



Forensic Science Regulator

Incident Examination Specialist Group (IESG)

Note of the meeting held on 15 November 2023 in Birmingham and online via videoconference

1. Welcome, and Introduction

- 1.1. The chair welcomed all the members to the fourth 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 last meeting were reviewed and amendments proposed and accepted.

Action 1: Secretariat to update and publish the July 2023 minutes.

- 1.3. Actions from the previous meeting were reviewed:
- 1.4. Action 6 - was discussed as the issue of wildlife crime organisations acting as agents of the police had cross over with the activities of covert officers using forensic kits. These officers would be trained by a forensic unit but the officers would not be compliant with the Code of Practice. The group considered that spontaneous/unplanned activity may be a legitimate exemption from the Code. The Chair asked members to consider other situations where non-practitioners would be carrying out activity captured by FSA INC 100 and share these.

Action 2: Members to consider bodies providing activities that would be captured under INC 100 in their areas and share with the secretariat.

- 1.5. Action 10 – members provided feedback from recent UKAS assessments where mock scenes and workstations were utilised. The following points were noted:

- That UKAS sought feedback on the new approach and that assessors would like guidance on what the worktop exercises should be used to demonstrate.
- Not all aspects of scene examination worked well as a workstation, for example scene notes.
- That mock scenes and workstations allowed more hubs to be assessed in one visit.

1.6. It was noted that organisations could propose a plan for accreditation and that UKAS would consider specific approaches. Feedback from the UKAS representative would be provided at the next meeting.

1.7. Action 8 – to arrange a stress test of the requirements in the draft FSA SR would be discussed later in the meeting.

2. Update from the IESG Chair

2.1. The Chair advised that version 2 of the statutory Code of Practice was expected in spring 2024. This would include the FSA specific requirements for incident scenes. The intention was that the FSA SR did not replicate anything in the main Code, however there were some requirements in the FSA SR with wider application that should be added to the main Code.

2.2. The Chair noted that police forces were declaring non-compliance with the Code for major/complex crime including counter-terrorism activity, and that this was unhelpful from the perspective of assessing the reliability of evidence being presented at court. While the mitigations table would assist with assessing risk, it remained the riskiest areas of incident examination that were non-compliant.

2.3. Testing of the FSA SR would be important to show that it would work in practice, however there was a risk that it would not improve quality processes in incident examination. The Chair would like to see organisations achieving compliance for major/complex crime scenes as soon as possible but highlighted that there was a risk that the FSA SR would make achieving accreditation more challenging. The Regulator was considering suspending the requirement for accreditation to ISO 17020 for major/complex crime for a period of time to allow organisations to meet the requirements in the Code. Organisations would self-

declare compliance with the Code, which include requirements for competence and validation.

2.4. The group discussed this consideration and the following points were raised:

- Most forces would meet the requirements for competency in major/complex crime, except the FSA SR requirements around forensic scene management.
- Suspending accreditation requirements would encourage organisations to look to the Code for the necessary requirements.
- Suspension could delay forces' accreditation plans.
- This would increase the importance of the FSA SR and the need to stress test the requirements.

2.5. The Chair noted that the Regulator would have the power to investigate and could request evidence of compliance and progress towards accreditation. The group were asked to send feedback on the option of suspending accreditation after the meeting.

Action 3: Members to provide their views for the Regulator on a possible suspension of the requirement for accreditation for major/complex scene examination.

2.6. Stress testing of the FSA SR was discussed and it was noted that completed cases may be useful to assess whether the requirements would negatively impact on well conducted cases and whether they would pick up and prevent poorly conducted cases. Members were asked to consider requirements for workshops of the FSA SR – resources, materials, case examples (both high and low quality).

Action 4: Members to consider requirements for workshops of the FSA SR.

3. Update from OFSR

3.1. The OFSR representative provided the ISEG with an update on the timeline for the publication of version 2 of the Code. The draft version 2 of the code would be out for public consultation in January or early February.

4. Incident Examination draft FSA SR

- 4.1. The group carried out a review of the draft FSA specific requirements and addressed specific issues.
- 4.2. The FSA SR includes a requirement for a policy defining attendance at scenes. The group noted that engagement with Senior Accountable Individuals would be useful to ensure that this requirement was understood and would prevent officers from undertaking activity that would require compliance with the Code. Representatives from the AFSP commented that the private sector had no control over the cases they were called to and the extent of the activity at a scene. The representative from TVP suggested that forensic units provide training to investigative teams to explain the risks from not utilising the forensic unit. The group agreed that there would be a level of risk assessment around attending scenes and a mechanism similar to exhibit acceptance/rejection could be used to monitor issues such as late call to a forensic unit.
- 4.3. The group discussed how “reasonable” would be determined in terms of preserving the scene as far as reasonably possible. A number of options for defining reasonable were mentioned – including the legal definition, evidencing the decision making such as the use of the THRIVE model. This would be an area to seek feedback during stress testing.
- 4.4. The draft FSA SR also included a requirement to maintain regular communication with the commissioning party. It was noted by one of the MPS representatives that updates to the commissioning party should be at the earliest possible opportunity, this would be added to the FSA SR.
- 4.5. The group discussed the challenges around checking of exhibits/items at a scene before handing over, however there was a requirement in the Code on this and so the FSA SR would have to reflect that requirement. The group asked if the Regulator would consider an amendment to the requirement in the Code. The OFSR representative would take an action to address this.

Action 5: OFSR to review the requirement at 35.2.11 – can this be amended to allow handover of urgent exhibits at scenes where only one practitioner is present.

- 4.6. The group considered the section in the draft FSA SR on submissions to other forensic units. It was agreed that not all scene examination units would have a role in assessing or reviewing submissions and that this section should be taken out of the FSA SR but could be considered for guidance.
- 4.7. Competency requirements were discussed and it was noted that ISO/IEC 17020 included a requirement for live witnessing. The representative of the covert subgroup informed the members that covert practitioners needed a licence for deployment to the two types of covert scene, therefore part of their competency assessment would include achieving this licence. This detail could be included in the guidance document.
- 4.8. The group discussed the section on examination and facilities, which would allow some FSA INC 100 activities to be carried out at a location other than a base or the scene. It was queried whether this presented any conflict with the statutory instrument requiring DNA and fingerprint activities to be undertaken in an accredited facility. However, the activities being proposed to be covered by the section in the FSA SR would not be covered by this instrument.
- 4.9. A representative from the MPS noted that the section on validation needed to be amended as it was not clear that rolling out a method to an additional site may not need validation, it was agreed that this should be added. However, it was suggested that the requirements for validation in the main Code be reviewed by the IESG members to ensure there was no conflict with the proposed wording for the FSA SR and to consider whether the validation/verification section of the FSA SR should instead be added to the main Code.

Action 6: Members to review the validation requirements in the Code and identify any additions or changes needed to reflect the requirements proposed in the FSA SR (i.e. include these requirements in the main Code as wider relevance).

- 4.10. In the section of the draft FSA SR on assuring the quality of results it was noted that the wording suggested that all scenes should be peer reviewed. It was noted that this was not consistent with existing practice. This wording would be reviewed.

5. Activities at scenes – cross over with other FSAs

- 5.1. There was insufficient time in the meeting to discuss this item. Members were asked to review sections 1.7 and 1.8 of the FSA SR together with the overlapping FSA paper and provide comment on the activities that should be taken to be part of INC 100 and those that should not.

Action 7: Members to review sections 1.7 and 1.8 of the FSA SR together with the overlapping FSA paper and provide comment on the activities that should be taken to be part of INC 100 and those that should not.

6. Subgroup updates

Fire sub-group

- 6.1. The chair of the fire sub-group provided an update to the members of the IESG.
- 6.2. The last sub-group meeting had been productive and amendments to the FI FSA SR had been drafted which align it better to the Fire Code of Conduct. Further work on the FI FSA specific requirements had been paused until the IE FSA SR was agreed because there would be a lot of cross over and this would save updating the FI FSA SR whenever changes to the IE FSA SR were made.
- 6.3. The FI sub-group chair noted that in order for the group to progress its work it would be necessary to identify the activities the FI community would look to accredit. A few different process maps were reviewed which Staffordshire Police, the FCN, Thames Valley FI had put together. From this, a list of activities/methods to focus on was had been drawn and discussed with UKAS. The main challenge for FI in terms of accreditation was the number of variables involved at scenes which highlighted the need for a thorough, documented scene assessment and the importance of professional judgement. In order to assist with managing the number of variables there was a lot of work to do in gathering published research on fire scenes which could be carried out by the FCN fire investigation technical forum sub-group for the FI community. A regular monthly meeting had been set up to progress the scope work with UKAS further.
- 6.4. The FI sub-group chair informed the group that Staffordshire CSI had hosted two workshops for the FI community in conjunction with a researcher from the

University of Staffordshire University to help the FIs gain a better understanding of validation. In addition, discussions were continuing on whether a phased approach to accreditation would be appropriate and may increase engagement.

- 6.5. Plans for the next sub-group meeting were to discuss scope further, bringing together the work that the FCN have been doing and the outputs from the UKAS meetings, the next meeting was likely to be December or early January depending on availability.

Action 8: OFSR representative to circulate the FI sub-group update.

Covert sub-group

- 6.6. Since the last IESG a National covert meeting had been held.
- 6.7. It was noted that the wording in the Code regarding covert needed to be reviewed and the definition clarified. It was noted that there were different types of covert forensic activity and it may be fairly straightforward to require compliance with the Code for some of these activities.
- 6.8. One of the challenges for the covert sub-group would be to consider how forensic activities should be defined to address the fact that some activities were carried out by police officer rather than forensic practitioners.

Counter Terrorism (CT) sub-group

- 6.9. The CT sub-group held their first meeting in October 2023. The group's first piece of work would be drafting a definition of covert to be incorporated into the Code.

7. Stakeholder updates

FCN

- 7.1. The FCN representative provided the update and the main points were:
- FCN continued their support for CSIs via the accreditation support service, two sites had been visited since their last report and four forces had been assisted with validation plan review. Further site visits were planned for the end of 2023 and early 2024.

- FCN continued to provide support to the CSI technical forum and its associated workstreams. The FCN would be hosting a wildlife crime webinar in November.
- A declarations guidance webinar had been hosted in September and heard presentations from the OFSR and Ministry of Justice, this event was well attended. The FCN has also produced declarations mitigation guidance as a reference for practitioners. The FCN were collating queries from the forensic community on declarations and mitigations. And developing an FAQ in conjunction with the OFSR.
- The FCN was also developing a series of videos and materials on raising awareness of the SFR process.

UKAS

- 7.2. The UKAS representative was unable to attend the meeting, however a written update had been provided to members ahead of the meeting, the main points were:
- 7.3. Two new assessment managers had started with the forensic section in September and November 2023.
- 7.4. A formal training course for ISO/IEC 17020 new starters took place in October 2023 – this included UKAS Assessment Managers and new CSI Technical Assessors.
- 7.5. There are 8 competent and authorised Technical Assessors for Volume Crime CSI (3 are internal to UKAS) and 11 Technical Assessors for CSI in training.
- 7.6. The UKAS update asked that all Forces continued to support the requests to have trainee Technical Assessors attend assessments as it was an essential element without which monitoring and eventual authorisation could take place.
- 7.7. Recent interviews were able to take on further Technical Assessors reflected in these figures, but a number of applicants that were put forward by their Police Force were unable to meet the required criteria at this point.
- 7.8. Technical Assessors for specialist activities at scenes included Digital and BPA.

- 7.9. In terms of assessments – 17 legal entities had been granted (including FSPs) and one initial assessment was planned for November. Applications had been received for digital activities at scenes and the assessment approach was being planned.
- 7.10. UKAS were working towards assessments for major crime activity, further expansion for volume crime and expansions of scope/sites.

AFSP

- 7.11. The representative of the AFSP informed the group that the AFSP incident scene working group had just been set up and had held its first meeting. The focus of this meeting was discussion around the accreditation of scene activity and the appropriate ISO/IEC standard for bloodstain pattern analysis at incident scenes.
- 7.12. The representative noted that the ISO/IEC standard applied for activities at scenes would have an impact on which methods would be classed as infrequently used, as lab-based methods applied at scenes would be used more frequently than scene-based methods.
- 7.13. The AFSP was drafting technical notes including on validation and best practice for body examination.

8. Any other business

- 8.1. The Chair noted that the next activity for the IESG should be to draw up a timetable for completion of the next steps.

Action 10: Draft a timetable for next steps.

- 8.2. The Chair thanked the members for their work on the draft FSA SR and asked that this continued and that any further comments be sent to the secretariat.

Action 11: 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

Thames Valley Police

Forensic Capability Network (FCN)

Greater Manchester Police

Bedfordshire, Hertfordshire and Cambridgeshire Police

Cranfield University

Office of the Forensic Science Regulator

Home Office (secretariat)

Online

Scottish Police Authority – Forensic Services

National Crime Agency

Metropolitan Police Service

Forensic Collision Investigation Network (FCIN)

Association of Forensic Service Providers (ASFP)

Apologies received

United Kingdom Accreditation Service (UKAS)