Analytical Services International (ASI) – Written evidence (FRS0069)

Questions

1. **Is forensic science contributing to the delivery of justice in the UK?**
   
   There can be no doubt that forensic science is contributing to the delivery of justice in the UK.

2. **What are the current strengths and weaknesses of forensic science in support of justice?**
   
   The current strength of forensic science is the UK University system which has invested heavily in Forensic Science undergraduate and postgraduate courses, and research. The weaknesses stem from low financial support of routine forensic investigations and a lack of investment by the Government in forensic science research.

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?**
   
   The evidence base for the use of forensic techniques is undermined by the lack of systematic collection of data. For example, the Government has no real idea as to the true extent of drug driving as there is no central register collecting these data. Consequently, we have no idea of the scale of the problem, the prevalence and blood concentrations of the drugs taken, or the true impact of drug driving on serious and fatal injury. Similarly, the press have hyped up the “problem” of new psychoactive substances (NPS, previously known as legal highs) without any information as to what NPS are in the market place, the scale of the issue, and the actual damage to individuals. This makes evidence led policy and legislation difficult to enact.

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?**
   
   Unable to comment.

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?**
   
   Unable to comment.

6. **Is the current training available for practitioners, lawyers and the judiciary appropriate? Standards and regulation**
   
   Unable to comment.

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?

The current procurement model of awarding large exclusive contracts makes the market unstable and discriminates against small to medium sized enterprises. Having all, or most, of the forensic “eggs” in one basket can have a major detrimental effect when things go wrong. The problems in the Trimega / Randox toxicology laboratory clearly demonstrate this.

The loss of a major contract can result in the redundancies of many experienced and trained staff. This bound to have an impact on quality.

The use of large centralised laboratories working for the Police and prosecution makes it difficult for the defence to find competent experts and laboratories to take on defence work. Added to which there are issues of independence and conflicts of interest, as laboratories cannot provide services to both the prosecution and defence.

The work of experts and laboratories supporting the defence is seriously under-funded. The reliance of this work on poorly funded Legal Aid, or direct funding by the accused, sets up a serious asymmetric disadvantage for the defence when pitted against the much larger resources of the Police and prosecution.

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

The current quality management system endorsed by the Forensic Science Regulator for toxicology laboratories is ISO 17025 or ISO 15189. In the UK laboratory accreditation to these standards is assessed and granted by the United Kingdom Accreditation Service (UKAS). The UKAS accreditation process is overly bureaucratic, inflexible, and concentrates on paperwork. It has very little to do with the actual quality of the results. There is no assessment, and hence no accreditation, for the interpretation of significance of evidence.

The irony of UKAS is that when inspecting laboratories for accreditation it puts great store on the laboratories ability to meet the customer needs, however UKAS itself fails to respond to customer needs. UKAS is a monopoly supplier which is slow, unresponsive and very expensive. There appears to be no risk based monitoring or assessment by UKAS as there is by other accrediting agencies such as the Medicine Healthcare products Regulatory (MHRA) who assess compliance to Good Laboratory Practice.

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

The regulatory should be given statutory powers.

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?

No comment.

No comment.

**Forensic Science Research Landscape**

12. **How should further research funding for forensic science be justified? What should be the focus of such research? What is the role of UK Research and Innovation, especially considering the interdisciplinary nature of much forensic science?**

Without funding we would not have had the developments in DNA that have revolutionised police case work. But who could have foreseen these development? It is therefore difficult, if not impossible to say, what the focus of research should be. As for UK Research and Innovation, the organisation has yet to prove itself.

13. **Where are the gaps in research and understanding of forensic science? How and by whom should the research questions be articulated to fill these gaps?**

It is not possible to say where the gaps in research and understanding of forensic science lie. The research questions should be articulated by forensic scientists, the police, and the public.

14. **How can a culture of innovation in forensic science be developed and sustained?**

In the National Health Service innovation comes from within and is funded by the Pharma and Diagnostic industries, and the National Institute of Healthcare Research (NIHR). For forensic science the amount of money available from industry is very much smaller than is available to the NHS. However, NIHR is taxpayer funding for research, awarded competitively that is directed to improving healthcare. There seems no reason why there could not be a National Institute of Forensic Science Research (NIFSR) to direct funding to developing, sustaining and instilling a culture of innovation in forensic science.

15. **Are there current or anticipated skills gaps? Who should have responsibility for and/or have oversight of training?**

Most areas of forensic science have skills gaps. Training has suffered due to the underfunding of forensic science, there is not enough money in the system to support training of junior staff.

Do we need oversight of training? In the NHS training is generally overseen by professional bodies such as the Royal Colleges of Pathology, Nursing, etc. In toxicology the Royal Society of Pathology, and United Kingdom and Ireland Association of Forensic Toxicologists have both published training guidelines for toxicologists but neither has any formal oversight of training for toxicologists practicing in the criminal justice system.

**Digital Forensics**

ASI is not involved in digital forensics and has no comment to make.

*14 September 2018*