

Regulator: 'I want fingerprint bureaux to be accredited'

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A new code of practice concerning fingerprints will recommend that forces pursue an international standard for their bureaux – as well as their enhancement laboratories.

Forensic Science Regulator, Andrew Rennison (pictured), believes forces' practices around fingerprint comparison – between crime scene marks and prints – should also be subject to the BS/EN ISO17025 standard.

The standard, which is recognised internationally, ensures that organisations meet management and technical requirements concerning their practices.

As previously reported, the Association of Chief Police Officers (ACPO) had already agreed with Mr Rennison that forces should pursue accreditation to the standard for Fingerprint Enhancement Labs (FEL).

The deadline is November 2015 and means either forces, or their external forensic service providers (FSPs), should be accredited by the UK Accreditation Service (UKAS).

The new code will advise that forces also adhere to this standard for fingerprint comparison – and will explain how such accreditation can help with regard to the wider criminal justice system.

However no deadline has been set for this and Mr Rennison is hoping that compliance to the standard – and his code in future – will be legislated for. Currently, he has no statutory powers to demand that forces comply with codes. Meanwhile, compliance to the standard is at threat from a planned government pullout of European Union crime and policing measures in 2014. However, the service has chosen to pursue this regardless.

Recommendations follow contentious 1997 case

The code is set to be published in early February after being launched at Mr Rennison's own conference.

It will feature guidance in relation to fingerprint practices – including key recommendations taken from the Fingerprint Inquiry Scotland.

The inquiry dealt with complex fingerprints taken during the murder investigation of Marion Ross in 1997, including one that, it was claimed, belonged to Detective Constable Shirley McKie. The inquiry concluded that the mark did not in fact belong to Ms McKie and that fingerprints generally should be put forward as opinion evidence – rather than factual evidence thereafter.

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Mr Rennison said: “We have given serious consideration to all the recommendations (from the inquiry) and adopted them to the standard where appropriate.”

It is understood that the code will allude to recommendation 42 of Sir Anthony Campbell’s inquiry report, in relation to dealing with complex marks. It recommends that the marks should be compared to prints separately by three qualified examiners and that notes should be taken at each stage of the ACE-V process (Analysis, Comparison, Evaluation and Verification of a mark). At no stage should any of the examiners disclose their findings until they have all reached independent conclusions. They should then meet together and review the basis of their conclusions.

The report says: “Any differences of opinion among them should be discussed in order to determine whether the conclusion is reliable. A note should be kept of the matters discussed at the technical review meeting.”

Mr Rennison said he would circulate his code to forces, FSPs and other stakeholders once it is launched. It has already completed a consultation process and the final version is now being drawn up.

Regulator could get statutory powers to enforce measures

Meanwhile, the Home Office has said its consultation over the proposal to give the Regulator statutory powers will go live on Friday, November 8.

Some have questioned whether forces will have the funds to follow the regulator’s instructions – even if they are backed up by legislative powers. Additional costs for example, will inevitably follow when forces become further involved with UKAS.

Director of Communication for the Forensic Science Society (FSSoc), Karen Squibb-Williams, said there were other ways to get the sector to comply across the board.

She said: “Even if legislation providing statutory authority to the Forensic Science Regulator’s Codes of Practice and Conduct were to be passed, it is highly unlikely to be implemented for several years.

“In the meantime, each day, cases relying on fingerprint evidence are going through the courts and possibly producing a variety of outcomes.

“At best, all the Regulator can provide is advice and guidance; to actually implement the consistent uptake of best practice across England and Wales requires agreement and allocating of training resources from all law enforcement leaders, primarily chief constables and the Chief Executive of the new National Crime Agency, Keith Bristow.

“Another potential route that the FSSoc believes could deliver the same kind of implementation, is for a leading Court of Appeal judgement in a relevant case to be handed down.

“Alternatively it is possible that the new Lord Chief Justice may be minded to consider issuing a Practice Direction which would require compliance with the Regulator’s guidance.”