

Quality Standards Specialist Group

**Minutes of the meeting held 1 July 2014
Home Office, 2 Marsham Street, London, SW1P 4DF**

Item 1.0: Opening and welcome

1.1 The Chair welcomed those present to the meeting. He also informed the QSSG that this was his last meeting as he has resigned as Forensic Science Regulator and will be finishing end of August.

1.2 See Annex A for full list of attendees and apologies.

1.3 Ewen Smith, the Deputy Chair sent the message below which was read out at the meeting, and it was agreed by the QSSG that it should be incorporated in the minutes: "Andrew, today is the last meeting that you will Chair the QSSG, which of course now incorporates the End User Specialist Group. As the current Deputy Chair of the QSSG and the past Chair of the EUSG, it is only right that I say a few words of thanks on behalf of those who have worked with you on the EUSG, and now work with you on the QSSG. Since joining the EUSG many years ago, that committee enjoyed many meetings that were always adventurous and informative. While lines became blurred towards the end, I know that all members of the EUSG felt valued, and felt that they had contributed to the wider Criminal Justice System, and the ends served by the Forensic Science Regulator. Such engagement was a direct result of your leadership as the FSR. You have a knack of ensuring that everyone feels engaged, and are never afraid of expressing their views, so publicly, to many bright and gifted individuals.

I know that it was a difficult task, setting out from the beginning, on a path that was crucial to the Criminal Justice System (CJS). Because we shared offices at Alpha Tower, I could see the close working relationship you had with your colleagues, who were encouraged to engage with Commission staff.

As the Regulator, you began life some seven years ago, with the brief that you operate as a public appointee, independent of the Home Office, on behalf of the CJS as a whole. There can be no doubt you have done that with vigour and enthusiasm. You will be a difficult act to follow."

2:0: Minutes and matters arising

2.1 The minutes were agreed as accurate, subject to a minor change – Nuala O’Hanlon had been entered twice on the attendees list.

2.2 Paragraph 2.3 of the minutes of the last meeting had been cleared. A letter had been sent to CPS. They were drafting legal guidance for experts. The section on DNA would be changed. It had been passed to the Director of Public Prosecutions (DPP).

Action 1: Ian Elkins agreed to circulate to the QSSG the guidance for experts once it had been cleared by the DPP.

2.3 The other actions were either cleared or were agenda items for the meeting.

3.0 Criminal Procedure Rules (CPR) and Criminal Practice Direction (CPD)

3.1 The QSSG was given a presentation on the revised CPR and CPD which had been published, and would take effect from 6 October. The changes included:

- Changes in the language used
- A new section on CPR Rule 33 in the Criminal Practice Direction
- The changes to the Criminal Practice Direction only really applied when evidence was disputed.
- The court might need to decide whether the expert's opinion was sufficiently reliable to be admissible as evidence and whether anything detracted substantially from the credibility of the evidence.

3.2 The Criminal Practice Direction was amended based essentially on the original proposals by the Law Commission. The CPD suggests that the validity of methods should be included when the court considers admissibility, and the CPR has now require an comment on admissibility is in the expert's report.

3.3 The CPD also suggests that when admissibility is questioned, the court may wish to consider the level of peer review of the supporting the literature used by the expert (although the clause could also be read as peer review of the findings, or a critical findings check). Consequently an expert needed to be at the top of their game as they could be challenged with any recent relevant paper.

Action 2: Simon was asked to circulate a copy of the presentation, and ensure that the published versions of the CPR and CPD were circulated.

4.0 Statement of accreditation requirements

4.1 The statement of accreditation of requirements had been reviewed to take account of the current version of the Regulator's Codes of Practice. It was expected that very little of the work in digital forensics would have achieved accreditation by October 2015. This milestone had now been changed to state that digital forensics methods should be validated by October 2015. The view of the Digital Forensics Specialist Group was that even the validation of all data recovery was unachievable by October 2015, imaging of 'conventional' drives would still be a stretch but not impossible. The end date for the accreditation of all digital forensics activity was suggested for 2017. All activity was to be included in this date to prevent people "wriggling out" by claiming their method differed from the ones listed. However, this deadline was still seen as requiring a lot of effort. It

was necessary to separate data recovery from data analysis. CCTV analysis methods were currently unscientific and needed accreditation.

4.2 CAST had been tasked to create an implementation plan under the leadership of Alec Wood, but it was also agreed that the Nick Baker, the ACPO lead for digital forensics, needed to meet with the FSR to discuss the way forward for delivering the accreditation requirements for digital forensics. The statement of accreditation requirements should not be changed to reflect the concerns of the DFSG until that meeting has taken place, including the issue that data recovery should be restricted to just the imaging of 'conventional' drives. The accreditation of Cell site analysis had been put under the wider digital framework and would form part of the discussion and/or implementation plan.

Action 3: Andy Rennison to hold a discussion with Nick Baker and Alec Wood, with Simon Iveson, Kath Monnery and Jon Vaughan in attendance if possible

4.3 A specialist group had been established for medical forensics, and its terms of reference covered standards for the Sexual Assault Referral Centres (SARCs) taking samples. The SARCs would serve as a pilot for accreditation in medical forensics.

4.4 A roadmap to accreditation was being developed, and it was seen as critical for forces to recognise how long it took to get accredited. The accreditation of fingerprint activity had been agreed with Alec Wood for 2018. It also needed to be reiterated that any work on clearing houses such as NABIS, needed to be accredited. The Regulator also reported that no further thought had been given to the accreditation of toxicology.

5.0 Fire investigation

5.1 Strathclyde University looking at fire scene standards. The plan was to accredit fire investigations in line with ISO17020, although laboratory analysis will remain to 17025. The group undertaking the work planned to publish the draft standards by 14 August. The Regulator planned to submit the draft to the QSSG.

6.0 Cognitive bias

6.1 Guidance on practices and procedures that could be used to minimise the effects of cognitive bias was going through proof-reading and was expected to be published by the end of July. Feedback so far from the QSSG and other experts had acknowledged that the guidance was a fantastic piece of work.

6.2 The following comment was also made on the guidance:

- In page 40 on size, this could be interpreted in terms of normal shoe sizes. The term "size" should be replaced by "pattern size" or "pattern configuration".

Action 4: Simon will make the suggested change and publish the document for consultation after proof-reading and formatting.

7.0 DNA Management and Use of Staff Elimination DNA Databases

7.1 There had been significant change since the first draft of the protocol for managing the elimination databases. It had not been written as a guidance or standard, but as a protocol, and all the relevant stakeholders had signed up to it. It was necessary to publish the protocol before the new chemistries were in place in July.

7.2 The QSSG commented as follows:

- The central elimination database needed a cover note explaining when it would be available and the current position. It was expected that the Police Elimination Database would be replaced by the central elimination database.
- It was clarified that blanket searching was not allowed by the protocol.
- The protocol would benefit from a diagram that showed where information was sent when there was a match. This was already in the text.
- On the issue of disclosure, paragraphs 18.1.1 and 24.1.2 seemed contradictory. 24.1.2 should be redrafted as: "has to be revealed to the CPS".
- It should be clear that lab staff included police personnel

7.3 A project had been established to deliver the central elimination database. The project would also undertake a gap analysis.

Action 5: Andy Rennison will circulate a half page update on the project to deliver the central elimination database

8.0 Digital validation

8.1 The drafting of guidance for digital validation had been put out to tender. The document had been drafted by a syndicate of practitioners, and the QSSG was asked to review the draft before it was sent out for wider consultation. Technical experts had already looked at the document. An argument had been made that verification and validation were not possible for digital material, but this argument had been rejected. Simon would check that no clauses in the digital validation document conflicted with clauses in other documents.

Action 6: QSSG members were asked to send feedback to Simon within two weeks

9.0 Validation

9.1 The guidance had been subject to consultation and the feedback from the consultation had been incorporated in the current draft. The only outstanding action was to provide feedback to certain respondents.

9.2 The Regulator was grateful to Simon for the work undertaken in drafting the guidance.

10.0 Forensic and Policing Services Association (FAPSA)

10.1 Gary Peace informed the QSSG that FAPSA was a not-for-profit organisation that represented sole traders in the provision of forensic services. Those small providers did not have the resources to achieve accreditation and FAPSA was trying to provide them with a pathway to accreditation. An example could be several sole traders going through the process together on the same day. A project group had been set up, and its terms of

reference agreed following the Regulator's conference, with the aim of helping small providers be accredited to the Regulator's standards. The Forensic Science Society had also offered help in terms of developing competence, quality management systems, objectivity, etc. An action plan would be drafted for the Regulator to facilitate sole traders to achieve accreditation. FAPSA, as a professional body, would assess individual competency.

11.0 AOB

11.1 Brian Rankin notified all that he would be unavailable for the next meeting on 9 September because of attendance of a forensics conference in Australia/New Zealand.

11.2 The QSSG should note that ILAC G19 (International Laboratory Accreditation Cooperation guidance for labs) had been finalised and it would be voted on in two weeks' time.

Date of next meeting

The next meeting will be held on 9 September 2014, 3:00 p.m, at Conference Room 3A, Home Office, 2 Marsham Street London SW1P 4DF.

Annex A

Present:

Andrew Rennison	Forensic Science Regulator (Chair)
Ian Elkins	CPS
June Guinness	Forensic Science Regulation Unit
Peter Harper	Orchid Cellmark Ltd
Simon Iveson	Forensic Science Regulation Unit
Beth Joule	Lancashire Constabulary
Chanda Lowther-Harris	Metropolitan Police Service
Sandy Mackay	Expert Witness Institute
Katherine Monnery	United Kingdom Accreditation Service
Nuala O'Hanlon	Forensic Science Northern Ireland
Gary Peace	Forensic and Policing Services Association (FAPSA)
Ann Priston	Forensic Science Society
Brian Rankin	Forensic Science Society
Ric Treble	LGC Forensics
Karen Smith	Thames Valley Police
Sandra Stanley	GMP
Kevin Sullivan	Independent
Jon Vaughan	CAST
Kenny Chigbo	HO Science Secretariat
Mike Taylor	HO Science Secretariat

Apologies

Shirley Bailey-Wood	BSI
Martyn Bradford	Avon and Somerset Constabulary
Ian Brewster	South Wales Police
Craig Donnachie	Scottish Police Authority
Anthony Heaton-Armstrong	Criminal Bar Association
Jane Higham	Glaisyers Solicitors
Nigel Meadows	Coroners Society (E&W)
Ian Richardson	BSI
Zoe Scott	Skills for Justice
Ewen Smith	Criminal Cases Review Commission
Claire Stanley	CAST
Francesca Wiseman	Legal Services Commission

Actions from July 2014

Action No.	Action	Owner	Deadline	Progress	Status
1	Ian Elkins agreed to circulate to the QSSG the guidance for experts once it had been cleared by the DPP.	IE			In Progress Completed Superseded
2	Simon was asked to circulate a copy of the presentation, and ensure that the published versions of the CPR and CPD were circulated.	SI			
3	Andy Rennison to hold discussion with Nick Baker and Alec Wood, with Simon Iveson, Kath Monnery and Jon Vaughan in attendance,	AR SI KM JV			
4	Simon will make the suggested change, and publish the document on cognitive bias, after proof-reading and formatting.	SI			
5	Andy Rennison will circulate a half page update on the project to deliver the central elimination database.	AR			
6	QSSG members were asked to send feedback on the digital validation guidance to Simon within two weeks.	All	16/7/14		