1.1 ADS is the national trade association advancing the UK’s Aerospace, Defence, Security and Space industries. ADS comprises over 1,000 member companies across all four sectors, with over 950 of these companies identified as Small and Medium Size Enterprises (SMEs).

1.2 The UK is a world leader in the supply of aerospace, defence, security and space products and services. From technology and exports, to apprenticeships and investment, our sectors are vital to the UK’s growth – generating £74bn a year for the UK economy, including £41bn in exports, and supporting around 1,000,000 jobs across the country.

1.3 ADS represents a range of member companies delivering forensic science services, such as the provision of digital forensic technologies, consultancy services or trace forensic science systems.

1.4 As the Home Office’s 2016 Forensic Science Strategy (FSS) noted, the private sector plays a crucial role in providing forensic science services to law enforcement and the criminal justice system (CJS). Therefore, the health of the commercial forensic science market in England and Wales is of direct relevance to the CJS. The closure of firms such as Key Forensic Services in early 2018, Forensic Telecommunication Services in 2017 and Contact Traces in 2015 suggest that there are challenges facing this market, which in turn poses a challenge to the healthy functioning of the CJS.

1.5 Forensic science is largely commissioned by England and Wales’s 43 geographically-based Police forces, as well as by national forces such as the British Transport Police. The National Crime Agency (NCA) also carries out its own commissioning. Once Police and Crime Commissioners are also taken into consideration this makes for a complex landscape.

1.6 In England and Wales Police forces allocate their budget as they see fit, including for the commissioning of forensic science services. Given the challenging funding outlook that Police have faced in recent years, there has also been a similar drop in spending on forensics. The National Audit Office calculated there was an 18% reduction in real terms to police funding between 2010/11 and 2015/16, and the Chartered Institute of Public Finance and Accountancy estimated that police spending on forensics dropped by 18% from 2009/10 to 2015/16.

1.7 With the decline in Police funding and Police commissioning of forensic science service there has been a drop in revenues in turn for the commercial forensic science market. While it is difficult to produce exact figures, the Chartered Institute for Public Finance and Accountancy estimated that the size of the external (i.e. non-Police) forensic science
market in the UK shrunk from £104m in 2012/13 to £81m in 2014/15. This was met half-way by an increase in the internal (i.e. in house Police laboratories) forensic science market in the UK from £113m in 2012/13 to £122m in 2014/15. This still indicates that the overall size of the forensic science market in the UK has been declining, most rapidly in the private sector.

1.8 With the decline in funding to the commercial forensic science market this has made the marketplace more difficult for SMEs to compete in. Forensic science SMEs are unable to absorb the costs arising from lulls in business, whereas large companies are able to ride out such drops. This could lead to a decline in choice for commissioning authorities within law enforcement and the CJS. This will then lead to an inevitable decline in competition, which likely will lead to higher prices.

The Forensic Science Service and the Forensic Science Regulator

1.9 The closure of the Forensic Science Service in 2012 reduced costs and increased efficiencies for some forensic science services – for instance, the FSS states that prices for DNA casework fell by as much as 40% - but it came at the expense of a strategic body for forensic science procurement. Existing efforts at centralising and coordinating procurement across separate Police forces should be supported with the direct involvement of the Home Office and/or the National Police Chiefs’ Council (NPCC). As the FSS promised, the government must follow through on its promise of a ‘national approach to Forensic Science delivery’, whilst respecting the operational independence of Police forces.

1.10 The government does not intend to revive the Forensic Science Service, given the major financial losses that it incurred, but there is still a need for a coordinating body that can deliver on the FSS, including by providing thought leadership to the sector. If the Forensic Science Regulator (FRS) is granted new statutory powers to enforce compliance with scientific standards consideration should also be given to broadening its role to provide that coordinating function. It is vital that the government co-ordinates and consults appropriately with industry on the future of England and Wales’s forensic science market, given its central importance to the UK’s CJS and law enforcement.

Innovation

1.11 Current Police procurement frameworks for forensic science have prioritised price above all else, including much-needed innovation. There are also concerns about the in-house procurement expertise of local Police forces. Finally, insufficient strategic thought has been given to the long-term commercial health of the forensic science market, which has therefore encouraged forensic science suppliers to rely on trusted but outdated and often inefficient systems and technologies so as to lower costs.

1.12 The Home Office’s Centre for Applied Science and Technology (CAST) used to provide forensic science research, as well as equipment testing and confidential reports for Police forces. However, with CAST’s closure and
integration into the Defence Science and Technology Lab (DSTL) it is unclear whether DSTL will continue to provide these services in the same way and intensity. Industry has broader concerns about the future of various activities CAST used to be responsible for, but in particular the government should clarify what role DSTL has in forensic science.

1.13 The focus upon price, as opposed to innovation, in the commissioning of forensic science has made it difficult for forensic science companies, particularly SMEs, to dedicate resources to much-needed research and development. Without wider changes to the funding and commissioning of forensic science the government must inevitably step up its own forensic science research through DSTL or other bodies.

Digital crime

1.14 As the Commissioner of the Metropolitan Police, Cressida Dick, said to the Home Affairs Select Committee in June 2018, the Police are facing an exponential rise in digital crime. While there has been a fall in traditional crime, such as burglary, at the same time there has been an increase in crimes with a digital aspect. All of this has led to a concurrent rise in digital forensics evidence.

1.15 Law enforcement and the CJS have started to digitally ‘triage’ (i.e. prioritise) devices and evidence as they come in, so as to deliver actionable intelligence and evidence sooner; this is one way to deal with the growth in digital forensic evidence. Policing should work closely with industry to propagate existing digital forensics technologies across local Police forces, and to build digital forensic analysis capabilities within Police forces, again with the support of industry. AI will also play a major role in building analytical capabilities to meet this challenge.

1.16 Current standards for forensic science providers have been undermined by the rapid rate of technological change. For instance, smartphones now receive frequent updates to their operating software, but existing international scientific standards such as ISO 17025 cannot keep pace, given their slower cycle of formal peer review and testing. A new framework is required to ensure that crucial evidence can still be admitted in court, notwithstanding the pace of technological change.

Conclusion

1.17 The exponential growth in digital forensic evidence is posing a challenge to law enforcement and the CJS. In turn, the forensic science market is showing signs of strain, with ever decreasing margins and a focus on cost at the expense of innovation. Industry can, and does, deliver affordable, high-quality forensic science services to meet this digital challenge, but the Home Office and policing must work together to deliver the promised ‘national approach to Forensic Science delivery’, ensuring that due regard is given to the long-term health of the commercial forensic science market in England and Wales. As part of this, the government should consider what role the Forensic Science Regulator should play as a coordinating body to
deliver this national approach, in light of the closure of the Forensic Science Service and the integration of CAST into DSTL.

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