SUMMARY

1. The Forensic Science Strategy makes pertinent observations regarding the changing nature of crime, but does not consider risks associated with a range of underlying causes.

2. References to sex offences may conflate public concern issues with the actual relative or absolute frequency of offences.

3. In offences susceptible to moral panic, it is especially important that physical evidence is properly sought, collected, analysed and acted upon.

4. Traditional forensic science sub-disciplines will still need to be maintained.

5. It is important for market stability—as well as service quality and judicial integrity—that the police forensic sector is open to the same extent of financial accountability and degree of regulation as the private sector.

6. Absorbing forensic science into the police sector is particularly undesirable because i) it is arguable the market is destabilised precisely because of policy favouring the police sector and ii) the serious risks of miscarriages of justice caused in losing the independence of forensic analysis from the police investigation are well known.

7. Consideration of research, education and training does not recognise the complexity of the Higher Education sector and Research Council and charity funding. No coherent environment encompassing forensic science education, training and research has existed for many years. It is hard to identify any other applied science in a similar situation—let alone one that underpins the rule of law.

8. The power of biometric systems to offer instantaneous indication of possible or probable identity are matters of substantial public concern and have serious implications for due process in investigation. The Forensic Science Strategy offers little detail on how these issues are to be addressed.

BACKGROUND

Professor Martin Evison began working in forensic science with the Department of Forensic Pathology, Sheffield Medico-Legal Centre, University of Sheffield, in 1994. From 2005 to 2010, he was Director of the Forensic Science Program of the University of Toronto, Canada. He has published on DNA analysis of the skeleton, forensic anthropology, and craniofacial identification from CCTV images in work funded by the US Department of Defense, the Engineering and Physical Sciences Research Council (UK) and the Social Sciences and Humanities Research Council of Canada. He has given judicial evidence in a number of major cases following both prosecution and defence instructions, and has contributed to capacity building and humanitarian work in Brazil, Kenya and Kosovo. He is a Fellow and President (Elect) of the Chartered Society of Forensic Sciences. Martin joined Northumbria University as Director of Northumbria University Centre for Forensic Science in September 2010. The Centre hosts a unique interdisciplinary research group interested in basic and applied science, and socioeconomic issues in forensic science. Its research has been funded by the European Union, Leverhulme Trust, Wellcome Trust and the Canadian Federal Government.
RESPONSES TO THE FORENSIC SCIENCE STRATEGY

1. Predicting and responding to demand

1.1. Falling levels of crime discussed in the Forensic Science Strategy have been widespread internationally for many years and cannot be attributed to a single or local causal factor. The Forensic Science Strategy identifies the significance of this trend, but does not consider underlying causes and potential future risks.

1.2. Digital forensics refers to a broad and diverse field. While basic principles of forensic science can be applied to digital evidence, a detailed consideration of the taxonomy of digital crime and the implications for overall strategy is required.

1.3. With regard to sexual offences, historic sexual offences, child sexual abuse and indecent imagery offences, it is important to distinguish their importance as matters of particular public concern from their importance as offences growing in relative or absolute number, as the strategic response may be different.

1.4. In offences susceptible to moral panic, physical evidence may be the arbiter of the veracity and integrity of an allegation or the guilt or innocence of the accused. In these cases, forensic science is of particular importance in upholding core principles of justice—presumption of innocence, equality before the law, etc.—and it is essential that physical evidence is properly sought, collected, analysed and acted upon.

1.5. Many traditional crimes will still require investigation and traditional techniques will still have value and professional practice, research and education in these disciplines will need to be maintained.

2. Forensic science provision

2.1. Private sector provision in forensic science appears to have led to considerable benefits in efficiency and cost-effectiveness, which have risen further since the closure of the Forensic Science Service. Benefits delivered by the private sector are more clearly measureable, however, than those of the police sector, where fully built up costs are hidden and where the standards of regulation are lower. These disadvantages to which the private sector has been exposed in a shrinking market, is likely to be impacting detrimentally on their financial performance. It is important for market stability—and service quality and judicial integrity—that the police forensic science sector is open to the same extent of financial accountability and degree of regulation as the private sector.

2.2. The Forensic Science Strategy carries the implication that a contingency might be put in place whereby in a crisis in the market forensic science would be absorbed into the police sector. This is undesirable because i) it is arguable the market is already destabilised precisely because of policy favouring the police sector and ii) the serious risks of miscarriages of justice caused in losing the independence of forensic analysis from the police investigation are well known.

2.3. While national coordination of the evident benefits of involving the private sector is desirable, it is notable that the North East region appears to have an effective arrangement for forensic science service delivery involving a major private provider somewhat independently of the national framework. This situation is acknowledged in the Forensic Science Strategy, but its significance and implications are not discussed.
2.4. Given the above, the assertion in the Forensic Science Strategy that outsourcing of some digital evidence analysis is leading to inflated costs is remarkable, and may reflect the recurrent issue that police forensic sector costs are difficult to establish.

2.5. Greater stability might be achieved if the police sector were to restrict its activities to scene of crime work and the recovery of evidence, and triaging. Expert analysis conducted by independent scientific and technical experts is anticipated to reduce costs and mitigate risk.

2.6. Any national framework needs to be comprehensive, and well designed, implemented and supported in detail—and fair with regard to financial and regulatory accountability.

3. Research

3.1. The Forensic Science Strategy’s consideration of research, education and training does not appear to recognise the complexity of the Higher Education sector and Research Council and charity funding. While the Forensic Science Strategy inevitably focuses on service delivery, it is important to acknowledge that no coherent wider environment encompassing forensic science education, training and research has existed for many years. It is hard to identify any other applied science in a similar situation. The ever-growing importance of advanced science and technology demands that this situation now be addressed as a matter of urgency. This cannot be achieved by directive—a detailed, nuanced and coherent overall strategy is required.

4. Developments in biometric sciences

4.1. Automated fingerprint identification systems continue to grow in accuracy and the requirement for human intervention in fingerprint comparisons is falling. Other biometric systems tend to have particular strengths and weaknesses with regard their forensic utility and investigative and probative value, however. Their ability to offer automated positive proof of identification to the courts is still limited. Identification has to be confirmed by other means. Nevertheless, the power of biometric systems to offer instantaneous indication of possible or probable identity are matters of substantial public concern and have serious implications for due process in investigation. The Forensic Science Strategy acknowledges ethical issues, but offers little detail on how these are to be addressed.

5. Conclusion

5.1. The Forensic Science Strategy makes pertinent observations regarding the changing nature of crime, although references to sex offences may conflate public concern issues with the actual relative or absolute frequency of offences.

5.2. The Strategy lists summary aspirations, but does not go into sufficient detail to allow the practicalities to be considered in many areas. In particular, financial and regulatory accountability in the police forensic sector, independence of forensic analysis from the investigation, and research, training and education are dealt with at a summary level.

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1 Of circa 3000 individuals identified in the London Riots, only one was identified by computerised automated facial recognition.