

FORENSIC SERVICES COMMITTEE
20 April 2020

**Minute of the Scottish Police Authority Forensic Services
Committee held on Monday 20 April 2020 via teleconference.**

Board Members Present: Tom Halpin (Chair)
Bob Hayes
Jane Ryder

In attendance: Scottish Police Authority (SPA)
Tom Nelson, Director of Forensic Services
Gary Holcroft, Head of Physical Sciences
Vicki Morton, Head of Crime Scene Recovery
Fiona Douglas, Temporary Head of Forensic Services 2026
Programme
Jennifer Muir, Head of Strategy and Business Performance
Craig Donnachie, Head of Quality
Derek Scrimger, Temporary Head of Biology
Amy McDonald, Forensic Services
Kevin O'Hare, Communications and Engagement Specialist

Graham Stickle, SPA
Lynne Clark, SPA
Colette Craig, SPA Committee Co-ordinator

Police Scotland (PS)
Angela McLaren, Assistant Chief Constable (*Item 10 only*)
Gary Cunningham, Detective Chief Superintendent
Liz Nimmo, Programme Manager (seconded to Forensic
Services)

COPFS
Kenny Donnelly

1. WELCOME AND APOLOGIES

The Chair welcomed attendees by roll call to the public session of the meeting and explained how the session would be managed to adhere to the SPA's ongoing governance and transparency.

The Chair noted apologies from:

- ACC Duncan Sloan, Police Scotland ▲

2. DECLARATIONS OF INTEREST

None.

3. MINUTE FROM THE MEETING HELD ON 3 FEBRUARY 2019

The Committee **RESOLVED** to:

AGREE the minute from the Committee held on 3 February 2019.

4. ROLLING ACTION LOG AND MATTERS ARISING

The Committee **RESOLVED** to:

APPROVE the action log from the Committee held on 3 February 2019.

20190425 – FS- 001 – Tom Nelson advised, along with member's agreement that this action could be closed. However, while he would arrange for members access to performance and advanced analytics, the WebNR capability was preventing that to be progressed immediately. In the absence of WebNR for the moment, Amy McDonald advised that she would prepare slides for members ahead of the next committee meeting. The Chair asked that this action was captured within the performance report discussion.

There were no matters arising.

5. DECISION ON TAKING BUSINESS IN PRIVATE

The Committee **RESOLVED** to:

AGREE, in accordance with paragraphs 21 and 22 of the SPA Standing Orders, the Committee **AGREED** to consider items 16 - 24 on the agenda in private for the reasons set out in the agenda.

6. FORENSIC SERVICES PERFORMANCE REPORT – Q4

Before addressing the report Tom Nelson (TNelson) noted that the last quarter had seen staff working in very challenging circumstances during extraordinary times, and paid tribute to all the Forensic Services staff for their support, professionalism and dedication. TNelson further paid tribute to leaders and management team who are working and engaging with staff on a daily basis during these times, particularly in relation to communication. In addition, TNelson paid tribute to Police Scotland and COPFS for finding new ways of working with Forensic Services during this time.

Tom Nelson (TNelson) presented the report providing members with an update on activity conducted across SPA Forensics during Quarter 4 2019/20, highlighting:

- Caseload ageing has decreased over the last year.
- Laboratory output has increased over the same period,
- Reduction in workload at the end of March owing to the COVID 19 outbreak
- There is a high demand within drugs that has been continually challenging.
- Engagement has taken place with Police Scotland in relation to the COVID-19 outbreak and challenges being faced in respect to that.
- There has been ongoing work with COPFS in relation to ongoing urgent and critical work whilst looking at what Phase 2 of the recovery plan would be.
- Staff engagement has been extensive up until the COVID-19 outbreak. As a result of the change in circumstances those meetings have been unable to be completed to the level that would be preferred.
- Business - projects continue to be progressing with workload production projects beginning to deliver.
- Performance - casework demand and output is increasing, however, during Feb and Mar 2020 a fall in demand has been identified. This is a result of the COVID-19 response where there has been more focus on serious, urgent and intelligence casework.

- Casework ageing in relation to Biology, Mark Enhancement, and firearms has seen a significant fall while drugs and toxicology has seen an increase.
- Scene examination service continues to be provided in partnership with Police Scotland.
- Reaccreditation to the ISO 17025 standard was received on the 31st March 2020, marking a 22nd year of being accredited.
- Extensions to scope in accreditation have been received (3 in biology, 1 in drugs and 1 in toxicology).
- The extension to scope for accreditation to ISO 17020 in Scene Examination has been postponed due to the COVID-19 outbreak.
- The level of staff absence (due to COVID-19 self-isolation) has improved with more staff returning to work as the weeks progress.

DCS Gary Cunning (DCSGCunningham) thanked TNelson and team for their flexibility in servicing requirements during this time.

Kenny Donnelly (KDonnelly) added his own appreciation to staff and advised that the next stage would be to reach a new normality as there is a continued desire for justice to continue which requires all parties to continue to work together.

Members sought clarity on a number of areas, particularly in relation to operating practises during COVID-19:

- What had been done to ensure health and safety of scene examiners.
- What stage staff were at in terms of key worker testing for COVID-19.

TNelson advised that in relation to the COVID-19 response, a key priority was around the safety, wellbeing and health of staff. Internally PPE has been addressed and with an appropriate amount in place as a result of preparing for Brexit with a number of items already purchased. Working closely with Police Scotland has provided opportunity to discuss PPE and what equipment was most appropriate to wear. Staff are asked to do a Dynamic Risk Assessment when approaching a scene and that provides a guide on what PPE should be used. In relation to testing by the NHS, 41 staff members had been offered testing with NO positive results.

The Chair asked TNelson to explain, for the purposes of public understanding, the impact of an increase in demand while

workloads are reducing. TNelson advised that workload describes the amount of work being allocated on an individual level within Forensic Services Organisation. The output refers to cases that are completed. Demand refers to work that comes in on a specific timeline, i.e. weekly or monthly.

The Chair noted the committee's appreciation in terms of the business update and staff commitment, ensuring that the capital procurement timeline is being adhered to and the clear planning around business continuity.

There being no further matters raised by Members, the Committee resolved to:

- **NOTE** the report.

7. BENEFITS REALISATION REPORT – PHASE 1

Fiona Douglas (FDouglas) provided the report updating members on Phase 1, which is now formally complete, around the delivery of the Forensics 2026 Strategy and highlighted the following:

- A number of the objectives have been met, particularly around the increasing capacity, improving utilisation and work began around demonstrating value.
- Initial investments made during the duration of phase 1.
- The addition of the capacity set out to achieve a targeted reduction in the number and age of cases within the caseload in each area. Noting Drugs, Biology, Firearms, MEL and Toxicology.
- Biology Local Satellite Laboratories (LSL) has reduced to less than 800 cases, significantly better than the target of 945 cases. Improvement is despite an 8% increase in demand for services through that period. However, should the increase on demand continue, the caseload will be expected to increase.
- Improvements have been made across firearms with additional capacity in conjunction with new management within this area that has had a real impact on performance in this area. Whilst the caseload has not yet reduced to the full target of 62, there has been a significant reduction since Q2.
- The caseload for Toxicology has increased however, there has been a significant piece of work within that to deliver the Drugs Driving Service.
- 20 operational improvement projects have been ongoing within Forensic Services throughout this period.

- There has been a number of pieces of work in relation to Demonstrating Value around looking at the value of the work being carried out around investigations and prosecutions whilst trying to understand the value that forensic science brings to the wider justice process. Work in this area is ongoing.

Members advised that when Benefits Realisation reaches phase 2, it would be helpful to have an Executive Summary, perhaps in bullet points, which clearly articulates the investment put in and the result of the investment. Members referred to value being quantified and noted that advising how the value could be articulated would be more qualitative in advocacy as much as is quantitative and measurable, in addition setting out parameters before going into Phase 2 would be a useful exercise. FDouglas advised that feedback would be incorporated and advised that capturing the benefits would be better achieved now by having the PMO established which allows the capturing and quantifying of benefits where possible.

There being no further matters raised by Members, the Committee resolved to:

NOTE the report.

AGREE the following action:

- For Phase 2 Benefits Realisation include an Executive Summary (perhaps in bullet points), which clearly articulates the investment put in and the result of the investment. In addition inform how value could be articulated (qualitative, quantitative and measurable) setting out parameters before going into Phase 2.

8. FORENSIC SERVICES AND ACADEMIC COLLABORATION REPORT

TNelson provided the report updating member's of the range and scale of the engagement that Forensic Services staff have with Universities. The following areas were noted as 4 main areas of collaboration:

- Master of Science (MSc) placements
- Postdoctoral (PhD) collaboration
- Bachelor of Science (BSc) projects
- Collaboration with academia

In addition members were advised of a number of projects pending with academic institutes.

Members welcomed the report and although being advised on projects that were ongoing sought clarity on the rationale for those engagements taking place. TNelson advised that a majority of the projects were in relation to Service Improvements which bring together a range of scientists to discuss challenges being identified within casework. One benefit of this is that we write scientific notes or produce academic papers which all assist SPA Forensic Services to move forward as an organisation.

The Chair noted that feedback received from the Scottish Parliament Justice Committee regarding the use of artificial intelligence and the implications for privacy and human rights within Scotland, particularly around Facial imaging and assured the committee that those concerns were being recognised and accounted for within that work. TNelson added that there was a strong awareness around artificial intelligence by working closely with Police Scotland in relation to the matter.

There being no further matters raised by Members, the Committee resolved to:

- **NOTE** the report.

9. COVID-19 IMPACT REPORT

TNelson provided an overview of the report which informed the committee of Forensic Services response to the COVID 19 outbreak. The report illustrated the journey so far and work undertaken by Forensic Services to maintain services to Police Scotland and COPFS and ensure the wellbeing of staff. The committee were advised that Forensic Services were within phase 1 of recovery and noted that a number of projects had been identified to look at phase 2 and what the new norm would be with meetings in place along with managers, Police Scotland and COPFS to understand how that would be taken forward.

Members welcomed the report particularly within section 2.10 of which addressed the challenges of remote working, addressing the main themes of home working, Phase 2 – the new norm, major projects and legislative conformance. Members sought clarity on what normal operations would be in due course, taking into consideration the restart and exit strategy, along with lessons learned during this period, ensuring that there are improvements going forward. TNelson advised the need to look at what the new

norm would look like and that this would involve more than one phase for Forensic Services to look at what needs to be done to be prepared over the next 3-6 months. A number of different business areas are already identifying new ways of working. The main aim is to ensure staff can return to work in a safe way whilst meeting the needs of Police Scotland and COPFS, ensuring a clear understanding of the COVID Bill and what that allows within constraints set out.

FDouglas informed members on work had been done by Operational Managers around what Phase 2 would look like, noting one of the critical parts to that was ensuring that concerns around health and wellbeing were not being adversely affected.

Members again paid tribute to Forensic Services staff for their professionalism having recently completed a pandemic exercise within the last 6 months.

KDonnelly noted that the initial COPFS response had been around prioritising staff safety and maintaining urgent cases, ensuring they remain viable. Recent conversations are now turning attention to a level of performance beyond immediate reactive pieces. The response to the new legislation, from a COPFS perspective, needs to be careful and considered. One of the concerns is the suspension of legal time bars for 6 months, and although helpful, COPFS desire is to progress case investigations best way possible within existing timescales, recognising that some things won't fit within that programme, therefore there is a need to work with PS and Forensic Services to achieve a plan which will allow a bit of structure to be placed around getting business back to normality. KDonnelly advised that the courts were looking at different options to returning to business with more use of remote technology. It was further noted that working to a new norm would need to be done on a partnership basis.

DCSGCunningham noted that Police Scotland were in a good place as a result of early engagement with partners. PS have adapted their service delivery model on a prioritisation basis, however, noted a public expectation that victims of crime will receive the deserved service, linking it to the service provision ensuring that evidence is captured. Although the model has been adapted and flexed, it continues to provide coverage and confidence for the public.

The Chair sought clarity on whether lessons learned were becoming apparent due to controlled demand being placed upon Forensic

Services by restricting speculative crime scene attendance. DCSGCunningham did not agree that speculative attendance was the case but advised that the model had been adapted due to staff shortages as an impact of COVID-19, however, it did not remove the focused service provision, it was more about prioritisation. In addition, the resultant reduction in demand and crime levels from Covid19 provides a good opportunity that has assisted with the current reduction of staff within Forensic Services through Covid19 related absences.

The Chair sought clarity that the quality of service, despite the current situation, is being maintained to the public. PS and COPFS both agreed that was the case. Vicki Morton (VMorton) added that there has also been real opportunity during this time to take pieces of work forward such as Stock Management within Forensic Services, Contact Assessment Model within PS and the Deployment of Mobile Devices across scene examination staff.

The Chair added that the full SPA Board had previously benefited from an update from TNelson on the current situation and were informed on PPE and absence rate of staff and were comforted by the resilience of Forensics Staff along with the business continuity plan.

There being no further matters raised by Members, the Committee resolved to:

- **NOTE** the report.

The meeting was adjourned for a comfort break at 14:15 – 14:30

10. **DIGITAL FORENSICS WORKING GROUP REPORT**

The Chair advised that the report was a demonstration of the commitment to public transparency on the work of the SPA Board and its committees.

Robert Hayes (RHayes) provided some opening remarks before addressing the recommendations laid out within the report. The Terms of Reference for the Working Group noted that the group would look at the delivery, accreditation, oversight and governance of Digital Forensics in Scotland. The group had representation from COPFS, PS with an additional process of consultation with stakeholders. It became apparent that it would be difficult to meet objectives without looking at the bigger

picture around the context in which digital forensics operates, noting the following areas:

- Increasing pressured capacity
- Exponentially growing demand in volume and complexity
- Issues around accreditation
- Underlying issue of legitimacy and proportionality

The Chair noted the report as strategic, with wide public interest, advising that focus should now be around the recommendations, however, there was also opportunity to consider any possible amendments to the report before it goes forward to the SPA Board for approval.

The committee considered and had detailed discussion around the following recommendations. It was noted that December 2022 would be a challenge in terms of achieving accreditation to adopt ISO 17025 and that this area would be monitored on a regular basis, however, the recommendations were endorsed by SPA Members, Police Scotland, COPFS and SPA Forensic Services:

- **Recommendation 1** - The delivery of digital forensics should remain with Police Scotland under the operational responsibilities and internal governance arrangements of the Chief Constable.
- **Recommendation 2** - The SPA Board should agree the appropriate Committee(s) to have oversight, scrutiny, and assurance over digital forensics, and the areas covered by the Police Scotland Cybercrime and Technical Surveillance Programme (CTSP).
- **Recommendation 3** - Police Scotland should commence a journey of transition with a view to achieving accreditation for its digital forensic laboratory work by December 2022. It should also conduct a broader piece of work with SPA Forensic Service to develop a broader quality framework for the non-forensic aspects of digital investigations including triage technologies within the same timescale.
- **Recommendation 4** - Police Scotland should adopt the ISO 17025 quality standard for accreditation of its digital forensic laboratory work in Scotland by December 2022.
- **Recommendation 5** - On attaining the ISO 17025 quality standard accreditation for its digital forensic laboratory work, Police Scotland should voluntarily adhere to the Forensic Science Regulators Codes of Practice and Conduct as

mandated for Forensic providers, including policing in England and Wales.

Jane Ryder (JRyder) provided the committee with a summary of the consultation process which involved 2 workshops attended by a range of external perspectives, with focus given to more technical areas. There had been considerable enthusiasm to continue the dialogue in an appropriate manner, highlighting the importance of the Human Rights perspective.

There being no further matters raised by Members, the Committee resolved to:

- **NOTE** the report.
- **AGREED** to recommend the report and recommendations to the SPA Board for approval.

11. FORENSIC SERVICES BUSINESS PLAN

TNelson advised that Forensic Services have committed to presenting a Business Plan to the SPA Board Meeting on 20 May 2020 and advised that a management away day on the 25th February allowed discussions on the Performance Framework which is now being developed in order to shape the Business Plan for the next 2 years.

The Chair advised that the Business Plan would be circulated to Forensic Services Committee Members for consideration before being submitted to the SPA Board.

There being no further matters raised by Members, the Committee resolved to:

- **NOTE** the verbal update.
- **AGREE** the following action:
 - The draft of the Business Plan to be circulated for comment to Forensic Service Committee members prior to going to the board.

12. HMICS UPDATE

VMorton provided a summary update on work to implement the improvements set out in the HMICS Thematic Inspection of the

SPA Forensic Services. There have been no formal engagements since the last report due to COVID-19 activities therefore recommendations within the report had not been progressed as expected. It was noted that within section 3.1 of the report that 14 of the 23 recommendations were now complete (a further 4 closed since previously reported).

Members were referred to Appendix A and advised that the recommendations that had been closed mainly related to number 6. Members were advised that in relation to Programme Management, it was still the position that some projects remain un-started due to prioritisation of other work within that resource, with dialogue ongoing with PS in relation to that resource.

Members were referred to Appendix B and advised that many of the recommendations in progress had slipped due to the COVID-19 operational constraints.

There being no further matters raised by Members, the Committee resolved to:

- **NOTE** the report.

13. FORENSIC SERVICES 2026 UPDATE

FDouglas provided update on progress on the Forensic Services 2026 Programme and advised that Forensic Services were on track to complete by October 2020, although operational constraints had delayed costing and resource model at this stage. In addition there has been a delay to the Memorandum of Understanding, although an initial draft has been circulated to the short life working group.

With regards to the publication to the joint strategy for policing, a review has been undertaken of SPA Forensics 2026 Strategy against that and it has been identified that a further piece of work would be undertaken over the next year to refresh the Forensics 2026 Strategy to ensure it was in-line with the joint strategy.

There are ongoing constraints in terms of resourcing within Programme Management which is a challenge for both Forensic Services and Police Scotland.

Work has been carried out around the ICT planning work in conjunction with PS in developing a phase 2 ICT Plan, however,

requires further work to finalise, delays as a result of COVID-19 prioritisation.

Members noted challenges around resource and recognised this as an issue. Members were advised that this this had been an issue for the previous 12 months, with attempts to recruit via agencies failing. FDouglas added that it is a recruitment challenge for that area for both PS and Forensics Services, however, they were looking at a further opportunity to engage with some agencies that PS have used around the Digital Justice Transformation Funds Projects.

There being no further matters raised by Members, the Committee resolved to:

- **NOTE** the report.

14. DRUG DRIVING UPDATE

Gary Holcroft (GHolcroft) provided the report and highlighted the following:

- Accreditation for the drug driving service from UKAS had been received with a formal grant of Extension to Scope (EtS) for the Identifications and Quantification of the 17 listed Drugs for the offence of Drug Driving under Section 5A of the Road Traffic Act 1988.
- Of Police Scotland's agreed drug driving impairment test route and samples analysed, around 85% have yielded a result where the drug content of at least one drug is above the stated limit which illustrates the value of the service being provided.
- Demand continues to run at 50% higher than was previously anticipated, despite the COVID-19 outbreak.

The Chair sought clarity on whether there were figures available for the percentage of people being tested by the screening device that return with positive results. GHolcroft advised that PS had those recordings along with related dates.

Members noted a growing concern around demand management and capacity, with staff being requested to work additional hours and the capability of staff to keep up with the demand, noting a need to consider how a limit was placed on the demand. In addition there was a request

for a clearer understanding around the significance of the percentage of positive tests at the point of stopping.

DCSGCunningham advised that even during the COVID-19 situation, there has been no further decline in the results and advised when testing takes place by 762 trained officers. There are no further officers being trained at the moment, therefore PS are looking to ensure that all testing is proportionate and necessary. DCSGCunningham added that from a road policing perspective, approximately half the tests being carried out are returned with a positive result. DCSGCunningham advised that he would return to the committee with figures relation to drug driving by road policing along with how that compares to drink driving figures as requested by KDonnelly, who believes this may benefit from a longer term piece of work as currently the COPFS have no feel for how much of the results were coming through to court.

The Chair noted the need to understand the efficiency of the application and advised that this should become part of the performance report in terms of the operation and how the work is being carried out by forensics. In addition there is need to match the instrumentation to the available resource in order to address demand and requested a specific report in relation to how the issues raised could be addressed in terms of matching capacity to demand along with demand to capacity. The Chair is content to have further dialogue in order to understand how that report should be presented.

There being no further matters raised by Members, the Committee resolved to:

- **NOTE** the report.
- **AGREE** the following action:

Provide a specific report which addresses the following:

- Figures in relation to drug driving by road policing compared to drink driving figures.
- How the work is being carried out by Forensics Services.
- Giving consideration to the instrumentation available in order to address demand.
- Addressing the matching of capacity to demand along with demand to capacity

15. FORENSIC SERVICES COMMITTEE WORKPLAN

Committee members were advised that if any changes were required to be made to the workplan then the committee co-ordinator should be advised.

There being no further matters raised by Members, the Committee resolved to:

- **NOTE** the report.

The Chair expressed his appreciation to all Forensic Services staff, partners and their leadership for their flexibility and leadership during these unprecedented circumstances relating to COVID-19 and the necessitating of new ways of working and concluded the public session of the meeting at 15:30.