline specific guidance
- The issue with carrying out proficiency tests (PT) as with current workloads and finances was raised within the questions, the group reiterated the importance of the continuation of PTs as these tests reassure that all aspects are working effectively and efficiently. This generated the following action:

ACTION 67: OFSR representative to explore opportunities for the Regulator to assist in obtaining higher-quality proficiency testing (PT), potentially through external bodies

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- 4.4. Prior to the meeting a paper containing the cross-cutting themes and challenges received from the Interpretation workshop was circulated to the members of the Interpretation Specialist Group.
- 4.5. The OFSR representative led the discussion and the cross-cutting themes identified were as follows:
- Calibration of expertise –how the Regulator should consider how these challenges should be addressed whilst maintaining feasibility across forensic science.
 - Verbal scales – expression of the requirement for a standardised scale that can be used across all forensic science disciplines
 - Language and terminology – the difference of terminology used within the document cuts across professional terminology, particularly within the medical field, which generated the following action:

ACTION 63: MFSG representative to review terminology within the draft guidance document that cuts across medical terminology and to feedback to the members of the SG.
 - Cognitive bias – there is current guidance regarding this issue which would need to be reviewed and updated to statutory guidance, as this cross-cutting issue affects all disciplines. This generated the following action

ACTION 75: OFSR fast streamer to refresh cognitive bias document
 - Shared learning – the consideration of different mechanisms to facilitate on-going cross discipline collaboration within another interpretation workshop.
- 4.6. The paper also contained document specific concerns, which comprised of the following themes:
- Structure and accessibility
 - Content gaps

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- practical implementation
- technical concerns
- terminology issues
- quality system requirements
- document requirements
- training implications

4.7. The Chair addressed that the themes raised from the document specific concerns would be addressed and 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 prior to Christmas 2024.

5. Next steps

Expressing a conclusion

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

- The group will review verbal scales used across justice systems, focusing on their interpretation by judges and juries, with the aim of developing a unified, practical, and widely applicable scale that strikes the right balance between simplicity and clarity to inform future guidance and direction.
- The legal academic expressed the need for a scale that can be used for multiple FSAs as it wouldn't require the judge to describe to the jury the meaning of support levels for each FSA.
- Chair highlighted the need to not go too granular as adding too many points wouldn't be beneficial.
- CSoFS representative highlighted to the group the current issues that are being faced within the firearms and fingerprint communities and the scales they currently use.

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ACTION 71: OFSR to prepare and deliver a report summarising verbal scales.

Bias within interpretation

- 5.2. It was decided within the meeting that the current Cognitive Bias Guidance Document will be updated and referenced within this draft guidance document, instead of trying to create a section within the document, as it is such a large topic which would be difficult to separate. It was also noted that the updated cognitive bias guidance document would incorporate new research, best practices, and an expanded scope to cover additional disciplines, such as cell site analysis and medical forensics.

Presentation in court

- 5.3. Prior to the meeting a proposed draft document regarding the Audio-Visual (AV) presentation of - evidence was circulated to the members of the Specialist Group.
- 5.4. There was discussion on managing uncertainty in AV presentation of evidence, focusing on how to effectively handle the inherent limitations and potential ambiguities in such presentational methods to maintain clarity and reliability in legal proceedings.
- 5.5. The importance of ensuring expert input in the preparation of courtroom presentations was highlighted, emphasising the need for thorough review and validation of AV presentation of evidence by qualified experts to support its accuracy and credibility.

Sub-group progress

- 5.6. Updates were provided on the development of skeleton documents and frameworks that will serve as the foundation for more detailed guidance.
- 5.7. The group discussed ongoing efforts to provide additional help and support in finalising subject-specific guidance, with a focus on moving these pieces forward.
- 5.8. The Chair and the OFSR representative would follow up with each of the sub-groups to determine timescales for each of the discipline specific guidance

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documents and that the sub-groups would provide an update at the next Interpretation SG meeting.

Additional interpretation workshop

- 5.9. The OFSR representative thanked the members for attending and their active participation in the initial interpretation workshop held on 9th of October.
- 5.10. They highlighted that as the workshop was well attended and there was a desire from the attendees to have another workshop. It was noted that the this additional workshop would focus on the shared themes raised within the initial workshop.
- 5.11. It was noted that this workshop would be planned to be held Spring/Summer 2025.

6. AOB

- 6.1. The Chair highlighted that they had a meeting with a group within the Royal Statistical Society who focus on how statistical evidence is presented within court and asked the meeting if the RSS group had relevance to feed into this group.
- 6.2. The group agreed that RSS input would be beneficial to the group, which generated the following action:

ACTION 74: OFSR to discuss with the Regulator the potential membership of RSS professionals who focus on the presentation of statistical evidence within court.

- 6.3. OFSR representative brought to the attention of the SG the potential for horizon scanning within SG meetings to consider current or future challenges that the Regulator should be aware of. The following issues were raised:
- Potential uses of AI and generative AI in forensic science. It was questioned whether there would be a need for Regulatory action in terms of the production of guidance or an addition to the Code.
 - The increased usage of Bayes Nets, which are more commonly used in other jurisdictions.

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6.4. The date for the next meeting was not yet agreed.

ACTION 76: OFSR representative and OFSR Scientific Support to set a date for the next meeting of the Interpretation SG.

6.5. The Chair thanked all for coming and closed the meeting.

6.6. A log of the actions recorded during this meeting is provided as annex C.

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Annex A – meeting attendees

Representatives present:

In person

Chair

Office of the Forensic Science Regulator (OFSR)

Office of the Forensic Science Regulator Fast Streamer

Association of Forensic Service Providers (ASFP) (Eurofins)

Biology Specialist Group

Chartered Society of Forensic Science (CSoFS)

Digital Forensics Specialist Group

Incident Examination Specialist Group (scenes)

Online

Office of the Forensic Science Regulator's Scientific Support

Royal Statistical Society (RSS)

A legal academic

Firearms Specialist Group

Medical Forensics Specialist Group

Association of Forensic Service Providers (ASFP) (Cellmark)

Apologies received

United Kingdom Accreditation Service (UKAS)

Chartered Society of Forensic Science (CSoFS)

Incident Examination Specialist Group (collision investigation)

Representative from the Royal Statistical Society (RSS)

Bar council

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Incident Examination Specialist Group (fire investigation)

Digital Forensics (policing)

Fingerprint Quality Standards Specialist Group (FQSSG)

Annex B – Log of outstanding actions from previous meetings

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

Annex C – Summary of meeting actions

ACTION 59: OFSR Scientific Support to publish the meeting minutes from September.

ACTION 60: RSS representative to review the relevance and utility of the RSS documents, particularly the RSS primer and to identify key insights

ACTION 61: The addition of a reference within the draft guidance document to explain the context, implications and interpretations of R v T.

ACTION 62: FSG representative and Legal academic to include a section on the transposition of the conditional within the draft guidance document and conduct a review.

ACTION 63: MFSG representative to highlight the challenges in determining known values within the medical forensic community due to variability in biological and anatomical factors

ACTION 64: MFSG representative to highlight terminology within the draft guidance document that is cross-cutting within medical terminology and feedback to the members of the Interpretation SG at the next meeting.

ACTION 65: The development of additional guidance for discipline-specific groups regarding validation, calibration and comparative opinions, ensuring these remain at an assumed competence level.

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- ACTION 66:** The drafting of a concise paragraph on validation and end-to-end method evaluation for the guidance document, emphasising the importance of validating entire workflows.
- ACTION 67:** OFSR representative to explore opportunities for the Regulator to assist in obtaining higher-quality proficiency testing (PT), potentially through external bodies
- ACTION 68:** The co-ordination of sub-groups to produce discipline specific draft guidance documents, including templates for structure and topics with an agreed timeline
- ACTION 69:** Members of the Interpretation SG to submit proposed changes to the main draft guidance document based on feedback from specific sections
- ACTION 70:** Members of the Interpretation SG to finalise the guidance document to be ready for presentation at the next planned conference.
- ACTION 71:** OFSR Fast Streamer to prepare and deliver a report summarising verbal scales at the next Interpretation SG meeting.
- ACTION 72:** Members of the Interpretation SG to provide feedback on the draft AV guidance document.
- ACTION 73:** OFSR representative to plan and conduct an additional workshop on interpretation, incorporating updates from the new guidance document.
- ACTION 74:** OFSR representative to engage with the Regulator to discuss the potential membership of RSS professionals working on statistical evidence presentation in court to the Interpretation SG.
- ACTION 75:** OFSR Fast Streamer to refresh Cognitive Bias guidance document.
- ACTION 76:** OFSR representative and OFSR Scientific Support to set a date for the next meeting of the Interpretation SG.