

REGULATING FORENSIC SCIENCE QUALITY STANDARDS



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What are the challenges I face as the Forensic Science Regulator? This is a common question and one that I regularly ponder on as my role matures and the challenges become clearer; I stepped into the role in February last year and always knew it would take time to unravel all the issues and challenges to be faced in a changing forensic science landscape. My principal task is to set and monitor quality standards for forensic science used in the investigation of crime and prosecution of offenders in England and Wales. From the outset it was clear that any standards had to be UK-wide so we have reached agreements with the Scotland and Northern Ireland authorities to work together such that any standards we develop can and most likely will be adopted in those jurisdictions.

In setting quality standards I want to be sure that organisations have effective quality management systems, that their forensic science practitioners are competent and that the science methods they use are valid and fit for purpose.

These three facets do not operate in isolation but are, for the vast majority of forensic science, interdependent and in terms of oversight and assessment benefit from a single process that is designed to assess all three, more on this later.

In England and Wales we now have a commercial supply market with the police operating procurement frameworks leading to contracts with a number of commercial suppliers. We also have the police and other law enforcement bodies providing aspects of forensic science services through their own in-house resources. In Scotland and Northern Ireland all forensic science services are provided by the police and government laboratories. Suffice to say that we have different supply models with a mix of police, state and commercial provision, all of which, in my view, should operate within a single quality standards framework.

The notion of a single quality standards framework for all UK forensic science is, to me, an obvious one. I am pleased to say that in developing such a framework I have received

nothing but help and support from the forensic science community and from wider stakeholders such as the Crown Prosecution Service. I have the benefit of continuous and constructive advice from my Forensic Science Advisory Council, the Association of Forensic Science Providers, and the Forensic Science Society as well as expert advice from the many and varied members of the specialist groups I have established to work on different aspects of the standards framework. Naturally there are issues to be debated and different views to consider, which is why consultation is so important. I like to think that I am able to reach all those that want to be consulted and that their views are heard.

But why do we need a new standards framework? Historically, and prior to the commercial market for forensic science, achieving quality and standards at the laboratory level was one of the responsibilities of the Chief Scientist of the Forensic Science Service (FSS). The FSS was a leading member of the European Network of Forensic Science Institutes (ENFSI) set up in 1995 to establish common quality standards for European forensic science laboratories. I applaud the work done by ENFSI and the role the FSS played in setting high standards for state, and now the commercial laboratories, across the UK, all of which are accredited by the United Kingdom Accreditation

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Service (UKAS) against the standards recommended by ENFSI. I also applaud the work undertaken by the Custodian of the National DNA Database to set high standards for the use of DNA technology used to supply DNA profiles to the database. By working closely with UKAS the Custodian improved on the ENFSI standards such that all UK DNA laboratories are accredited and constantly assessed against what I think are world class standards.

However, much of what we term as 'forensic science' is conducted outside of the laboratory environment, for example police crime scene examinations for forensic evidence, and some law enforcement bodies have small in-house forensic laboratories; most police forces have fingerprint development laboratories using process and methods to develop and enhance finger and palm prints. Most of this work does not operate within the same accreditation based standards framework that the larger laboratories do. The police do operate ISO 9001 quality management systems for their fingerprint analysis with some forces extending this to cover all their forensic science work. I am grateful for the on-going support and advice I receive from the police lead on forensic science, Chief Constable Chris Sims, also from the Chief Executive of the National Policing Improvement Agency, Chief Constable Peter Neyroud. Both recognise the need for a standards framework that includes the police. Mr Sims recently wrote to all chief constables to explain my proposed standards framework and received general support but with some requests for further work to understand the impact, in terms of costs and benefits, for the police if they move to adopt the standards. A

general and understandable concern is that of the costs associated with assessment by UKAS against the standards leading to accreditation. UKAS are by far the best equipped organisation for this role and save me the expense and logistical problems of establishing a compliance team. Accreditation by UKAS covers in depth and in a single process the three aspects I covered earlier: organisational competence, the individual competence of practitioners and the validity of the science they use.

When I arrived in post we had the Council for the Registration of Forensic Practitioners (CRFP) as a body setting and monitoring competency standards for individual practitioners. Established in 1998, with full government support, CRFP had a role to assess the competence of individual practitioners and to register those that were found to be up to standard in their work. CRFP had, since its inception, failed in its targets to register the majority of forensic practitioners and to become self-financing. CRFP made no assessment of organisational competence or of the validity of the science used by individual practitioners. Their role was reviewed by the Home Office in 2004; Ministers then decided to continue with grant-in-aid but with a very clear stipulation that this was to end by March 2010 as CRFP registered more practitioners and achieved self-financing. When I started in my work CRFP had registered about 3,000 people making up about 35% of the current forensic practitioner population and was unlikely to meet the targets set in 2004; soon after I started they wrote to Ministers seeking further funding at which point I was tasked with reviewing the registration of practitioners. My

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report following that review recommended a standards model that did not include CRFP; the report is available on my website as are the responses I received following publication¹. The net result is that the police, whose staff made up the majority of the registered pool, decided to withdraw from CRFP. This in turn led to significant funding problems and the CRFP board were left with no choice but to cease trading (CRFP operated as a company limited by guarantee). In my view, supported by other stakeholders and in advice I gave to Ministers, losing CRFP caused no risks to the criminal justice system.

We are now moving from an *ad hoc* and largely uncoordinated approach to quality and standards to one based on a single coherent framework, in turn with a single compliance assessment mechanism. An example of the lack of coordination was the competence assessment of senior scientists within the laboratories that was duplicated through UKAS accreditation and CRFP registration, added to which the junior scientists were covered by accreditation but were not eligible for CRFP registration. I have published the standards I propose to be the basis for this

new framework and have received broad support. We are currently considering the excellent and varied responses we received following publication and will have a final version available for publication by the end of this year.

A challenge has been to develop a standards framework that meets the needs of the UK criminal justice systems and to achieve the support of all stakeholders. There is still fine tuning to be done, but with the continued support I have received so far and with the continued involvement of the broad range of experts and practitioners that we rely on we will have a world leading quality standards framework for forensic science. The UK has a proud reputation for innovation and use of science in the investigation of crime and the prosecution of offenders. The most obvious and best example of this is DNA technology. As the new model for the supply of forensic science services continues to develop we can be assured that a new and up-to-date quality standards framework is also developing.

¹ <http://police.homeoffice.gov.uk/operational-policing/forensic-science-regulator/>

