Government – Home Office – Written evidence (FRS0085)

1. Forensic science is a key enabler of crime prevention, effective investigation and just outcomes in the criminal justice system. The Government is strongly supportive of the UK’s world-leading forensics industry and the many dedicated staff, in policing and the private sector. Their work makes a huge difference and the evidence they produce stands up to robust scrutiny when presented in court and is subject to regular challenge in our Criminal Justice System (CJS).

2. The Government is committed to a vibrant and professional market, to complement the forensic services policing can provide efficiently in-house. Market provision in England and Wales has demonstrated that innovation can drive efficiency and support improved outcomes in the criminal justice system. The Government is also committed to further investment in policing, so that in-house services meet quality standards and the way forensic science is used improves in the interests of the criminal justice system as a whole.

3. There remain challenges to these objectives and the Home Office welcomes the Lords Science & Technology Committee’s inquiry as a valuable addition to its work.

Introduction

4. The Forensic science in the criminal justice system is provided by a mix of private and public-sector organisations. All service providers are regulated by the Forensic Science Regulator (FSR).

5. Government has been supporting a national approach to forensic science delivery, designed and run by policing, taking into account the voices of other stakeholders including the judiciary. Today many forensic services are delivered faster, more reliably, to higher quality standards and with far greater scrutiny than they have ever been.

6. The Government recognises the importance of ongoing scrutiny as crime, science and other factors evolve. Ongoing action is required to support and modernise provision. As such, and recognising concerns raised by policing, CJS partners and the Forensic Science Regulator, notably on the need to improve quality standards in policing, the Minister for Policing & the Fire Service asked the chair of the NPCC, chair of the APCC and the Home Office to take forward a collaborative review of the provision of forensic services.

7. The review is considering the provision of forensic science to criminal investigations in England and Wales, including both ‘in-house’ police and private provision. It covers all forms of forensic science including digital forensics. Early findings are under consideration and stakeholders are being consulted on next steps. The review will be published in due course.

Forensic Science Regulator
8. This post was first established in 2008. Prior to this, quality standards were managed through an ad hoc mix of accreditation and certification, with no coordination or overarching strategy. The Forensic Science Regulator seeks to ensure that forensic science services are delivered to standards tailored to meet the needs of the CJS and subject to independent and effective assessments of quality. She also provides high quality advice and guidance to forensic science providers, Ministers, and others on forensic science requirements. The Regulator aims to ensure that there are effective means to investigate and address quality failures.

9. We welcome the extensive work the Regulator has undertaken to document standards and the positive impact she has had on increasing professionalism in the sector. In particular, the Government supports the Regulator’s timetable for police forces and external forensic science providers to achieve accreditation against ISO 17025 for a range of forensic techniques.

10. The Regulator has maintained a collaborative approach to the development of standards, engaged with the academic sector and highlighted the importance of adhering to international standards where applicable. However, she and others have long called for increased powers to enforce quality standards. The Government continues to support that objective, notably the need to place the role on a statutory footing. This would enable the Regulator to take enforcement action against relevant forensic service providers, in both the public and private sector, that are not operating at an appropriate standard.

Commercial Market Providers

11. Commercial provision and innovation has for a long time been part of forensic science provision in England and Wales. The entry and growth of additional commercial providers has had a significant positive impact on the delivery of forensic science.

12. Police forces, often grouped into contracting groups, decide which providers they use to carry out forensic science services. However, the Government has been clear that quality and accreditation should be important factors when procuring these types of services alongside considerations of cost and speed.

13. The Government recognises that current forensic science provision relies on a market running close to capacity with high barriers to entry. It is therefore important that policing is supported to manage commercial risks and that there is effective demand management, strategic planning and industry engagement. For this reason the Home Office, in collaboration with the NPCC and the Transforming Forensics programme (see below) is supplementing existing expertise by setting up a national, police-led market management and specialist procurement capability, to provide dynamic leadership and market expertise on a national scale.

14. There have been measurable improvements in the delivery of services by commercial providers. For example policing stakeholders report that turnaround times had shortened markedly over the last 10 years in response to their demands. The table below gives an indication of current turnaround times.
Type of submission & Average Turnaround to complete (days) & Turnaround of 95% of submissions (days) & Turnaround for ENFSI laboratory for 60% of submissions (days)

<table>
<thead>
<tr>
<th>Type of submission</th>
<th>Average Turnaround to complete (days)</th>
<th>Turnaround of 95% of submissions (days)</th>
<th>Turnaround for ENFSI laboratory for 60% of submissions (days)</th>
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Table – Commercial provider submission turnaround times for England and Wales. ¹ENSFI European Network of Forensic Science Institutes (Source: AFSP)

Transforming Forensics in policing

15. Given the significant role of policing in the procurement and delivery of forensic science in the criminal justice system, the Home Office has funded the National Police Chiefs’ Council (NPCC) Transforming Forensics Programme to support development of a national approach to forensic science. This has comprised investment of £6.7 million for 2016/17 and 2017/18 with a further £10.6m allocated for 2018/19.

16. Transforming Forensics (TF) is a national programme of projects, initiatives and activities designed to deliver high quality, specialist forensic capabilities which are sustainable to meet future challenges and demand. TF aims to deliver results that support timely investigations; provide quality frontline analytical tools to investigators; preserves key forensic techniques that are not widely used; ensures there is national oversight of accreditation and quality assurance; uses improved technology and cross-boundary working to secure better outcomes and; seeks long-term efficiencies and savings for reinvestment.

17. The programme builds on a range of other investments made by the Home Office to develop forensic capability within police forces, with £6.6 million in grants via the Police Innovation Fund between 2014 and 2016. For example this included £90k for a trial of new technology to enable the police to match smudged and partial fingerprints and to use material left by the fingers to provide evidence of the blood group, gender and medication or drug use of the person who left them.

Digital forensics

18. ‘Digital Forensics’ presents a particular set of challenges and opportunities. This capability has the potential to transform the investigation of a number of crime types. However, there has been a huge increase in the number and variety of digital devices and the volume of data they contain. There has also been a corresponding increase in both demand and complexity in the use of digital forensics to solve crime. This is particularly true in high harm crimes such as child sexual exploitation.
19. Digital forensics as a discipline needs to be more agile and responsive in order to react to these developments quickly, with new techniques developed and investments made in people and practices.

20. The Forensic Strategy published in March 2016 recommended that digital forensics should be regarded, practiced and delivered as a forensic discipline by policing, in order to ensure a professional culture which produces quality outcomes. A hugely innovative digital market is developing rapidly with techniques which present new challenges for the sector. Policing are developing new approaches in-house and in collaboration with industry to meet these challenges such as kiosks to make forensic standard images of mobile phone contents.

21. Innovation needs to be coupled with appropriate standards adapted to the emerging field. The Regulator has established standards for digital forensics, which are set out in the Codes of Practice and Conduct. The objectives for digital forensics are the same as for ‘traditional’ forensics, i.e. to generate new techniques, and assure quality to prevent crime, investigate effectively and deliver just outcomes. Despite important progress, there are a number of challenges still to overcome, including the global supply chain of qualified accreditors of digital forensic services.

22. The Home Office is providing support to meet these challenges. For example it has provided £17 million funding over two years to the police-led Digital Policing Portfolio (DPP) which will, amongst other objectives, leads on work to develop long-term solutions to the storage, sharing and exploitation of digital material in a way which facilitates not only investigations but also the disclosure process and policing’s role in the criminal justice process. In 2018/19 the Home Office plans to invest a further £22.5 million in DPP.

**Future innovation and research**

23. Criminal justice has been transformed over the years by the introduction of new scientific techniques into investigations and criminal cases. Individual cases have also benefited from the introduction of new techniques which can then go on to be used at scale. At the same time new untested or verified techniques have been introduced into court proceedings with uncertain value for justice.

24. The breadth of forensic science disciplines creates a complex landscape in which collaboration between organisations is vital. Significant advances in other sectors often have the potential to provide valuable contribution to the Criminal Justice System. This means that a significant level of coordination, horizon scanning and appropriate governance is required to prioritise research and development and to make the most of opportunities for funding and sharing research and innovation.

25. The Government is committed to ensuring that development and innovation continues alongside continued confidence in the science used across the CJS. The Transforming Forensics programme has undertaken a review of the current research landscape within policing. This work will contribute to the
development of a Forensic Capability Network to help police forces to coordinate and prioritise opportunities and requirements for research and development.

26. We have also established the Science and Justice Forum, chaired by Dr Julie Maxton of the Royal Society with representatives from across the justice system, Government, the judiciary and academia, to improve understanding, collaboration and to encourage high-quality forensic science research across the justice system.

20 September 2018