1. Is forensic science contributing to the delivery of justice in the UK?

(1.1) Yes. Forensic science plays a very important part in the criminal justice system through the provision of objective and impartial scientific analysis.

(1.2) The Forensic Services Strategy for Northern Ireland (2016) acknowledges the exceptional quality of scientific expertise within Forensic Science Northern Ireland (FSNI), an agency of the Department of Justice (DoJ) and the Scientific Support Branch (SSB) of the Police Service of Northern Ireland (PSNI).

(1.3) It remains our focus to support the contribution of forensic science to the delivery of justice by facilitating collaboration and co-operation between the forensic service providers, the police, the prosecution service, the judiciary and the Department of Justice. The Forensic Services Leadership Board (FSLB) and a joint operations group, the Forensic Services Operations Group (FSOG), which include representation from all stakeholders, were formed to provide a layer of governance supporting and facilitating such collaboration.

(1.4) The Forensic Services Strategy also identified three projects considered to be critical to maximising the contribution of forensic science to the delivery of justice:

(i) **Forensic Gateway** – maximising the efficient coordination, selection and submission of exhibits for forensic analysis through joint working methods of PSNI, PPS and FSNI.

(ii) **Process Mapping** – using process reengineering tools to map the end-to-end crime scene to court forensic flowline and identify inefficiencies.

(iii) **Value** – the multidisciplinary research will comprehensively measure the holistic value of forensic services to the criminal justice system in Northern Ireland. The innovative and in-depth study will generate tools for measuring value that will assist understanding of the benefits forensic science brings to the criminal justice system. For example, its role in: improving speed and efficiency of police investigations, detection and clear-up rates; shortening crime scene processes; encouraging early guilty pleas; reducing case
preparation workload and the number of remand/bail hearings, trials, retrials and appeals; reducing legal aid requirements; deterring first offenders and recidivism; increasing public confidence in justice; improving victim/family satisfaction levels; reducing overall time from detection to disposal; delivering societal/economic benefits of deterrence and crime reduction.

(1.5) The Forensic Science Strategy for NI and the three projects are fully consistent with some of the key recommendations in the NIAO Report on ‘Speeding up justice: avoidable delay in the criminal justice system’ (March 2018).

2. What are the current strengths and weaknesses of forensic science in support of justice?

(2.1) The focus for the Forensic Services Leadership Board in the Northern Ireland context has been to create the most supportive environment for forensic science to operate within. The Forensic Services Strategy (2016) identified 4 strategic priorities: (1) Delivery; (2) Impartiality; (3) Quality; (4) Relationships. The narrative below combines both the strengths and potential for improvement for forensic services:

(2.2) Delivery

Ensure optimum delivery of forensic services in Northern Ireland

- Continually assess the most appropriate forensic services to be retained within the core service; those services which may be outsourced; and services to be rationalised;
- Developing the potential of forensic science networks to achieve critical mass in service provision and in research;
- Removing duplication in service provision between FSNI and PSNI; complete a process map for the provision of services, critically assessing efficiency and overall effectiveness;
- Ensuring an integrated approach to the delivery of forensic services from crime scene to court, ensuring value for money in service provision;
- Developing the role of the PSNI Authorisation Unit as the main operational interface with the FSNI, to include FSNI personnel and prosecution expertise;
- Implementing learning from the Indicatable Cases Project;
- Developing a joint approach to priority setting and business planning with resources focused on priorities;
- Service Level Agreements to ensure customer requirements for the service are clearly specified and thereafter delivered;
- Developing a culture of innovation in the provision of forensic science services;
- Removing barriers to effective co-operation, collaboration and communication.

(2.3) Impartiality

Impartiality and objectivity remain fundamental to service delivery

- Forensic science services must be objective and be seen to act impartially;
- Forensic service provision must not be undermined by perceived failures in the boundary between investigator and scientist;
Excellent communication in the interests of the criminal justice system will support impartiality.

(2.4) **Quality**

**Ensure the proportionate adherence to quality assurance from crime scene to court**

- All forensic service providers co-operate fully with the Forensic Science Regulator guidance on quality accreditation;
- The integrity, quality and effectiveness of forensic services from crime scene to court will not be compromised in the interests of speed and efficiency.

2.4.1 The Board believes that significant strength lies in the demonstrable independence and impartiality in the delivery of forensic science.

(2.5) **Relationships**

**Build and maintain effective working relationships among stakeholders**

- FSNI will have an unambiguous customer focused approach;
- FSNI performance indicators will be outcome focused and structured around measuring the value of forensic science to the wider criminal justice system;
- FSNI and PSNI Scientific Services Branch should as far as practical be co-located;
- FSNI, PSNI and the PPS will continue to work in partnership to achieve improvements in service provision and build understanding and empathy;
- All stakeholders continue to co-operate and work collaboratively to deliver faster, fairer, justice;
- All stakeholders have agreed a set of common values, including:
  - Agree to work together in the interests of the criminal justice system;
  - Establish relationships built on mutual co-operation, respect and tolerance;
  - To ensure that communication is effective, consistent with the Attorney General’s Guidance\(^1\), facilitates understanding and acknowledges the potential for differing expectations and different levels of expertise/knowledge.

(2.7) **Future proofing**

2.7.1 There have been significant developments in the provision of forensic services over the past number of years. Advances in technology, automated techniques in particular, combined with traditional scientific skills, challenge us to provide more meaningful output with more diverse exhibits at lower cost and in a shorter period of time. The demand for forensic expertise is increasing though all stages of crime investigation, including intelligence gathering and crime prevention.

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\(^1\) Guidance issued by the Attorney General for Northern Ireland pursuant to section 8 of the Justice (Northern Ireland) Act 2004, 2012 No. 1.
2.7.2 While recent trends actually show an increase in crimes against the person in England and Wales, e.g. rapes/sexual offences, assaults, knife and gun crime, the nature of crime is also changing. Crime committed online or facilitated with an online presence requires analytical expertise in digital electronics.

2.7.3 The Forensic Services Strategy sought to address this challenge by emphasising the imperative for collaboration and co-operation between all stakeholders. New governance arrangements were put in place to bring all parties together at the strategic level, through the Forensic Services Leadership Board and at the operational level, through the Forensic Services Operation Group.

Understanding and use of Forensic Science in the Criminal Justice System

3. What is the scientific evidence base for the use of forensic techniques in the investigation and prosecution of crimes? Are there any gaps in that evidence base?
(3.1) The Forensic Services Leadership Board is not qualified to comment on the scientific evidence base for the use of forensic techniques. However, it is intended that the research projects referred to in response to Question 1, will elucidate the value of forensic services to the criminal justice system.

4. How can the Criminal Justice System be equipped with robust, accurate and transparent forensic science? What channels of communication are needed between scientists, lawyers and the judiciary?
(4.1) The Forensic Services Strategy for Northern Ireland aims to deliver robust, accurate and transparent forensic services through the adoption of a collaborative approach across the criminal justice system. Oversight for delivery of the Strategy is the responsibility of the Forensic Services Leadership Board, chaired by a recently retired Crown Court Judge (Mr Justice Burgess), who reflects the interests of the Judiciary. Membership on the Board includes senior officials from the Public Prosecution Service, the Police Service, Forensic Science and the Department of Justice. The Board is also supported by a number of very experienced Non-Executive Directors.

(4.2) In the 12 months it has been in place, the Board has found that this collaborative approach has significantly improved communication and collaboration. It is expected that continued partnership working in delivery of the strategy will enhance communication between scientists, lawyers, the prosecution service and the Judiciary.

(4.3) The projects described in response to Question 1, are delivered in collaboration with all stakeholders. The gateway review project seeks to ensure that scientists, lawyers and police are involved in discussions early in the crime scene to court process, to agree the direction of a case and the best evidence for forensic examination. The mapping project will bring scientists, police officers and lawyers together to critically examine the forensic journey of exhibits and the value project aims to measure the contribution of forensic science to the criminal justice system.

5. What is the level of understanding of forensic science within the Criminal Justice System amongst lawyers, judges and juries? How can it be improved?
(5.1) The collaborative approach provided for in the Forensic Services Strategy is intended to facilitate greater understanding amongst key stakeholders. The research projects outlined in Question 1, facilitate communication and the sharing of information and so enhance understanding.

(5.2) The mapping project and the gateway review will increase the level of understanding of the role of all contributors to the forensic process and support information sharing across the criminal justice chain. Measuring the value of forensic services will elucidate the individual and collective contribution of stakeholders to the justice system.

(5.3) The Forensic Services Operations Group also facilitate collaboration and co-operation amongst all stakeholders through two addition fora:
- Joint Innovation Delivery Group
- The Ideas Bank

6. Is the current training available for practitioners, lawyers and the judiciary appropriate?

(6.1) The Forensic Services Leadership Board does not offer a response.

Standards and regulation

7. Is the current market for forensic services in England and Wales sustainable? Are changes needed to ensure forensic science provision is maintained at the level required? What are the risks of a market approach, for example what happens if a provider goes out of business? And what is the impact on quality?

(7.1) The Forensic Services Leadership Board has no direct experience of the forensic services market in England and Wales. However, in considering the merits of the public sector approach in Northern Ireland, the FSLB believes that certainty of provision of services is of primary importance.

(7.2) To inform the preparation of a Forensic Services Strategy in Northern Ireland the following guiding principles were agreed by all stakeholders: These principles guided discussions on the standards and regulation required in the Northern Ireland context.
- Principle 1 – retain delivery and governance of core forensic science within the public sector;
- Principle 2 – forensic science is objective, impartial and fit for purpose;
- Principle 3 – there must be consistency in quality accreditation from crime scene to court, however quality accreditation must be proportionate, balancing cost and outcome;
- Principle 4 – the relationships between all stakeholders must be transparent, professional and collaborative.

8. Is the system of accreditation working successfully to ensure standardised results and the highest quality analysis and interpretation of significance of evidence?

(8.1) The system of accreditation works well for Forensic Science Northern Ireland, an accredited provider. A successful system of accreditation, standardised results and the highest quality analysis can be achieved when forensic providers adhere to
the same quality standards, standards which, when challenged in court, are recognised as consistent and robust.

9. What role should the Forensic Science Regulator have? If the Forensic Science Regulator is to have statutory powers, what should these be?

(9.1) In her first annual report\(^2\) the Forensic Science Regulator\(^3\) set three primary objectives:

- Appropriate quality standards should be in place for all forensic science disciplines, whomever the service provider;
- There is full compliance with the quality standards requirements across all forensic science disciplines from crime scene to court and in all sectors;
- There is a shared understanding of quality and standards by all stakeholders.

(9.2) We believe achieving uniformity in quality accreditation may contribute to greater co-operation in the sharing of forensic evidence across jurisdictions, but also acknowledges that exhibits at the scene should be treated in a similar way to exhibits in the laboratory. With an increasing forensic science presence on site this may take on greater significance.

(9.3) Forensic services in Northern Ireland fall outside the remit of the Forensic Science Regulator. However, through the Forensic Services Strategy all stakeholders have agreed that forensic service providers will abide by the Forensic Science Regulator Code of Practice and quality accreditation schedule.

10. What lessons can be learned from the use of forensic science in Scotland and Northern Ireland? What can be learned from the use of forensic science overseas?

(10.1) In Northern Ireland, the majority of forensic services are delivered through Forensic Science Northern Ireland, a public sector forensic provider, with the PSNI providing some forensic services through their Scientific Support and Cybercrime Units. Forensic Science Northern Ireland is an independent Agency of the Department of Justice.

(10.2) An examination of forensic services by the Criminal Justice Inspectorate in 2014 resulted in a recommendation to develop a Forensic Services Strategy with the aim of optimising the crime scene to court process across all criminal justice organisations. While cognisant of the approach to forensic service delivery in Scotland, England and Wales, we are working towards a model which best suits the circumstances in Northern Ireland. As a consequence, a number of projects are currently being implemented with the aim of delivering the optimum crime scene to court model for Northern Ireland.

(10.3) The Government Chief Scientific Adviser\(^4\) has made reference to the barriers between the different actors in the justice system, caused by their differing language and communication about the meaning and significance of forensic evidence and of the measures of uncertainty associated with different

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\(^3\) The post of Forensic Science Regulator is specifically for England and Wales. The devolved administrations in Scotland and Northern Ireland have joined the advisory groups of the Regulator and adopted, with some exceptions due to differences in practice, the standards produced.

types of results. As forensic science becomes more complex and our reliance on the science increases, consideration must be given to enhancing knowledge and improving understanding.

(10.4) The Forensic Services Strategy completed in 2016, places a strong emphasis on building trust, improving relationships and strong partnership working across criminal justice organisations. In the preparation of the Strategy we have sought to learn from best practice experience internationally.

Questions 11 - 17.

The Forensic Services Leadership Board, with its emphasis on strategy, does not offer a response.

14 September 2018