

**FORENSIC SERVICES COMMITTEE
2 FEBRUARY 2022**

**Minute of the Scottish Police Authority Forensic Services
Committee held by MS Teams on Wednesday 2 February 2022.**

Authority Members Present: Tom Halpin (Chair)
Paul Edie
Jane Ryder
Caroline Stuart

In attendance: Scottish Police Authority (SPA)
Fiona Douglas, Director of Forensic Services
Vicki Morton, Scientific Head of Function
Alastair Patience, Operations Manager
Gary Holcroft, Scientific Head of Function
Craig Donnachie, Head of Quality
Vicki Morton, Scientific Head of Function
Helen Haworth, Scientific Head of Function
Ivan Cunningham, Operations Manager
Howard Kennett, Programme Manager
Kenny Laing, Operations Manager
Jennifer Muir, Head of Strategy and Business Performance
Derek Scrimger, Scientific Head of Function
Kevin O'Hare, Communications and Engagement
Specialist

Colette Craig, Governance Support Officer
Graham Stickle, Audit and Risk Lead
Kathryn Campbell, Finance Officer
Chris Johnstone, Finance Lead

Police Scotland (PS)
Deputy Chief Constable Malcolm Graham
Chief Superintendent Gordon McCreadie
Detective Chief Superintendent Laura McLuckie
T/Detective Chief Inspector Richy Taylor
Chief Digital Information Officer Andrew Hendry

COPFS
Kenny Donnelly

1.1 Welcome and Apologies

The Chair welcomed attendees to the meeting.

There were no apologies.

1.2 Declarations of Interest

There were no declarations of interest.

1.3 Forensics Services Committee minute of meeting held 25 October 2021 for approval

Members **AGREED** the Minute from the Forensics Services Committee on 25 October 2021 was an accurate record of the meeting.

1.4 Action Log and Matters Arising

Members reviewed the action log and noted and agreed the written updates provided.

There were no matters arising.

1.5 Decision on taking business in private (items 10 - 18)

Members agreed, in accordance with paragraph 20 of the SPA Standing Orders, to consider items 10 – 18 on the agenda in private for the reasons set out in the agenda.

2. Forensic Services Director's Report – Fiona Douglas

Members considered the report that had been submitted to update the Committee on the recent key activities across Forensic Services. Fiona Douglas (FDouglas) highlighted some key areas within the report;

- Q3 had been challenging for Forensic Services through staff absences due to the Omicron variant, however, despite that the work within the organisation has been delivered within required timescales.
- A full staff consultation had commenced in November 2021 around the new proposed operating model for Forensic Services. This full consultation period is estimated to last 6 months.
- Good progress is being made in relation to the transfer of Post Mortem Toxicology Services (Project Weaver), with strong partnership working with Police Scotland and Glasgow University.

- Forensic Services have been working closely with Police Scotland to prioritise cases involving potential drugs spiking along with providing ongoing advice around sample collection and analysis. FDouglas advised that cases are being dealt with on receipt and depending on complexity, analysis is taking up to 4 months to complete. FDouglas added that scientific results are carefully considered before being returned to colleagues in Police Scotland to support any investigations. An initial action plan has been developed following the results of the Your Voice Matters Survey and engagement would be taking place with staff in order to discuss their feedback.

In addition to the submitted report the following points were raised and discussed;

- Members referred to the delivery of remote evidence for High Court Proceedings and sought clarity on whether there were plans to continue this process in the future. FDouglas advised that it was a more efficient method for the provision of evidence, and it is hoped that there will be some elements of remote evidence provision in the future. Kenny Donnelly (KDonnelly) advised that there are a number of provisions that allowed for witnesses to provide evidence remotely pre-covid, therefore it is something that is hoped will continue. KDonnelly advised that there is a working group in place to look at the matter going forward in the hope to make best use of remote evidence where appropriate.
- Members sought clarity on whether there was enough capacity within Forensic Services to deal with the spiking incidents. FDouglas advised that Forensic Services were working closely with Police Scotland to ensure that there is a prioritisation of those cases for analysis. Due to the complexity of analysis, it can take some time. Although the nature of complex cases are taking up to 4 months to complete, many cases are more straightforward and dealt with quicker. DDC Malcolm Graham (DDCMGraham) added that this work was being lead through Police Scotland's Partnership, Prevention and Community wellbeing group and although the level of spiking cases was relatively small, each case is important and investigations are complex. Detective Chief Superintendent Laura McLuckie (DCSLMcLuckie) advised that she had attended the Gold Group with Alastair Patience (Forensic Services) and noted that updates provided to the group around the forensic analysis has been helpful in understanding what stage each case was at and praised the level of service being by Forensic Services in relation to drugs spiking. The Chair noted the importance to being alert to demand in this area, particularly when there is demand pressures already in place in areas such a drug driving.

- The Chair referred to the staff consultation in relation to the change programme and noted that it was the early stages of consultation with a range of views coming from that, therefore reiterated that the committee were not near a position of receiving recommendations in terms of the way ahead, however, the committee were very alert to the matter. The Chair asked for further reassurance around the consultation programme. FDouglas noted that a lot of work was ongoing in terms of the formal process, however, there were informal engagements taking place to allow staff to understand the new operating model and how it will deliver benefits. This also gives staff opportunity to provide alternatives that they would like to be given consideration through the consultation period. FDouglas added that there was a strong level of support being provided through the change team to manage this process and any queries staff have.
- The Chair referred to environmental plans for Forensic Services and sought clarity on what work being done in that area. FDouglas advised that Forensic Services had been engaging in Police Scotland and SPA's broader Environmental Strategy and a picture of Forensic Services contribution was being pulled together. The overall plan was currently being looked at within an established green network with environmental objectives being developed along with a delivery plan which will be reported to a future committee.

Members **noted** the report

3. Forensic Services Performance Report – Q3 – Fiona Douglas

Members considered the Forensic Services Performance Report, Q3 2021/2022. FDouglas highlighted key areas within the report;

- FDouglas referred to Laboratory Casework and noted that the average age of case work in relation to Toxicology was 3.8 months. In terms of Laboratory Capacity, with the exception of toxicology, all the work that has been ongoing through the delivery of Forensics 2026 Strategy capacity is far more in balance, it is therefore expected in Q4 and into the next financial year a reduction in high caseloads. FDouglas highlighted some of the complexities around the casework in delivering toxicology and highlighted a spike in November in relation to the Section 5A, drugs driving cases and noted that it was an administrative adjustment in recording cases and highlighted the needs for better visibility of cases that have just come into the organisation but not yet placed onto the case management system. DFouglas added that capacity is still significantly below the overall demand for toxicology services.
- FDouglas also provided members with a further overview in relation to Scene Examination, Accreditation, Complaints and Staff Absence.

In addition to the submitted report the following points were raised and discussed;

- The Chair noted concerns in relation Scene Examination and the attendance to house break-ins and sought assurance that the figure would improve going forward. FDouglas advised that the area had been impacted in an increased level of absence over that period, there is also training of staff being undertaken which will support recovery of that area. Derek Scriminger (DScriminger) advised that 5 new level one scene examiners would be joining the organisation and they would be targeted specifically at crimes of dishonestly and lower level crime.
- Members sought clarity if working from home had reduced the number of house break-ins and with the change of restrictions, was it anticipated that there would be a rise in that area and if so, is there sufficient capacity to keep performance up. DScriminger advised that there had been a decrease in house break-ins although an emerging increase had now been identified. The trends are being addressed, however, the trend in general over the past 3-4 years has reduced and proportional between the serious and volume crime. DCCMGraham advised that generally the level of performance is good and improving in terms of challenges both faced by Police Scotland and Forensic Services. Specifically in relation to volume crime, there is a clear aspiration to improve that and investment in Forensic Services is one way to bring people more quickly to account, therefore it is important to keep conversations going around what future demand looks like and remain as flexible as possible to respond to that. DCSLMcLuckie added that Police Scotland have an inquisitive crime lead who chairs a regular meeting of which Forensic Services are a key part of. Scrutiny is applied to areas such as house break-ins and highlights that these crimes highly impact people and it is important for Police Scotland to prioritise these crimes.

Members **noted** the report and agreed the following actions.

4. Forensic Services 2026 Update – Vicki Morton

The Chair advised that this item would work into a wider update in relation to the Change Programme, although part of the discussions will be taken in private due to commercial sensitivity, however, the overall transformation change within Forensic Services is open to public awareness.

Vicki Morton (VMorton) added that the emphasis in reporting would change going forward, which would show linkages between the new refresh Forensic Services Strategy and show the collaboration with Police Scotland, COPFS and other partners. VMorton advised that the Change Function within Forensic Services is a significantly improved picture since the last committee report. Along with the additional capacity there are also strong links with other areas of Police Scotland in ICT, Portfolio Assurance, People and Development and the functions within Forensic Services. VMorton welcomed the new members of the team and Howard Kennett (on the call) as new Programme Manager within Forensic Services.

Members considered the paper which had been submitted to provide the committee with an update on the Forensic Services 2026 Programme. In addition to the submitted report the following points were raised and discussed;

- Members welcomed the supported being provided by Police Scotland and noted the importance of progressing the tripartite Memorandum of Understanding (MoU) and required sight of that at the next meeting.

Members **noted** the report.

5. Update on HMICS Thematic Inspection of the Scottish Police Authority Forensic Services – Vicki Morton

Members considered the report which had been submitted to Forensic Services Committee members with an update on work to implement the improvements set out in the HMICS Thematic Inspection of the Scottish Police Authority Forensic Services. During discussion and in addition to the report the following points were raised and noted;

- VMorton advised that there had been good movement in terms of the closure of recommendations, and that was a result of beneficial discussions with Police Scotland and HMICS to understand the outstanding requirements.
- The 3 outstanding recommendations relate to the MoU which is anticipated to be in place by April 2022.

Members **noted** the report.

6. Digital Forensics – DCI Richy Taylor

The committee considered a report which provided an update on Police Scotland's progress towards obtaining ISO 17025 within Digital Forensics. During discussion and in addition to the report the following points were raised and noted;

- Members welcomed the report and the timelines detailed which provided a sense of the intended pathway and sought clarity on the gap analysis and the staging of that. DCI Richy Taylor (DCIRTaylor) advised that there are 20 recommendations on the back of the gap analysis and 10 in respect of forensic science regulator specifically.
- Members sought clarity that direct support was being received from Craig Donnachie at Forensic Services in terms of UKAS Accreditation. DCIRTaylor advised that Craig Donnachie has been engaging on a weekly basis to assist with the understanding of Scope and to provide assistance on the recruitment of dedicated roles in order to obtain and maintain accreditation.
- Members sought clarity on whether or not there was any benchmarking available in relation to digital from other policing services within the UK. DCIRTaylor advised that all other forces have gone for ISO 17025 with the recognition that it was not initially designed for a digital forensics arena, however, when the International Organisational Standards deem it the most appropriate within the UK with other forces aligning to ISO 17025.
- The Chair sought clarity on whether action 20210419-FS-004 could be considered for closure following the committee's consideration of this report. ACCMGraham thanked DCIRTaylor and team for the work in moving this forward and noted that although Police Scotland are a little behind other forces in terms of formal accreditation, Police Scotland are very much advanced in terms of opportunities. ACCMGraham advised this area was critical in protecting vulnerable victims and preventing crime and there is a need for forensics to grow and adapt quickly, with accreditation being the foundation of that happening. ACCMGraham added that the support from Forensic Services has been critical and it has been a great example of collaborative working. ACCMGraham advised that he believed action 20210419-FS-004 could be considered at another forum to allow time to explore the broader issues in relation to Digital Forensics. Members agreed that the action is a joint action between Police Scotland and Forensic Services and that it should remain open for further consideration at the next committee.

- The Chair noted the committee's appreciation to both Police Scotland and Forensic Services for the work being done in relation to this piece of work and noted that the committee would expect regular updates outlining the timeline and progress to achieving accreditation.

Members **noted** the report and agreed the following actions;

20220202-FS-001: DCC Malcolm Graham to ensure that regular updates are provided to the committee, outlining a timeline and progress to achieving accreditation.

20220202-FS-002: DCC Malcolm Graham and Fiona Douglas to provide the committee with an update on current considerations relating to where Digital Forensics sits within the policing family and options for this should be considered going forward.

7. Demonstrating Value – Fiona Douglas

FDouglas provided the committee with a verbal update in relation to Demonstrating Value and the key points were noted by members;

Since the last committee progress had been made around how the structure and prioritisation of work around demonstrating the value of Forensic Services provision would be taken forward. FDouglas advised that it was a challenging area to understand and quantify, however, three key phases have been identified;

- Phase 1 - Consideration of Value Judgements in regards to triage and prioritisation of forensic work, which will deliver some immediate benefits in terms of making sure capacity within forensic science is utilised in order to add value.
- Phase 2 - How can value be demonstrated to the justice system and beyond and how that can be qualified and in turn have a model that translates forensic value into how communities in Scotland are kept safe and protected.
- Phase 3 - The contribution and value of forensic science being delivered from a public sector perspective. There is an intention to build on some work being done in Northern Ireland with regards to the value delivered in the public sector.

FDouglas advised that work has been done to finalise the Terms of Reference to establish a working group and thanked Jane Ryder for her contribution in reaching that point. FDouglas added that the intention was

to now get the working group established and for that group to look at the second and third phase of forensic science value. The intention was then to create a prioritised plan around how Forensic Services can dig into this complex area and feed back to the committee how they intend to define the contribution and value of forensic science within the justice sector and communities in Scotland.

Members welcomed the progress to date, however, noted that it would not be a simple or single methodology as this would be a framework of several strands. Members noted the need for acceleration in this area with realistic timelines and milestones to be put in place along the way. The Chair advised that it was hoped that the update in April would provide the committee with more detail around this area of work.

Members **noted** the verbal update.

8. Drug Driving Update – Alastair Patience

The Chair advised that Forensic Services were providing the scientific service within this area, however had not been given the justice policy or enforcement actions as yet, therefore the capacity at the start was designed around what was available in the assessment of a service that was being stood up and the reality now is that capacity needs to be built up to known actual demand.

Alastair Patience (APatience) provided members with an update on progress on the Drug Driving Toxicology Service and were asked to note the following:

- The current position where marginal gains have been made / are being identified / are being taken forward, however, there is still a fundamental imbalance between demand and capacity.
- Further funding for outsourcing has been approved by the Scottish Government and is being utilised.
- A tri-partite position paper is in the process of being submitted to the Scottish Government regarding options which could be considered for the provision of a longer-term, sustainable, model for Drug Driving Toxicology service.
- The recognition that this is a partnership challenge requiring a strategic partnership solution.

APatience noted the support and collaborative effort provided by Police Scotland and COPFS and provided thanks in relation to that. During discussion and in addition to the report the following points were raised and noted;

- Members sought clarity on whether or not the level of drug use had become worse, or was capacity always below what was anticipated. APatience advised that when the service was set up it was developed based on the information available at that point. As time has progressed a higher level of demand has come about, and capacity is significantly higher than what was originally anticipated. KDonnelly added that prior to this, there was no data therefore it was about operating in a vacuum and using the best available information. There was a look at experiences within other jurisdictions and the projection of demand was based on that. Since then the numbers within those jurisdictions have increased due to enhanced rollout and deployment. DCCMGraham advised that when the new legislation came in, Police Scotland took a measured approach to ensure capability was directed in a very intelligence led way, with only road policing officers being trained and equipped to perform these tests. DCCMGraham added that there are a significant number of people driving on the roads under the influence of drugs which previously Police Scotland were unable to detect, therefore it is critical to put as much effort in as possible to get this right for the purpose of public safety.

The Chair advised that the committee utterly condemns people who drive on the roads in Scotland whilst under the influence of drugs and will continue to work hard to provide a service to support law enforcement and prosecution of such offenders in Scotland. The committee further recognised that matching capacity with demand is important and there is a need for investment going forward. The Chair added that the committee look forward to hearing the outcome of the tri-partite position paper submitted to the Scottish Government regarding options which could be considered for the provision of a longer-term, sustainable, model for Drug Driving Toxicology service.

Members **noted** the report.

9. Forensic Services Committee Workplan

The Chair noted that the workplan has been circulated to SMT for population of items for 2022/23 and asked that items are returned to Board Services by 1st March 2023 for consideration before going to the

committee in April 2023.

Members noted the report

Draft