The Chartered Society of Forensic Sciences – Written evidence (FRS0025)

The contribution of Forensic Science to the delivery of justice in the UK

1. The contribution made by forensic science within the criminal justice system is significant. However; we have seen a paradigm shift over the last few years, as forensic science capabilities are used for security, economic and influence purposes, and its scope has also resulted in a closer synergy with technology - these are activities that do not always result in criminal justice outcomes. By continuing to discuss the use of forensic science purely within the context of the criminal justice system, the government and public will never understand the true contribution. It would also be helpful for forensic science to be measured against the three national security objectives; to protect our people; to project our global influence and to promote our prosperity rather than just the traditional link of supporting justice.

2. The yield of forensic science is wide reaching, it has become an ever more important contributor to national security through the integrated application of an extremely wide range of forensic science capabilities from the physical, pure and social sciences. The forensic science continuum goes beyond law enforcement with its breadth of influence, supporting domestic, national and international investigations and knowledge building. A strength of forensic science in the UK is its ability to use occasional experts appropriately as well as the disciplines that operate routinely in the forensic arena.

3. A result of this perceived limited context is that the forensic science contribution and benefits are not fully acknowledged so the scope of research opportunities are not fully realised.

4. The lack of statutory powers for the UK Forensic Science Regulator is the greatest weakness of all. The lack of statutory powers sends out completely the wrong message regarding important matters concerning forensic science and practice, particularly when regulators in other areas in Government do hold such powers. With statutory powers in place there would be a greater scope for implementation of standards and quality of services generally to society.

5. The single biggest issue for the fragmentation and demise of the traditional forensic market has been the implementation of the police procurement process and the significant transfer of further forensic services into police forces. This process has done little to increase public confidence and police forces or increase the quality of forensic science provision. The police force facilities are way behind schedule in gaining accreditation; While working within tighter financial constraints but still expecting commercial forensic science providers to deliver innovation without contribution and to work within ISO accredited standards.

The understanding and use of forensic evidence in the criminal justice system

6. There is some disparity across the criminal justice sector in regards to the understanding and use of forensic evidence. There is variety in the strength and
size of the evidence base in the various forensic disciplines but it is continually growing.

7. A recent report by the House of Commons Justice Committee https://publications.parliament.uk/pa/cm201719/cmselect/cmjust/1069/106903.htm indicates that underfunding in criminal legal aid via the Legal Aid Authority has already caused issues and has an impact on defence scientists ability to carry out their work effectively. Many small businesses state that low rates of payment by the LAA and delays in payments to them for completed work makes it difficult to justify the high costs associated in gaining accreditation.

8. There is a need for training across the legal sector. The law is lagging behind the science. Prosecutors rarely seek advice from their scientist as to the evidential value (or otherwise) of what was originally an intelligence lead result and there is little consultation between the two. This contrasts with the civil arena where, more often, there are several meetings between Counsel and the scientist.

9. An additional area of concern is the knowledge of judges, lawyers and juries of cognitive bias and how it affects decision making in forensic science. Although there is literature, guidance and training available awareness amongst lawyers and Judges needs to be raised.

10. To improve the knowledge and understanding for lawyers, judges and juries there should be more and better primer documents prepared by teams which include not only generalists but also acknowledged experts with the right discipline-specific background knowledge. In addition joint conferences and meetings between the judiciary, lawyers and forensic science and practice experts to develop and enhance mutual understanding. To this end The Chartered Society of Forensic Sciences (CSFS) is working with the Forensic (Science), Investigation and Technology – Information Network (FIT-IN) which seeks to foster a knowledge sharing network to improve cross-border collaboration between academia, policing partnerships and related stakeholders. As part of this collaboration CSFS and FIT-IN recently held a research symposium and going forward CSFS offer further will support by co-ordinating FIT-IN activities.

Standards and Regulation

11. As with any such process the current system of accreditation is not without its challenges. Accreditation by its nature fosters a culture of continuous reflection and improvement that is so valuable. Without the external scrutiny that accreditation entails providers can potentially deviate from standards operating procedures and adopt an inconsistent approach to decision making.

12. However the need for accreditation plus the need to keep up with new technologies will place a burden on the defence experts that is highly likely to reduce the pool of experienced scientists and change the ability to offer the judiciary a truly balanced service significantly. It could potentially reduce the ability of the defence Lawyer to find suitable experts. The CSFS are working closely with the UKFSR and UKAS to assist the small businesses and sole traders who often work as the defence experts to manage the accreditation process within a supportive framework that reduces the impact on their resources.
13. As previously mentioned the paramount issue is the statutory regulations for the UK Forensic Science Regulator (UKFSR). The role of the UKFSR is important as is the need for mandatory regulatory powers. The UKFSR office is working very hard on standards and regulation and there should be better resources to support this agenda. Such powers would allow the UKFSR to take immediate action to stop maverick practices and to take strong disciplinary measures to prevent poor quality. Additionally in order for the standards to be truly effective the courts must be seen to openly support the need for standards while still maintaining their authority to decide who is a reliable professional and expert witness.

The Forensic Science research landscape

14. Forensic Science is still not fully recognised as a subject in its own right by the Research Councils. Research is predominantly carried out in the UK by Universities and would benefit from a fully co-ordinated framework. However, it is often difficult to obtain funding for modest projects to add meaningfully to the evidence base. There must be more scope for research, not only large projects but also small and medium sized projects. On the basis of a relatively small investment in research the results could lead to longer term cost savings through improvements in understanding, methodology and quality and ultimately reduce wasted investigation, court time and miscarriages of justice.

15. Research should encompass everyone involved, individual and discipline scientist/practitioners, forensic science providers, professional and national bodies, educational institutions and other stakeholders. Professional bodies such as CSFS could be supported to take the lead on identifying research gaps, something CSFS are currently working with the FIT-IN collaborative Network and DSTL to achieve.

Digital Forensics

16. Universally acknowledged as the biggest growth area within the investigative process and the hardest to have validated due to the ever changing technology market. However the principles of accreditation and the ISO standards are applicable across the whole arena and digital forensics is no exception. There may be additional challenges but the core should be to achieve accreditation.

Conclusion

17. The growth of forensic science and society’s dependency upon it, means that there is a clear need to review and challenge the national leadership, oversight and governance across this wider forensic science landscape. To provide more national cohesion, dedicated strategic leadership and alignment with other government departments. In the past the UK was international recognised as the world leader in forensic science services and research we need to work hard to regain this prominence.

18. The Chartered Society of Forensic Sciences as the professional body for forensic practitioners is honoured to continue to support the sector by delivering a Quality Assurance Agency education Benchmark statement for Forensic
Science; setting educational standards through component standards; delivering competency assessments for a range of forensic practitioners; offering a supportive accreditation model for small businesses, sole traders and other specialist forensic units in the (UKAS) accreditation process.

19. The Chartered Society of Forensic Sciences supports the Forensic Science Regulator and her vision and has representation on the FSR Forensic Science Advisory Council.

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