



<b>Meeting</b>	<b>Forensic Services Committee</b>
<b>Date</b>	<b>10<sup>th</sup> August 2023</b>
<b>Location</b>	<b>MS Teams</b>
<b>Title of Paper</b>	<b>Memorandum of Understanding</b>
<b>Presented By</b>	<b>Fiona Douglas</b>
<b>Recommendation to Members</b>	<b>For Noting</b>
<b>Appendix Attached</b>	<b>No</b>

**PURPOSE**

To present members with the revised Memorandum of Understanding (MoU).

## 1. BACKGROUND

- 1.1 The Memorandum of Understanding (MOU) between the Scottish Police Authority (“the Authority”) and the Chief Constable of the Police Service of Scotland (Police Scotland) and the Crown Office and Procurator Fiscal Service (COPFS) is in place to ensure the effective delivery of forensic services within the Scottish criminal justice system.
- 1.2 This MoU outlines the arrangements amongst the Parties in respect of the provision of forensic services by the Authority to the Service Users.
- 1.3 It is an overarching document which sets out details of the processes operated by the Authority to provide forensic services and is underpinned by guidance documents shared by all parties to the agreement.
- 1.4 This MOU supersedes the previous Crown Office & Procurator Fiscal Service National Forensic Science Protocol, Service Level Agreement between the Procurator Fiscal and the Police regarding the scientific examination of productions dated February 2004 and the Memorandum of Understanding between the Authority, Police Scotland and COPFS in April 2014.
- 1.5 Forensic science has the potential to make the following significant contributions to the investigative criminal justice process:
  - to eliminate individuals from the investigation
  - to inform enquiries, for example by reducing the range of possible suspects or by clarifying circumstances
  - to link incidents
  - to corroborate evidence by linking suspects to scenes
  - to identify an unknown person, including suspects
  - to assist in the prosecution of offenders
- 1.6 By setting and maintaining standards of forensic analysis the Authority seek to achieve:
  - Appropriate and timely investigation of serious crime (Serious Sexual Crime, Counter Terrorism, Major Incidents, Major Crime, Organised Crime, etc.)

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- Management of instruction, necessity for and prioritisation of forensic submissions, (where there is no agreed forensic strategy) through the National Forensic Gateway
- Efficient use of forensic science resources and capacity to properly managed prioritisation of workload. A transparent management of the forensic science process across the justice system

- 1.7 This Memorandum of Understanding is valid from the date it is agreed until further notice. It should be reviewed at a minimum once per fiscal year; however, in lieu of a review during any period specified, the current Memorandum of Understanding will remain in effect.
- 1.8 Forensic Services are responsible for facilitating regular reviews of this document. Contents of the document may be amended as required, provided mutual agreement is obtained from all affected parties.

## **2. MEMORANDUM OF UNDERSTANDING**

2.1 Report appended.

## **3. FINANCIAL IMPLICATIONS**

3.1 There are financial implications associated with this paper as outsourcing may be required if there is a significant gap between capacity and demand

## **4. PERSONNEL IMPLICATIONS**

4.1 An effective MOU helps mitigate the pressures on staff in areas that are oversubscribed for services.

## **5. LEGAL IMPLICATIONS**

5.1 There are no legal implications in this report.

## **6. REPUTATIONAL IMPLICATIONS**

6.1 There are no reputational implications in this report.

## **7. SOCIAL IMPLICATIONS**

7.1 There are no social implications in this report.

## **8. COMMUNITY IMPACT**

8.1 There are no community implications in this report.

## **9. EQUALITIES IMPLICATIONS**

9.1 There are no equality implications in this report.

## **10. ENVIRONMENT IMPLICATIONS**

10.1 There are no environmental implications in this report.

## **RECOMMENDATIONS**

Members are invited to note the revised MOU.

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AUTHORITY



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SCOTLAND'S PROSECUTION SERVICE



# Memorandum of Understanding

Provision of Forensic Services in Scotland

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Document Title	Provision of Forensic Services in Scotland
Version Number	V1.0
Owning Department	Forensic Services
Author(s)/Reviewer	Fiona Douglas (FS), Helen Haworth (FS), ACC Bex Smith (PSOS), Ewan Murray (PSoS), Ruth McQuaid (COPFS)
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# Purpose

## 1. PURPOSE

- 1.1 This is a Memorandum of Understanding (MOU) between the Scottish Police Authority (“the Authority”) and the Chief Constable of the Police Service of Scotland (Police Scotland) and the Crown Office and Procurator Fiscal Service (COPFS). Collectively Police Scotland and COPFS are the “Service Users”. In order to ensure the effective delivery of forensic services within the Scottish criminal justice system, this MoU outlines the arrangements amongst the Parties in respect of the provision of forensic services by the Authority to the Service Users.
- 1.2 This MOU is an overarching document which sets out details of the processes operated by the Authority to provide forensic services and is underpinned by guidance documents shared by all parties to the agreement.
- 1.3 The Authority’s achievement against Key Performance Indicators (KPIs) will be measured and reported to the Service Users in accordance with the governance structure in place.
- 1.4 All parties acknowledge that the processes, procedures and performance framework associated with forensic services are subject to annual review.
- 1.5 This MOU supersedes the previous Crown Office & Procurator Fiscal Service National Forensic Science Protocol, Service Level Agreement between the Procurator Fiscal and the Police regarding the scientific examination of productions dated February 2004 and the memorandum of understanding between the Authority, Police Scotland and COPFS in April 2014.



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# Introduction

## 2. INTRODUCTION

- 2.1 Section 31 of the Police and Fire Reform (Scotland) Act 2012 states that “The Authority must provide forensic services to the Police Service, the Police Investigations and Review Commissioner and the Lord Advocate and procurators fiscal.”
- 2.2 Police Scotland was created by the enactment of the Police and Fire Reform (Scotland) Act 2012, (“the Act”). Section 20 of the Act defines the role of a constable is “to prevent and detect crime, to maintain order, to protect life and property, to take such lawful measures, and make such reports to the appropriate prosecutor, as may be needed to bring offenders with all due speed to justice”.
- 2.3 Police Scotland are obliged to reveal to COPFS all information that may be relevant to the issue of whether the accused is innocent or guilty.
- 2.4 “Relevant” means any information that appears to an investigator to have some bearing on the offence or offences, under investigation or any person being investigated or on the surrounding circumstances, unless it is incapable of having any impact on the case.
- 2.5 Forensic science has the potential to make the following significant contributions to the investigative criminal justice process:
  - to eliminate individuals from the investigation
  - to inform enquiries, for example by reducing the range of possible suspects or by clarifying circumstances
  - to link incidents
  - to corroborate evidence by linking suspects to scenes
  - to identify an unknown person, including suspects
  - to assist in the prosecution of offenders

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- 2.6 COPFS Procurator Fiscals are responsible to the Lord Advocate for the prosecution of crime and the investigation of sudden and suspicious deaths.
- 2.7 COPFS prosecutors are obliged to disclose all material information for or against the accused (subject to any public interest considerations).
- 2.8 By setting and maintaining standards of forensic analysis the Authority seeks to achieve the following:
- Appropriate and timely investigation of serious crime (Serious Sexual Crime, Counter Terrorism, Major Incidents, Major Crime, Organised Crime, etc.)
  - Management of instruction, necessity for and prioritisation of forensic submissions, (where there is no agreed forensic strategy) through the National Forensic Gateway
  - Efficient use of forensic science resources and capacity to properly managed prioritisation of workload.
  - A transparent management of the forensic science process across the justice system.
- 2.9 The parties hereto shall at all times work to assist the Authority in these aims through effective liaison and communication at the key stages of investigation/case preparation and prosecution.



# Background Information

## 3. BACKGROUND INFORMATION

3.1 FS is part of the Authority and provides forensic services to the criminal justice process in Scotland, from crime scene to court. FS delivers services within four distinct functions:

- Scene Examination
- Biology
- Physical Sciences (including Post-mortem Toxicology)
- Business Support

3.2 These national functions are delivered from a number of geographical locations and casework is routinely transferred within FS to ensure efficiency, effectiveness and best-value. A list of all forensic science services provided across these functions is included within the Service Catalogue which is provided at Appendix A to this Memorandum of Understanding.

3.3 These functions are underpinned by the Forensic Services National Quality Policy Manual and an Evidence Management System (EMS) which supports the delivery of a national service and provides traceability of cases through and across each of the functions, ensuring the chain of custody and reporting procedure for all work undertaken within FS.

3.4 Where appropriate, forensic analysis is accredited to the appropriate International Organisation for Standardisation (ISO) standard which is assessed by the external accrediting body, United Kingdom Accreditation Service (UKAS). The scope of activities that are accredited at each of the facilities is available on the UKAS website. FS manage forensic databases such as the Scottish DNA Database, the IDENT1 Fingerprint Database, and Shoeprint Capture and Retrieval Database (SICAR). FS is committed to maintain accreditation and any risks would be escalated for discussion with relevant Service Users.

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- 3.5 FS has a capability to undertake the majority of scientific analyses required in forensic examinations and these are detailed in the service catalogue at Appendix A. FS is committed to continuous improvement and to development of new services and utilisation of new technology. Certain specialist services which are not delivered by FS result in Police Scotland and COPFS accessing them from other providers. Examples: soil analysis; Forensic Anthropology; Digital Forensic examinations.
- 3.6 These services are paid for outwith SPA, however, FS will provide advice and assistance on the procurement of these services to Police Scotland and COPFS when requested.
- 3.7 Requests for forensic services are submitted by the Service User's to FS, via the Joint National Forensic Gateway.
- 3.8 The prioritisation of forensic casework (excluding scene attendance) is undertaken by local Forensic Services Gateway's and the Joint National Forensic Science Gateway. Forensic Scene provision is managed by the Forensic Services Tasking Unit.
- 3.9 The Joint National Forensic Gateway comprises three separate gateways:
- The Police Scotland Gateway
  - The COPFS Gateway
  - The Forensic Services Gateway
- 3.10 The Joint National Forensic Gateway, ("the Gateway"), is based at the Scottish Crime Campus. The primary purpose of the Gateway is to endeavour to ensure the quality and prioritisation of Requests. If demand exceeds capacity discussions on how best to meet Partner requirements may be necessary.
- 3.11 The function of the Gateway is to receive, assess, approve and submit Requests to FS.

Requests are any of the following:



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- A Police Scotland Request is made by a police officer by means of an Examination Request Form (ERF) submitted via their respective Regional Police Scotland Gateway. After assessment in respect of accuracy, proportionality and necessity, approved ERFs are forwarded from the Police Scotland Gateway to the Joint National Forensic Gateway.
- In the case of serious crime involving covert submissions, requests are submitted by officers directly to Forensic Services, also by means of an ERF.
- Where an ERF is submitted from the Police Scotland Gateway, the Joint National Forensic Gateway will approve and further assess the Request for submission to Forensic Services.
- In cases of serious crime where a Senior Investigating Officer (SIO) is appointed, representatives from Police Scotland, COPFS, Forensic Services and any other relevant partner or invited experts will attend a Forensic Strategy Meeting (FSM). The purpose of an FSM is to assess the investigation, agree a forensic strategy and a staged submission of productions for examination by Forensic Services.
- Following agreement at a FSM an ERF is submitted by a police officer to the Police Scotland Gateway simply to trigger the movement of productions from the Police Scotland Estate into Forensic Services. There is no requirement for the Police Scotland Gateway to make an assessment on a submission generated following an FSM.
- Productions are part of Police Scotland's Estate and accordingly a COPFS Request is made by means of a Standard Forensic Instruction (SFI) submitted via the Police Scotland Gateway to the Joint National Forensic Gateway.







# Scene Attendance Request

## 4. MAKING A REQUEST FOR SCENE ATTENDANCE

- 4.1 FS provide Scene Examiners (SE) to undertake forensic examination of a scene via the SE Tasking Unit based in Dundee and Out of Hours cover arrangements. Examinations including photography (recording the scene), enhancement and recovery of relevant items or body fluids. SE can also be supported by Forensic Scientists where this additional specialist expertise is required, such as for complex blood pattern or fire investigation. The tasking of scientists to a particular scene is undertaken by FS on receipt of a request to attend made by an appropriately authorised person within Police Scotland.
- 4.2 For serious crime, where a Senior Investigating Officer (SIO) or Crime Scene Manager (CSM) is appointed a SE will undertake activities as agreed with the SIO or CSM, who remains in charge of that scene. It may also be necessary to discuss scene examination attendance by forensic experts with the relevant Procurator Fiscal.
- 4.3 For all other routine events requiring scene attendance, Police Scotland will carry out an assessment of the value of any attendance by a SE. This may include a triage of requested attendances through discussion and agreement between FS and Police Scotland in order for resources to be prioritised.
- 4.4 This assessment will include, but not be limited to the following:
- The circumstances of the scene and evidence already available/collected.
  - The forensic opportunities that may be present at the scene (e.g. obvious blood staining, footwear marks or discarded items).
  - The potential value of forensic evidence to support the sufficiency and/or corroboration of evidence in the case and subsequent report to COPFS.



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# Forensic Casework Requests

## 5. MAKING A REQUEST FOR FORENSIC CASEWORK

5.1 A decision making framework will be utilised to prioritise Requests progressing through the Joint National Forensic Gateway based upon necessity, proportionality and probability of valuable forensic outcomes.

5.2 The framework will assess:

- Threat/risk/harm
- National and local policing priorities
- Criminal justice processes
- Community impact
- Forensic value

5.3 The Joint National Forensic Gateway will prioritise the case into the agreed categories referred to in clause 5.8 based on the timescale required by the service user for the provision of results.

5.4 With the exception of serious crime where a Forensic Strategy Meeting has been held, no case will be accepted into FS if it is not submitted on an appropriate submission form (an ERF or an SFI) and authorised by The Joint National Forensic Gateway. The only exception to this is where there is an existing agreement for direct submission to FS such as Fingerprints and blood/urine from Road Traffic Offences for toxicology analysis.

5.5 The Joint National Forensic Gateway will assess Requests made by Police Scotland and COPFS. The following will be taken into consideration to progress all Requests:

- The circumstances of the case and evidence already available/collected
- The potential forensic opportunities that may be available based upon necessity, proportionality and probability of scientific value

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- The potential value of forensic evidence to support the sufficiency and/or corroboration of evidence in the case or as a persuasive argument
- 5.6 If all relevant productions in a case are not received by SPA and/or pertinent information is missing, such that it is not possible to progress the case, then it will be placed on hold, the work will be suspended until the missing item/information is received by SPA when work on the case will be re-started. The time lapsed whilst the case is suspended will be added to the turnaround time as determined by the priority of the Request. In the case of critical request any missing information or delayed productions will be discussed with Police Scotland and/or COPFS to allow work to proceed while awaiting the missing item/information. If the missing production or information does not affect starting work on the case then this must not be placed on hold until the point the work has to cease.
- 5.7 If a Request is rejected by The Joint National Forensic Gateway or FS post submission, then the reasons for this rejection will be clearly specified on the Request form by the Joint National Forensic Gateway/ the Scientist and passed back to both the Joint National Forensic Gateway and the originator/submission officer of the relevant Gateway within the Joint National Forensic Gateway.
- 5.8 Each PSoS Request must have a priority as assessed by the Service User. The Joint National Forensic Gateway will assess, or re-assess, as required, and confirm any prioritisation based on information provided.
- 5.9 Bespoke delivery dates may be required due to the nature of the investigation. Where there warrants a more open ended timescale due to real time staged forensic examinations.
- 5.10 COPFS advise if the submission is a summary/Sheriff and Jury/High Court case and if these have associated bail or custody (7 or 42 day) target dates.
- 5.11 Refer to Appendix B for additional information.

- 5.12 In order for a submission to be approved for action within FS it should include the following as a minimum:
- A fully-completed approved Request form.
  - Appropriate authorisation from the Joint National Forensic Gateway
  - An allocated priority or target date
  - Receipt of the appropriate productions from Police Scotland
  - Appropriate packaging of these productions to maintain their forensic integrity
- 5.13 It will be permissible to submit productions direct to FS out with Joint National Forensic Gateway operating hours in support of urgent and high priority casework, or where an individual has been detained under a statutory authority, or has been arrested and will appear from Police custody.
- 5.14 KPIs measuring the performance of the Authority in its delivery of forensic services will be measured from the date the production(s) are delivered to FS. PSOS is responsible for lodging the production to the local SPA laboratory from where internal transfer is the responsibility of FS who will route the production to the appropriate lab.
- 5.15 Where a production is rejected then the reason why is required to be fully explained in writing to all relevant parties and the rejection rate will form part of the KPI metrics.





# Service Users Undertakings

## **6. SERVICE USERS UNDERTAKINGS IN SUPPORT OF THIS MEMORANDUM OF UNDERSTANDING**

- 6.1 To document the exact nature of the examination request, or the specific question to be answered. To clearly stipulate where a staged examination is required and where possible refrain from the use of 'full forensic'. If this is used it will be assumed that the scientist should use their expert judgement without consultation. However, if the circumstances of the case are particularly complex this should be discussed with Police Scotland or COPFS.
- 6.2 For cases of identification for persons of interest, where DNA/FP are requested, it will be assumed that only one of these evidence activities are required to identify an individual. Where the case is a matter of confirming identity, once an individual is identified no further work will be carried out. It is incumbent on the submitting agency to clearly document where multiple individuals may be of interest in the case.
- 6.3 In so far as it is legally possible and practicable for them to do so, Police Scotland should lodge all relevant productions with the Request.
- 6.4 In so far as it is legally possible and practicable for them to do so Police Scotland should submit any further productions requested by FS/or pertinent information to assist FS to progress the work. If a case is unable to be progressed without compromising the examination strategy the case is put on hold, this will suspend any work within that department and any other affected department. If the issue is resolved the work on the case will restart.
- 6.5 If the issue is not resolved within an agreed timeframe the work request will be closed and productions returned. FS will ensure that this is appropriately and clearly communicated to the Service User and this process will be documented in the underpinning guidance documents.

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- 6.6 To ensure effective use of Forensic resources, in so far as it is legally possible and practicable to do so to ensure timely communication to confirm (1) when Requests are no longer required, (2) when court dates are amended, (3) where an offender has pled guilty, or (4) when there is a change in status of the accused. Any delay in communication will have an impact on other cases in progress.
- 6.7 In so far as it is legally possible and practicable to do so to intimate at the time of the submission of the Request to FS if a Joint Court report is required. In all other cases results will be forwarded to the relevant Service User. Any subsequent request for a Joint Court report will be routinely subject to a 7-calendar day turnaround.





# FS Responsibilities

## **7. FS RESPONSIBILITIES IN SUPPORT OF THIS MEMORANDUM OF UNDERSTANDING**

- 7.1 Forensic science is a powerful tool for police investigations to assist with the investigation of crime leading to the identification and prosecution of the guilty and the rapid elimination of the innocent.
- 7.2 FS will provide all forensic services to the Service Users as outlined in the Service Catalogue.
- 7.3 FS will provide an update on the progress of cases at regular intervals to ensure that the Service User have all appropriate information as required to support the investigation or preparation of a case. The Service User will be notified in writing of any foreseen delay in completion of a case or part case as soon as is practically possible.



# Prioritisation of Requests

## 8. PRIOTITISATION OF REQUESTS FOR FORENSIC SERVICES

- 8.1 FS will prioritise cases on the basis of Priority 7DC, 1, 2, 3 and bespoke, as allocated by the Joint National Forensic Gateway. Where there is an increase in high priority work this may affect the departmental capacity.
- 8.2 Current arrangements for Road Traffic Offences\* (and Fingerprints) are submitted directly to FS, with no Gateway oversight or prioritisation through a process of Direct Submission. FS will auto triage and prioritise these submissions and any issues with service delivery will be escalated for discussion with PSoS. \*This is currently under discussion with the relevant parties and may be subject to change.
- 8.3 FS are cognisant that the incident date is used in cases which could be subjected to time bar and we are committed to mitigating any demand increases which could cause a failure in service delivery.
- 8.4 FS are reliant on the Service User submitting productions without delay to ensure the best chance of meeting the required deadlines. If FS are unable to meet the priority of a Request then this will be discussed and communicated via the Joint National Forensic Gateway. If it is not possible to complete all of the work requested for any priority 1 case, required in less than 7 calendar days, FS will consult the Service User on what is possible within the timeframe and a proposed targeted approach to gather best evidence.
- 8.5 Any request for support with Police Scotland Operations and initiatives must be discussed with SPA to agree the level of support required and the delivery timelines of this work. This may affect the ability of SPA to maintain business as usual (BAU) KPIs.

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- 8.6 Any Request for forensic science should detail the question that Police Scotland and COPFS are seeking to answer. Due to resource constraints and to improve the timeliness of cases, the forensic analysis that is needed to answer these questions should be the minimum that is required to provide the relevant results. FS will be cognisant of times when prosecutorial strategy dictates otherwise. In serious crime cases this will be agreed at the Forensic Strategy Meeting held between relevant Service Users and can be updated as the case progresses through the justice process.
- 8.7 It is the responsibility of the relevant FS Managers to ensure that the demand for forensic casework is managed effectively and efficiently and to strive to meet the KPIs and deliver an effective service to the Justice System.
- 8.8 Where there is a significant increase in demand which cannot be managed by that department an initial meeting will be held and any concerns escalated to the appropriate line management within Forensic Services. Further discussions may then be required with the customer if they are affected by any short term capacity issues.
- 8.9 FS will self-manage any short term fluctuations in demand within the scope of their influence.
- 8.10 Where the short-term demand is out with the control of FS and it is significantly, and consistently, above the capacity of service provision, as stated within this MOU, a considered approach by the Service user and the Gateway in conjunction with FS Operations Managers to review and agree:
- Changes in timeliness expectations based on the current revised demand levels
  - Prioritisation or re-prioritisation of casework by Police Scotland and COPFS to allow for service levels to be maintained to ensure the priorities in safety and well-being of persons, localities and communities
  - The revision to submission policies by the customer

- 8.10 The escalation and governance route for these discussions will be via the Forensic Performance Improvement Group (FPIG).
- 8.11 Where there is a sustained increase in demand for specific services that has lasted at least three months the following should be considered by FS Senior Management Team and discussed with the Forensic Services Committee:
- FS reallocation of resources from once service area to another where practicable with revised service levels agreed with all parties
  - Temporary or permanent increase to capacity that supports the new level of demand through reallocation of budget within Forensic Services or provision of additional funding via the Scottish Police Authority or other funding route
- 8.12 It is anticipated that all customers will identify the impact of exceptional demand and work jointly to ensure that effective prioritisation is in place to maximise the value of the available service and the Authority will escalate to SG when it is imperative and in the public interest, to seek additional funding from elsewhere to manage this demand. The requirement to proactively manage demand to ensure that unnecessary backlogs are not created within any organisation.
- 8.13 The scientist will carry out a case assessment and interpretation for each case and if it is deemed that there is no meaningful result to be obtained this will be clearly reported back to the case originator. The case will be placed on hold for 14 calendar days to allow for any response to be made. If after this period of time no reply is forthcoming the case will be closed and returned to the customer.
- 8.14 The Scientist has expert knowledge on what examination strategy will provide the best evidence in a given set of circumstances and with the available productions. This includes the use of S5a panel rather than S4 analysis. If the strategy

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significantly deviates from the service users request then the scientist will clearly document their reasoning and seek agreement to work to the amended strategy.

# Availability of Services

## 9. AVAILABILITY OF SERVICES

9.1 Coverage parameters specific to the service(s) covered in this Memorandum of Understanding are as follows:

- Telephone support will be provided between 9:00am to 5:00pm Monday-Friday. Calls received out of office hours will be forwarded to a mobile phone and best efforts will be made to answer / action the call, however, there will be a backup answer phone service.
- Email support will be provided and this will be monitored 9:00am to 5:00pm Monday-Friday. Emails received outside of office hours will be collected, however, no action can be guaranteed until the next working day.
- The Scientist on call availability will be provided via the Duty On-call coordinator.



# Performance

## **10. PERFORMANCE**

- 10.1 FS will prioritise casework on the basis of the priority allocated by the Joint National Forensic Gateway. The analysis will then be undertaken within the timeframe outlined and the KPIs which are detailed at Appendices.
- 10.2 At relevant points in the forensic process (staged) results will be provided to the customer. The final report will be provided in the agreed format and should in the first instance be provided electronically with a hard copy sent should it be required. The KPI monitoring will cease when the final report is sent.
- 10.3 As part of a collaborative planning process all parties to this memorandum of understanding will discuss annual priorities and requirements to ensure that performance, and the associated KPIs, meet customer expectations. Budgetary constraints apply to all Service Users and a co-ordinated approach is vital to ensure public money is used appropriately.



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# Changes to Services Provided

## **11. CHANGES TO SERVICES PROVIDED**

- 11.1 Any new technology, or an upgrade to an existing service, may instigate changes to the available capacity to deliver any current service within the timelines set out in this document. Prior to any change in scope a report recommending the need for change, and an impact assessment will be discussed between all parties to ensure the change is in the public interest.
- 11.2 Any requests for new services (i.e. that are not detailed in the service catalogue in Appendix A) will be considered and approved by the Authority through established procedures, and will be subject to provision of an appropriate case for investment. The Forensic Services Committee will review all requests and, in conjunction with the SPA Board, make any decision to expand the service catalogue.

# Governance and Escalation

## 12. GOVERNANCE AND ESCALATION

12.1 Performance against this Memorandum of Understanding will be reported through the governance forums in place to Police Scotland and COPFS.

This will include reports from:

- The Joint Forensic Performance and Operational Group (FPOG)
- The Joint Forensic Performance and Improvement Group (FPIG)

12.2 Services provided by FS are subject to scrutiny through the Forensic Services Committee and the SPA Board. This will include routine reporting of performance against the KPIs and also reporting against improvements or issues associated with forensic services delivery.

12.3 Any issues encountered that cannot be resolved through usual operational routes should be escalated initially through the FPOG and FPIG. If matters remain unresolved these will be escalated to the Forensic Services Committee for resolution.

12.4 It is noted that there may be an additional requirement to consider escalation through COPFS should it be required and the appropriate route within COPFS will be determined in accordance with the type of issue and associated impact.

# Reviewing of the MOU

## **13. REVIEWING OF THE MOU**

- 13.1 This Memorandum of Understanding is valid from the date it is agreed until further notice. It should be reviewed at a minimum once per fiscal year; however, in lieu of a review during any period specified, the current Memorandum of Understanding will remain in effect.
- 13.2 FS is responsible for facilitating regular reviews of this document. Contents of this document may be amended as required, provided mutual agreement is obtained from all affected parties. FS will incorporate all subsequent revisions and obtain mutual agreements/approvals as required.

# Approvals

## 14. APPROVALS

[Bex Smith]

Date: [Insert date]

[Assistant Chief Constable]

On behalf of Police Scotland

[Ruth McQuaid]

Date: [Insert date]

[Deputy Crown Agent – High Court]

On behalf of [Crown Office and Procurator Fiscal Service]

[Fiona Douglas]

Date: [Insert date]

[Director of Forensic Services]

On behalf of [Scottish Police Authority]

## APPENDIX A: CATELOGUE OF SERVICES PROVIDED

<b>ALL FORENSIC SERVICES</b>	
<b>Service Title</b>	<b>Description of Task</b>
Reports	Full CJ report (inc. summary to report)
Scene Report	Scene report completed by Lab based staff
Court Attendance	Evidence given
Court Attendance	No evidence
Fast-track Preliminary Examination	Internal use to expedite some examinations for efficient progress
Proficiency Trials	Collaborative tests in accordance with ISO 17025
Defence Examinations	Supervising Defence Scientists
Forensic Strategy Meetings	As instructed

<b>SCENE EXAMINATION (SE)</b>	
<b>Service Title</b>	<b>Description of Task</b>
SE Preservation	Auxiliary lighting / screens / tents
SE Examination	Trace Examination: Fingerprints/ Footwear/ Tool Marks / Tyre Marks / Miscellaneous Marks. Fire and Explosion Examination. Interpretation of Marks/Sequential Treatment e.g. Powdering/ Protein Staining / Luminol
SE Photography	General Photography / Injury Photography / Post Mortem Photography / Spherical
Other	CBRN/ CT / DVI / FAI/ FSM / E-FIT / NOCAP
Fast-track Preliminary Examination	Internal use to expedite some examinations for efficient progress
Proficiency Trials	Collaborative tests in accordance with ISO 17025
Defence Examinations	Supervising Defence Scientists
Forensic Strategy Meetings	As instructed

<b>Imaging and MMU</b>	
<b>Service Title</b>	<b>Description of Task</b>
Fingerprint / Footwear Mark Reproduction	scan / scale / develop / print
Book for Comparison	Collate / develop / scale / print / bind
Digital Image(s)	Collate / develop / distribute
MI Picture Library inc. curation	Create web page / collate / resize / upload / assign access restrictions / publish
Web Gallery	Collate / resize / zip / distribute
Book of Photographs	Collate / develop / print / bind
Encrypted Disc	Collate / copy / encrypt / burn
Video Disc	Merge / format / burn
Digital Conversion	Scan / format / develop / reproduce
E-Book	Digital image book for court



## Biology

Service Title	Description of Task
Reference CJ samples DNA sample submission and DNA analysis	Analyse and load to Scottish and National Database, as appropriate Swab / minitape / cutting / penile swabs – no body fluid identification
Blood examination (exc. BPA)	Examination of items for blood (includes particulate recovery where applicable) inc Refs
Blood examination (inc. BPA)	Examination of items for blood with additional BPA morphology (includes particulate recovery where applicable)
Saliva	Examination of items for saliva (includes particulate recovery where possible)
Semen – Intimate samples	Intimate swabs only
Semen – Other samples	Clothing / bedding / large items (includes particulate recovery where applicable)
Damage	Textile damage / Damage reconstruction
Physical fit	Basic physical fit assessment
Fibre examination and analysis	Examination of fibre samples / tapes, comparison microscopy , microspectrophotometry / Fourier transfer infrared spectroscopy / Other analysis
Hair examination and analysis	Low and high power comparison
Paternity	Criminal
Human Identification	Body tissue identification
Other tests	Species testing, faeces and urine
Specialist DNA	Y-STR
Wildlife	Wildlife crime

## Chemistry

Service Title	Description of Task
Glass Examination and Comparison	Recovery of glass and comparison to control(s) if appropriate
Paint Examination and Comparison	Recovery of paint and comparison to control(s) if appropriate
FDR Examination and Comparison	Recovery of FDR, analysis and comparison
Ignitable Liquid Analysis	Analysis and identification of ignitable liquids
Chemical Identification	Analysis and identification of unknown chemicals e.g. chemical attacks
Physical Examination	Physical fits#, mechanical fits, damage, packaging, counterfeit coins etc.
Tool mark Examination and Comparison	Tool marks Inc. test mark comparison to locus lifts
Tyre mark Examination and Comparison	Comparison of a tyre mark to a locus mark
Footwear Examination and Comparison	Comparison of a footwear mark to a locus mark
Other Marks Examination and Comparison	Injury marks, heat sealers etc.
Footwear Intelligence	SICAR / FPX Intelligence
Wheel and Tyre Unit Examination	Wheel and Tyre examination
Other Roads Policing Examination	Light bulbs, Needle slap, Brake fluid (vapour lock)
Handwriting Analysis	Handwriting and signature comparisons
Document Examination	Printing cases, counterfeit drivers licences / passports
Indented Impressions	Indented impressions

## DRUGS

<b>Service Title</b>	<b>Description of Task</b>
Drug Identification	Qualitative identification of drugs resulting in a joint report to COPFS
Drug Identification - RRA	Qualitative identification of drugs resulting in a preliminary report to PSoS
Drug Quantification	Quantitative determination of drug content (purity)
Street Level Purity	Quantitative determination of drug content (purity) in user size quantities for intelligence purposes
Other Specialist Analyses	For example non-routine quantifications, structural identification using NMR technology
Test Purchase Operations	Drug testing to support Test Purchase Operations

## FINGERPRINTS

<b>Service Title</b>	<b>Description of Task</b>
Fingerprint Comparison	Examination of submitted lifts / photos with a view to assigning ownership to unknown fingerprint impression(s) or excluding individuals by means of manual comparison and / or use of IDENT1
Fingerprint Cadaver Identification	Identification of submitted tenprints forms / lifts / photos to provide identification of person

## FIREARMS

<b>Service Title</b>	<b>Description of Task</b>
Firearm Examination and Identification	Firearm examination and identification
Ammunition Examination and Identification	Ammunition examination and identification
Microscopic Comparison of Fired Materials	Microscopic comparison of fired materials
Air Weapon Examination, Identification and Velocity Testing	Air weapon examination, identification and velocity testing
NABIS Database only	Submitting information to the database
Damage Assessment	Damage assessment
Associated Material Examination	

## MARK ENHANCEMENT

<b>Service Title</b>	<b>Description of Task</b>
DNA and Fingerprint Recovery	Recovery of cellular DNA and visible blood to forward on for analysis as appropriate. Use the appropriate chemical tests to best enhance any marks for photography and forward on for fingerprint comparison
Fingerprint Recovery	Use the appropriate chemical tests to best enhance any marks for photography and forward on for fingerprint comparison
DNA Recovery	Recovery of cellular DNA and visible blood to forward on for analysis as appropriate

## TOXICOLOGY

<b>Service Title</b>	<b>Description of Task</b>
Road Traffic Act Offences – Section 5a	Analysis of blood samples for specified controlled drugs
Road Traffic Act Offences – Section 4	Analysis of blood and urine samples for alcohol and drugs
Road Traffic Offences – Section 5	Analysis of blood and urine samples for alcohol
Road Traffic (Alcohol Calculations)	Analysis of biological and non-biological samples for alcohol
Sexual Offences	Analysis relating to sexual offences cases
Other Criminal Offences	Analysis as required
Other Criminal Offences (Alcohol Calculations)	Analysis as required
Outsourcing	Case tracking
Road Traffic Conversion	Sec 5a to Sec 4

**APPENDIX B: SERVICE DELIVERY REQUESTS/PRIORITIES**

	PSoS
Priority 1	≤ 7 days
Priority 2	≤ up to 60 days
Priority 3	≤ up to 150 days
Bespoke	As required

	COPFS
7 day custody (7DC)	Within 7 days
FC Custody	42 days after the instruction in Sheriff & Jury cases
Priority Bail	42 days after FC in High Court cases
Priority Petition Warrants	60 days after the instruction
Pre-Petition Cases	4 months after the instruction
Bail	42 days after the instruction
CAP	7 weeks after the instruction
Death	7 weeks after the instruction



**APPENDIX C: CAPACITY TO END OF FY 2023/24**

(see FS Strategic Workforce Plan – April 2023)

	2022/23 Demand / mth	2022/23 Output / mth	2023/24 Baseline output / mth	2023/24 Baseline target +5% / mth
Biology	431	422	420	441
Biology Volume Crime Unit	430	404	405	425
Chemistry	39	43	45	47
Drugs	681	835	835	877
Fingerprints	342	319	350	368
Firearms	34	40	45	47
Imaging	451	462	450	473
Mark Enhancement	273	283	285	299

## APPENDIX D: KEY PERFORMANCE INDICATORS

	Compliance timescales
KPI 1	95% - 7DC cases completed if productions are delivered to lab within 4 hours of request.
KPI 2	95% - Volume Crime Unit (DNA only cases) completed within 21 working days from delivery of productions to the laboratory.  (Where the demand exceeds monthly capacity, or due to PSoS increasing the number of priority cases for operational reasons e.g. Op Virion, this may require priority triage with some cases extending to 30 day delivery).
KPI 3	95% of CJ DNA samples completed within 4 working days from delivery to the laboratory.
KPI 4	85 - 95% compliance to all COPFS urgent custody delivery date requests.
KPI 5	80 – 95% compliance to all COPFS required by delivery dates
KPI 6	75 – 85% compliance to PSoS priority 1 and 2 delivery dates
KPI 7	65% compliance to PSoS priority 3 delivery dates
KPI 8	90% of Scenes attended within 24 hours of request being received or from a scheduled requested date.



**FORENSIC SERVICES**

SCOTTISH POLICE  
**AUTHORITY**



CROWN OFFICE  
& PROCURATOR  
FISCAL SERVICE

SCOTLAND'S PROSECUTION SERVICE

MMXXIII