

Forensic Science in Crisis

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Recent publicity surrounding the developing crisis in forensic science in England & Wales suggests that the fears of forensic professionals, about the adverse consequence of Government policies, may finally be receiving some prominence. It is unfortunate and dangerous for our CJS that it has taken so long to achieve any media concern. One assumes it will take even longer for political understanding to develop to the point of having a coherent government strategy on forensic science provision.

We have never been so concerned about the viability and application of forensic science and so are other professionals (witness Dr Angela Gallop's contribution to the Radio 4 series *Forensics In Crisis*). This is at a time when huge advances in technology should be making forensic professionals more confident in the future and, when combined with their experience, more useful to the CJS. The reality is just the opposite: generally too much significance is being placed on scientific results which are either incomplete or the limitations of which are not explained or not understood.

So where are things going wrong and why?

The 'why' is relatively easy to identify: it is the consequence of disconnected

and ill-conceived government policies, compounded by the way police forces have 'used' the commercial forensic providers that replaced the Forensic Science Service.

With a little application at the top and joined up thinking, the transformation of forensic science provision could have been achieved to greater evidential effect and improved cost effectiveness. In practice we see parochial decision making, avoidance of responsibility in order to save cost and general 'dumbing down' of most forensic provision - by limiting the scope of work and avoiding expert evaluation of forensic results. Forensic provision now operates in a system where speed and lowest cost appear to be considered more important than the quality and reliability of the evidence itself. Consequently the latter rarely fits the criteria for 'best evidence' and is often not fit for purpose when it comes to court.

So what are the core problems?

1. Poor prosecution forensic strategies conceived without the input of forensic science experts: these often seem to be a tool to justify omitting forensic testing; or choose the cheapest or most accessible forms of forensic testing (fingerprints and DNA profiling) as a matter of routine over other forms of testing more likely to yield probative results.

2. Avoidance of responsibility for commissioning pertinent forensic examinations, often leaving it to the defence to identify and commission pertinent forensic examinations; currently a particular problem in sexual offence cases.
3. Tokenism: as above but where the prosecution commission a single analysis, such as a swab for DNA profiling, then indicate that a forensic strategy has been applied; generally it seems intended to provide just enough to justify a charge and move a case on.
4. Poor implementation of Streamlined Forensic Reporting: where SFR1's are used to report a test result inferring guilt but without any context or evaluation, leaving the CJS (prosecution and defence) to guess its true evidential value. Experience suggests that the weaknesses in forensic evidence are most frequently missed or misunderstood in these circumstances.
5. Inaccurate SFR2 reports: these are commissioned as full evaluations but the conclusions are frequently inaccurate and misleading. This can usually be traced to inadequacies in the information provided to the prosecution forensic experts to inform their evaluation or their own too narrow experience.

Most of these consequences derive from over-concentration by government agencies and police on cost avoidance, and lowest cost production of evidence. Overall cost effectiveness of forensic provision within the CJS has deteriorated as a result. A by-product has been a gradual loss of experience and intellectual wealth from the forensic profession. Over recent years the cost saving agenda has been driven by the police and CPS who make the early decisions on case management and forensic requirements. It is perhaps time that the end users, lawyers, prosecution and defence barristers and the judiciary, become less compliant. Let the agenda be driven more by the ultimate purpose of much forensic science: reliable evidence and demonstrable justice.