



# **“IT’S WITH FORENSICS!”**

AN INSPECTION OF  
FORENSIC SERVICES  
IN NORTHERN IRELAND

**FEBRUARY 2024**

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**February 2024**

Laid before the Northern Ireland Assembly under Section 49(2) of the Justice (Northern Ireland) Act 2002 (as amended by paragraph 7(2) of Schedule 13 to The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010) by the Department of Justice.

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# LIST OF ABBREVIATIONS

<b>CJI</b>	Criminal Justice Inspection Northern Ireland
<b>CSI</b>	Crime Scene Investigator
<b>DoJ</b>	Department of Justice (Northern Ireland)
<b>DNA</b>	Deoxyribonucleic Acid
<b>FSNI</b>	Forensic Science Northern Ireland
<b>ISO</b>	International Organisation for Standardisation
<b>k</b>	Thousand (£)
<b>m</b>	Million (£)
<b>pandemic</b>	COVID-19 as the official name issued by the World Health Organisation in 2020 for coronavirus.
<b>Police Service</b>	Police Service of Northern Ireland
<b>PPS</b>	Public Prosecution Service for Northern Ireland
<b>Programme Board</b>	Forensic Services Programme Board
<b>SPA</b>	Scottish Police Authority
<b>SPD</b>	State Pathologist's Department
<b>Strategy</b>	Northern Ireland Forensic Services Strategy 2021-26
<b>UK</b>	United Kingdom
<b>UKAS</b>	United Kingdom Accreditation Service

# CHIEF INSPECTOR'S FOREWORD

Forensic service professionals are the truth seekers who use science to objectively retrieve, analyse and interpret many types of information and material that can make the difference between a conviction and an acquittal.

Quality forensic services are the cornerstone of an effective criminal justice system; supporting decisions to prosecute and the administration of justice in the criminal Courts; it can be the difference between justice being served or not.

It is vital that Northern Ireland's criminal justice system is well served by forensic services that keep pace with scientific developments and the rate at which criminals are ever more creative in their offending, particularly in the digital and drug development space.

"It's with Forensics" is the often-quoted phrase that seems to be used as shorthand for delay in the progression of criminal cases. This inspection unpacks some of those "urban myths" and explains how some delays and duplication have reduced and how services can be better delivered to fulfill the intention and ambitions of the Forensic Service Strategy for Northern Ireland.

Funneling Department of Justice funding from the Police Service of Northern Ireland to Forensic Science Northern Ireland may not be the optimum model for efficient governance and accounting and the delivery of a more unified service.

Likewise, greater collaboration on human resource challenges, particularly the recruitment and retention of scientists and other professionals is needed in the face of competing private and public sector alternatives.

Underpinning all of this is a deep pride in quality science from dedicated leaders and staff who are keen to future proof services focused on robust, current and independent scientific analysis and innovation.

The budget pressures in the justice system should be driving leadership behaviours and pragmatic decision making to maximise opportunities for efficiencies in forensic service governance arrangements and service delivery.

This report makes five strategic and four operational recommendations to support future collaboration and successful strategy delivery.

I am grateful to Forensic Science Northern Ireland, the Police Service of Northern Ireland and Department of Justice officials for their co-operation during this inspection and to customers and stakeholders who engaged with Inspectors.

My thanks also to Deputy Chief Inspector James Corrigan, for leading this inspection supported by Tom Nelson, Forensic Specialist, and CJI Inspectors who carried out inspection fieldwork.



**Jacqui Durkin**

Chief Inspector of Criminal Justice  
in Northern Ireland

**February 2024**



# EXECUTIVE SUMMARY

Forensic services have become an integral part of the criminal justice system with an increasing number of criminal cases dependent on the quality of how exhibits have been retrieved, stored, submitted to laboratories, analysed and reported as expert evidence to the Courts. It has become an important element in informing decisions on charges, prosecution, pleas, bail, hearings and case outcomes and can help convict the guilty and establish the innocence of those wrongly accused and charged.

Most forensic services for Northern Ireland have been delivered by two criminal justice organisations. Forensic Science Northern Ireland has provided the widest range of scientific services including in biology, fingerprints, Deoxyribonucleic Acid (DNA), alcohol, drugs, toxicology, footprints, road traffic collision investigations, explosives, firearms and glass. Scientists have attended serious crime scenes, recovered evidence, undertaken analysis and prepared reports of findings to the Public Prosecution Service for Northern Ireland and the Courts. It had 178 full time equivalent staff in 2023, mostly working in scientific roles.

The Police Service of Northern Ireland, in common with police organisations across the United Kingdom and the Republic of Ireland, has developed scientific units which have specialised in evidence gathering at crime scenes using Crime Scene Investigators, Imagers and Surveyors. The Scientific Support Branch of the Police Service has also invested in new laboratories for fingerprints

and analysis of footwear as well as a Deoxyribonucleic Acid Submissions Unit. It had 143 police staff in 2023 and was part of the Operational Support Department. A Cyber Crime Centre has been developed within the Crime Department to deal with the huge increase in digital related crime. Most of its work was undertaken by Police Officers involving analysis of mobile phones, computers and Closed-Circuit Television (CCTV). It had 104 staff at time of inspection.

The inter-dependencies of these three business units formed the basis of the first joint Forensic Services Strategy 2016-19. That followed a recommendation by Criminal Justice Inspection in 2014 to develop a crime scene to Court model that would agree common outcomes and be delivered by joint decision-making structures. The implementation of that first Strategy led to improved relationships between providers and customers of forensic services with an annual Memorandum of Understanding between the Police Service of Northern

Ireland and Forensic Science Northern Ireland as the largest and most important business relationship. Joint governance structures were established which co-ordinated projects that improved demand modelling, attendance at crime scenes, streamlined authorisation processes for the submission of exhibits to laboratories, faster submission times for the submission of police exhibits to Forensic Science Northern Ireland and efficiency improvements around the processing of alcohol and toxicology samples.

A second Forensic Services Strategy for 2021-26 set four strategic priorities: collaborative and streamlined service provision; high quality and objective forensic services; modern, innovative and agile; and people focused. Progress in progressing these goals have formed the basis of this report with recommendations focused on areas of highest risk and scope for improvement. Examples of good practice and learning have been included.

New governance and oversight arrangements became operational during 2023 with the establishment of a Forensic Services Programme Board to provide strategic level support to the Minister of Justice on the delivery of the Strategy. The new Chair of the Board was the Director for Safer Communities in the Department of Justice. It differed from the previous Forensic Services Leadership Group in that its core membership was from the Police Service of Northern Ireland and Forensic Science Northern Ireland with stakeholders such as the Public Prosecution Service for Northern Ireland and the State Pathologist attending meetings as necessary.

The Department of Justice had a more formal role as the previous chairs of the governance and operational groups were Non-Executive Directors from Forensic Science Northern Ireland and the Police Service of Northern Ireland. Enhanced accountability arrangements were put in place to ensure that strategic decisions would have the support of respective organisational governance boards and be overseen by the Criminal Justice Board. Papers on significant strategic or cross cutting issues would need the agreement of the Minister. Similar governance arrangements to deliver a forensic science strategy for England and Wales was recommended by the House of Lords Science and Technology Select Committee in 2019.

Collaborative and streamlined service provision was a priority in the Forensic Services Strategy. A progress report on the first year of the Strategy 2021-22 confirmed that a series of discussions, meetings and a workshop were held to examine service delivery options. In early 2022, Department of Justice officials had briefed the Minister of Justice that the preferred model was to have forensic services delivered by one organisation rather than continue with the existing model of an overarching Governance Board setting the direction and priorities for the delivery of forensic services in three business areas within two organisations. Forensic Science Northern Ireland was the preferred option, though it would require a phased approach with consideration to achieving value for money, quality services and products, innovation and added value to customers and users. It was projected that the new model would not be fully delivered before 2030.



That position was not endorsed by the then Chief Constable of the Police Service of Northern Ireland, who stated that such a significant transformation project could not be prioritised due in part to budget constraints. The Police Service of Northern Ireland remained committed to the joint Strategy but required more evidence and costings for each phase rather than planning for an agreed end point. The long-term alignment of aspects of the Cyber Crime Centre with Scientific Support Services also remained under consideration by the Police Service of Northern Ireland at the time of fieldwork.

In 2023, the Forensic Services Programme Board announced the launch of a project to examine the feasibility of integrating respective fingerprints recovery services as well as firearms units. While it was a positive first step in reviewing service delivery, it did not provide clarity on the strategic way forward. At the time of fieldwork, there was no agreed end point for service provider(s), no timelines for completion, no decisions on additional funding for a transformation project, no decision on an overall funding model and no assessment of potential impacts for independence and public confidence in forensic services. Developing an agreed strategic plan for implementation of the service delivery model should be a priority for the Forensic Services Programme Board.

The Forensic Services Strategy proposed a 'more holistic' funding model so that 'scarce resources are aligned with priorities' which would most likely take the form of a single budget funded directly by the Department of Justice.

Most of the £34 million spent on forensic services in 2022-23 emanated from the Department of Justice. The Police Service of Northern Ireland had allocated £18.6 million to Scientific Support Services and £8 million to the Cyber Crime Centre from its policing budget in 2022-23. Forensic Science Northern Ireland expenditure of £17.5 million in 2022-23 included a £10.3 million transfer from Scientific Support Services as well as smaller amounts from other criminal justice customers and supplemented by the Department of Justice (£4.6 million in 2022-23).

The model of police led forensic services budgets has been based on practice from England and Wales, where the marketplace was more fragmented with 43 police forces procuring services from private sector laboratories or within their own organisations. A more centralised funding model has operated in Scotland. One of the benefits of the police led model has been the flexibility to quickly adjust budgets in response to changing needs and to protect spending – this was best demonstrated in 2023 when forensic services in the Police Service of Northern Ireland saw a modest budget increase as budgets were cut elsewhere in policing and across the criminal justice system. The Police Service of Northern Ireland has also been able to agree and monitor performance targets through an annual Memorandum of Understanding with Forensic Science Northern Ireland. Developing a more holistic funding model would need to protect some of the current benefits while at the same time addressing what was described as a 'complex and burdensome hybrid model' for Forensic Science Northern Ireland.

There was a view from staff in both organisations that multiple budgets were resource intensive involving numerous meetings, financial reports and oversight mechanisms. New funding arrangements could be in place for the 2025-26 financial year that could better enable the joint delivery of forensic services.

Close working relationships have been established with forensic services in Scotland and the Republic of Ireland. The three jurisdictions have comparable public funded laboratories offering a wide range of forensic services to criminal justice systems with one Police, Prosecution and Courts body with each also developing a more integrated service delivery model. The scope for greater mutually beneficial collaboration should be explored with options to develop shared centres of excellence.

The application of demand modelling, where policing forensic needs have been informed by data and trends such as crime patterns, has supported business planning in Forensic Services Northern Ireland and has marked a significant improvement since the last CJI inspection. It has also set a standard for demand modelling across the Police Service of Northern Ireland including the Cyber Crime Centre. An analysis of projected policing needs has helped to inform future investment decisions such as the building of new laboratories and purchase of new scientific equipment. A tender for new office and laboratory accommodation for Forensic Science Northern Ireland was issued in October 2023 with projected capital spend of £51 million.

How exhibits are recovered and protected from crime scenes has been critical as it determines the effectiveness of all other stages of the process. Getting it right first time has seen significant improvements in the tasking of Crime Scene Investigators, Imagers and Surveyors to scenes as well as the best use of scientists from Forensic Science Northern Ireland. The time from when exhibits were collected at crime scenes to their submission to the laboratory have been dramatically reduced. Areas of improvements include the need to raise forensic awareness among Police Officers, expand the use of and access to Forensic Case Conferences and implement better exhibit selection. The latter relates to reducing the number of exhibits collected at crime scenes in compliance with agreed principles on proportionality and making best use of scarce resources. Options for its scope and application should be agreed and implemented taking account of the Attorney General's Guidance on early consultation between the Public Prosecution Service for Northern Ireland and Reporting Officers.

A focus on sustaining and improving quality has seen a wider range of services externally accredited in Forensic Science Northern Ireland and Scientific Support Branch and work commenced in preparing Cyber Crime for accreditation. It has also helped to provide assurance on the operational independence of forensic services, which has been critical to public confidence and the administration of justice in the Courts. It has been resource intensive as parallel and similar quality management systems have been developed in both organisations. The benefits of a joint approach should be progressed.

The biggest operational challenge for forensic services was people related. Services were under strain from increasing numbers of vacancies especially in Forensic Science Northern Ireland caused by slow recruitment and the loss of staff due to retirements and better opportunities elsewhere. While staff were strongly committed to their work and its value to the criminal justice system, there were deep concerns in both organisations on the lack of recognition reflected in relatively low pay awards, a lack of progress on the grading of posts, the criteria for promotion and career pathways and succession planning. Many staff referred to a reliance on overtime to cover gaps in services and the increasing negative impacts for staff wellbeing. While some of these issues were outside the control of an individual organisation, there was a need to re-focus efforts on investing in the most important asset in the delivery of forensic services. Developing a joint workforce plan has been recommended. This should be accompanied by improvements to workforce communications to ensure that key messages reach all staff, though the loss of suitable meeting space in Forensic Science Northern Ireland had negatively impacted staff interactions and remote video meetings had some limitations.

Measuring the impact and value of forensic services for the wider criminal justice system remains a priority and the Value Project needs to be implemented to achieve a return on what has been a significant investment and recorded success to date. Customers and stakeholders commented on the importance of forensic services and how aspects such as support to Coroners' inquests was better than comparable services in England and Wales. However, the lack of performance information in relation to end-to-end timeliness and relatively little benchmarking data with forensic services in other jurisdictions had left a gap in understanding the value of forensic services. Investment decisions on innovation and research and development will need to be informed on achieving best value and results in line with the priority outcomes set by the draft Programme for Government and the Policing Plan.

# RECOMMENDATIONS

## STRATEGIC RECOMMENDATIONS

### STRATEGIC RECOMMENDATION 1

The Forensic Services Programme Board should develop an agreed strategic plan for implementation of the service delivery model which should be presented to the Criminal Justice Board within one year of publication of this report. It should include a business appraisal of options.

**(paragraph 2.14)**

### STRATEGIC RECOMMENDATION 2

The Department of Justice in conjunction with the Forensic Services Programme Board should develop a new forensic services funding model to enable, and fit with, service delivery model with first changes in place for 2025-26 financial year.

**(paragraph 2.23)**

### STRATEGIC RECOMMENDATION 3

The Forensic Services Programme Board should develop further options to promote mutually beneficial operational co-operation with forensic services in Scotland and the Republic of Ireland.

**(paragraph 2.28)**

### STRATEGIC RECOMMENDATION 4

Forensic Science Northern Ireland and the Police Service of Northern Ireland, in consultation with the Public Prosecution Service for Northern Ireland, should develop a Plan on extending the application of proportionality from crime scene to Court. The Plan should be presented to the Forensic Services Programme Board within six months of the publication of this report. Implementation of the Plan should be completed within one year of agreement. It should include an action plan to implement the Attorney General's Guidance on early consultation between the Public Prosecution Service and Reporting Officers.

**(paragraph 3.40)**

## STRATEGIC RECOMMENDATION 5

The Forensic Services Programme Board should commission a joint Workforce Plan with agreed actions in place within six months of publication of this report. Working Groups in the Police Service of Northern Ireland and Forensic Science Northern Ireland should present actions to their respective senior management decision making bodies.

**(paragraph 3.61)**

## OPERATIONAL RECOMMENDATIONS

### OPERATIONAL RECOMMENDATION 1

The Police Service of Northern Ireland should consult with Forensic Science Northern Ireland and the Public Prosecution Service for Northern Ireland, as part of the Working Together project, to maximise the benefits of forensic case conferences. Enhanced training and development should be available to Senior Investigating Officers.

**(paragraph 3.23)**

### OPERATIONAL RECOMMENDATION 2

The Forensic Services Programme Board should develop a joint approach to quality assurance including a plan for retaining and extending quality accreditation by the United Kingdom Accreditation Service.

**(paragraph 3.50)**

### OPERATIONAL RECOMMENDATION 3

The Forensic Services Programme Board should complete the implementation of the Value Project.

**(paragraph 4.17)**

### OPERATIONAL RECOMMENDATION 4

The Department of Justice, Forensic Science Northern Ireland and the Police Service of Northern Ireland should develop a plan for joint agreement on research and development within six months of publication of this report. The Forensic Services Programme Board should have oversight of implementation.

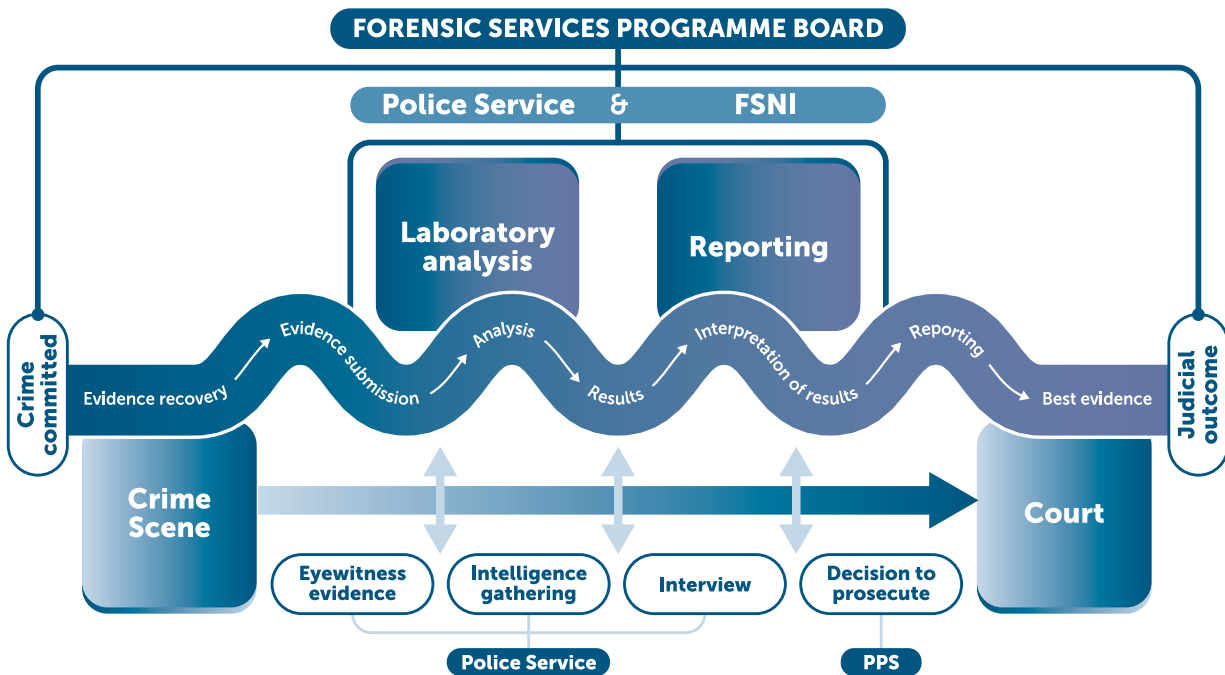
**(paragraph 4.24)**

# CHAPTER 1: INTRODUCTION

## OVERVIEW

1.1 Forensic services are included throughout criminal cases from evidence search recovery at crime scenes, analysis (mostly in laboratories) and reporting of results to customers and the Courts. Forensic services have increasingly helped to determine whether a crime has been committed, establishing the causes of crime and deaths, the identification and elimination of suspects and linking crimes and the sequences of events. It has become a critical element in informing decisions on charges, prosecution, pleas, bail, hearings and case outcomes leading to big increases in demands from criminal justice customers. The growing importance of forensic services and its challenges has led to greater scrutiny across many criminal justice jurisdictions including a United Kingdom (UK) House of Lords debate in 2021<sup>1</sup>, which was preceded by a Home Office and Policing review for England and Wales in 2018.<sup>2</sup>

**Diagram 1: Crime Scene to Court Model for Forensic Services in Northern Ireland**

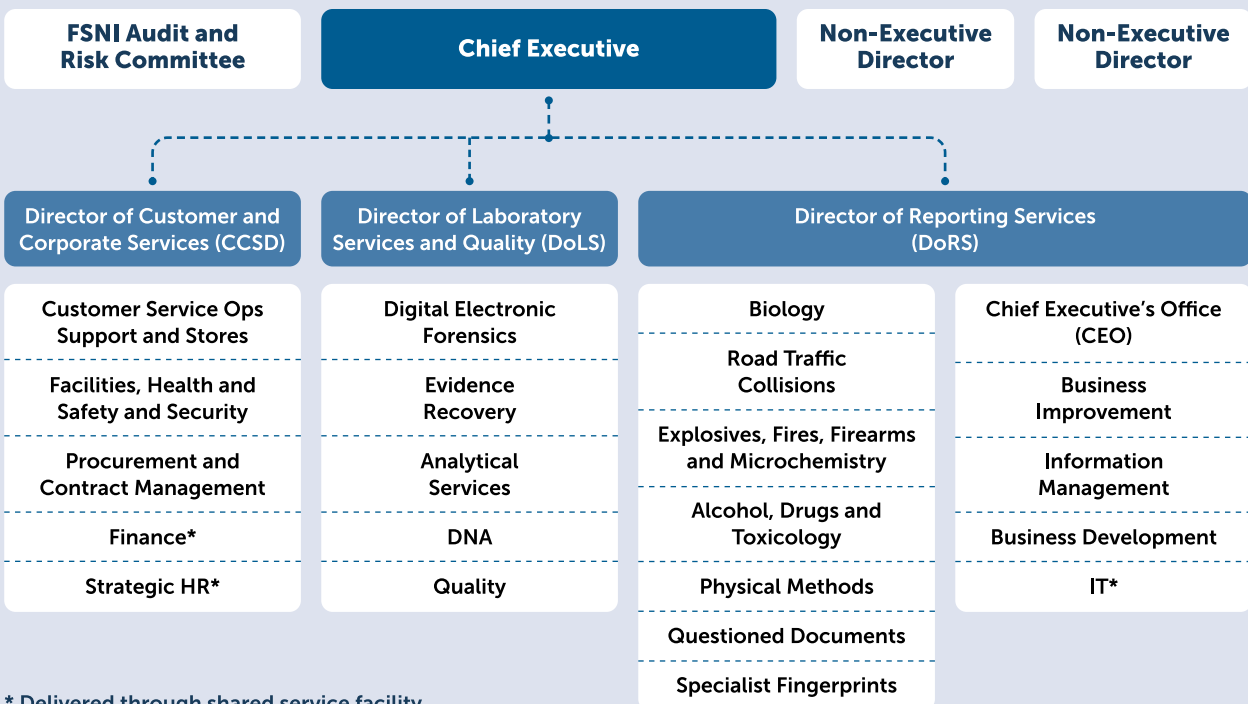


1 UK Parliament, *Forensic Science and the Criminal Justice System (S&T Committee Report) Volume 811* debated on Monday 26 April 2021 available at <https://lordslibrary.parliament.uk/forensic-science-services-and-the-criminal-justice-system/#What%20Are%20Forensic%20Science%20Services>

2 Home Office, Association of Police and Crime Commissioners and National Police Chiefs' Council, *Review of the provision of forensic science to the criminal justice system in England and Wales and Implementation Plan April 2019* available at <https://www.gov.uk/government/publications/joint-review-of-forensics-2018-and-implementation-plan>

- 1.2 There are two principal public sector suppliers of forensic services to the Northern Ireland Criminal Justice System – Forensic Science Northern Ireland (FSNI) and the Police Service of Northern Ireland (Police Service). Most funding has been provided by the Department of Justice (DoJ). Alternative providers (mainly private sector laboratories/individuals) have been procured by FSNI and criminal justice organisations when the expertise or capacity was not available in Northern Ireland and defence solicitors always use other providers on behalf of their clients. FSNI and the Police Service also support the Coroners Service for Northern Ireland and the State Pathology Department in their work relating to unexpected and suspicious deaths.
- 1.3 The FSNI is an Executive Agency of the DoJ with a vision *'to be a world class provider of integrated forensic science services'* together with a mission of *'scientific excellence delivered in partnership supporting justice for all'*. FSNI assert that they provide one of the most comprehensive ranges of forensic services which included Biology, DNA, specialist fingerprints, alcohol, drugs, toxicology, footwear, road traffic collisions, explosives, fires, microchemistry, firearms, questioned documents, calibration services and physical methods (Diagram 2). The laboratory was originally opened in 1956 and has been based in Carrickfergus since 1992.

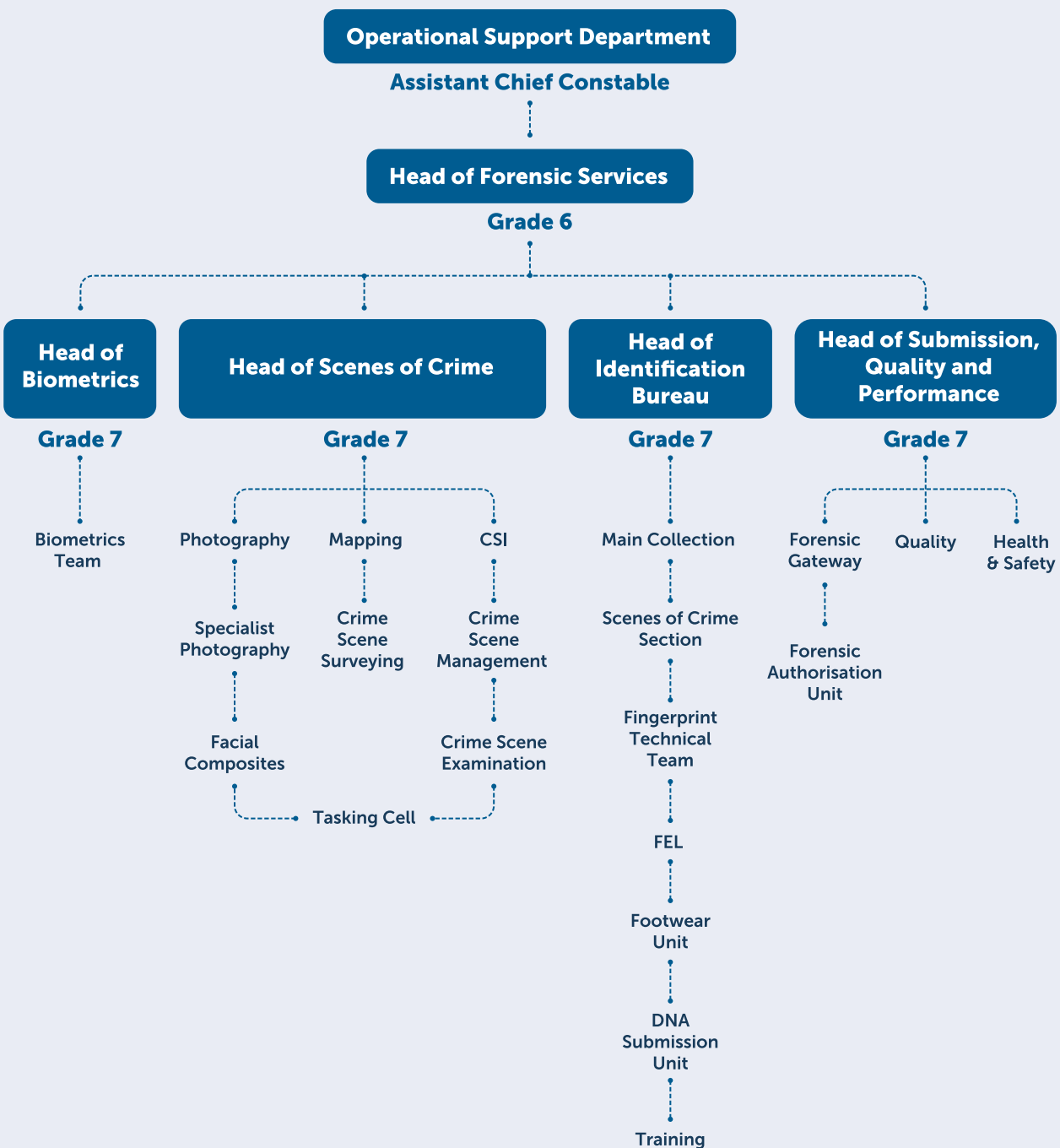
**Diagram 2: FSNI Organisational Structure 2023**





1.4 Forensic services in the Police Service has been delivered by two units based in separate Departments. The Scientific Support Branch, in the Operational Support Department, states its purpose is to provide the Police Service with 'access to high quality, effective, efficient forensic capability, delivered within a timely manner to help maximise scientific opportunities to assist in the identification of offenders and improve public confidence.' It has produced and circulated its 'Plan on a Page' which has helped to raise awareness of its strategic priorities. It had four sub-branches at time of fieldwork (Diagram 3).

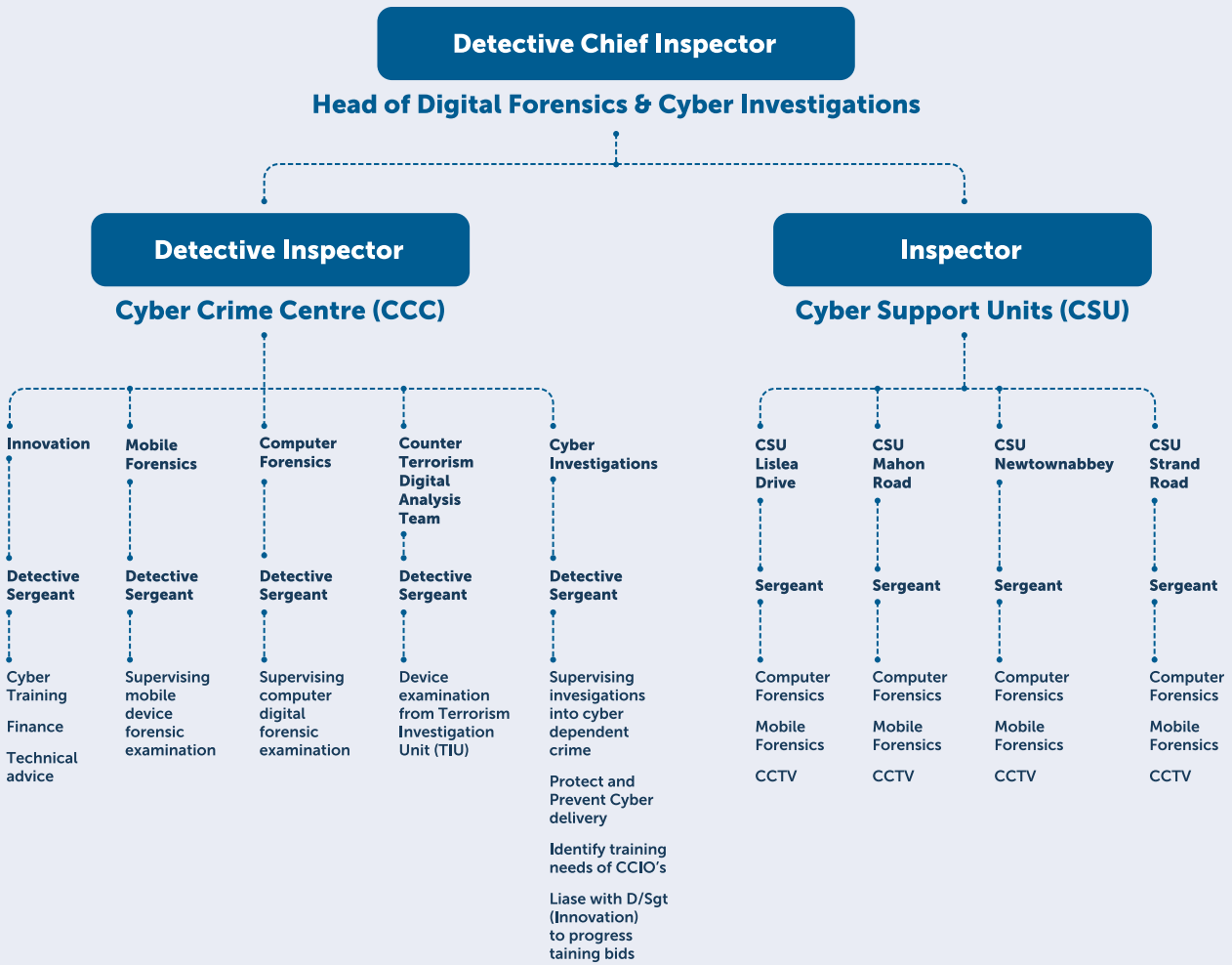
**Diagram 3: Scientific Support Organisational Structure 2023**





- 1.5 The scenes of crime sub-branch included Crime Scene Surveyors, Imaging Officers and Crime Scene Investigators (CSIs). Crime Scene Surveyors provided a specialist mapping service, attending serious crime scenes and serious and fatal road traffic collisions. Imaging Officers carried out specialist photography as well as attending serious crime scenes. The CSIs attended crime scenes to locate, protect, record, recover and advise on forensic evidence and intelligence.
- 1.6 The Identification Bureau carried out fingerprints, footwear and DNA submissions to FSNI and limited interaction with the National DNA Database. It received fingerprints and footwear images from Police Service Custody Suites along with fingerprints, footwear marks and exhibits recovered from crime scenes. The exhibits for fingerprint enhancements were chemically treated in the Fingerprint Enhancement Laboratory. The DNA Unit and Biometric Retention Team was responsible for the receipt of Single Sample DNA and temporary storage before delivery to FSNI. The Unit also manages the deletion/destruction of samples. FSNI managed the data held on the Northern Ireland DNA Database and National DNA database on behalf of the Chief Constable including deleting profiles and physically destroying samples (subject samples).
- 1.7 The Forensic Submissions, Quality and Performance Team had a cross-cutting remit to develop and implement improvements as well as manage relationships with FSNI. Most of Scientific Support Services was based in Carrickfergus with regional bases primarily used by CSIs. Police staff had delivered these services under the direction of a Grade 6.
- 1.8 The Cyber Crime Centre has been based in the Crime Department within the Organised Crime Branch and primarily staffed by Police Officers. It developed and expanded to support serious crime and has four cyber crime units including a purpose built building in South Belfast for advanced digital evidence analysis (Diagram 4).

**Diagram 4: Cyber Crime Organisational Structure 2023**



1.9 The last CJI report on forensic services was published in February 2014 with six recommendations to FSNI, the Police Service and the DoJ.<sup>3</sup> Progress against these recommendations is assessed in this report. Previous CJI inspections of FSNI were published in 2009<sup>4</sup> and 2005<sup>5</sup>. A separate inspection of Scientific Support Services<sup>6</sup> in the Police Service was published jointly with the then Her Majesty's Inspectorate of Constabulary in 2005. Follow-Up Reviews of FSNI<sup>7</sup> and Scientific

3 CJI, *Forensic Science Northern Ireland, February 2014* available at <http://www.cjini.org/TheInspections/Inspection-Reports/2014/January---April/Forensic-Science-Northern-Ireland>

4 CJI, *Inspection of Forensic Science Northern Ireland, July 2009* available at <http://www.cjini.org/getattachment/35679521-aff7-4466-8447-279a311e6112/Inspection-of-Forensic-Science-Northern-Ireland.aspx>

5 CJI, *Inspection of Forensic Science Northern Ireland, December 2005* available at <http://www.cjini.org/getattachment/964ffb42-a8e4-4981-88c4-d49548220956/Forensic-Science-December-2005.aspx>

6 CJI, *A Review of Scientific Support Services in the Police Service of Northern Ireland, December 2005* available at <http://www.cjini.org/getattachment/6dc422a6-10ff-4031-8247-d1f48faa1e5a/Scientific-Support-Services-in-the-Police-Service-of-Northern-Ireland-December-2005.aspx>

7 CJI, *Forensic Science Northern Ireland A Follow-Up Review of the inspection recommendations, August 2007* available at <http://www.cjini.org/getattachment/34ff67e6-c8d5-439f-b1ff-5c694e35a35d/Forensic-Science-August-2008.aspx>

Support Services<sup>8</sup> were published in 2007. A CJI inspection report on Cyber Crime was published in 2017<sup>9</sup> with a Follow- Up Review conducted in parallel with this inspection to avoid any duplication of work and findings.

- 1.10 FSNI and the Scientific Support Branch completed a self-assessment prior to fieldwork, which has greatly assisted evidence gathering, identification of risks and challenges and targeting of CJI resources. The self-assessments have demonstrated an openness to how services are delivered and are an indicator of continuous learning and dealing with areas for improvement. They have also helped to inform the rationale for the recommendations in this report.
- 1.11 The Inspection Team comprised five CJI Inspectors together with a forensic science expert with previous management and operational experience from Scotland. Inspectors valued the opportunity to conduct most meetings in person and to hear the views of leaders, management, staff, customers, the legal professions and stakeholders. A visit to Forensic Services within the Scottish Police Authority (SPA) took place at the end of fieldwork and included meetings with senior management. More information on the inspection methodology and fieldwork is included in Appendix 2.
- 1.12 Forensic services continued to deliver its services during the COVID-19 pandemic (the pandemic). Many staff were classified as essential workers with a requirement to work at crime scenes and within laboratories, regularly liaise with customers and participate in remote and restricted Court hearings. It was also a time of increasing public sector austerity and pressures on budgets, which coincided with the collapse of the Northern Ireland Executive and Assembly in February 2022 and no Minister of Justice. In addition, the Chief Constable of the Police Service and the Chief Executive of FSNI had left their respective organisations as fieldwork for this inspection was completed.

8 CJI, *Scientific Support Services in the Police Service of Northern Ireland A Follow-Up Review of the inspection recommendations, August 2007* available at <http://www.cjini.org/getattachment/acd09605-0414-48a3-8365-1cc3ad82cdd8/Scientific-Support-Services-August-2008.aspx>

9 CJI, *Cyber Crime: An inspection of how the criminal justice system deals with Cyber Crime in Northern Ireland June 2017* available at <http://www.cjini.org/TheInspections/Inspection-Reports/2017/April-June/Cyber-Crime>

## CHAPTER 2: **STRATEGY AND GOVERNANCE**

### **FORENSIC SERVICES STRATEGY**

- 2.1 The first joint criminal justice Forensic Services Strategy 2016-19 was completed and published in 2015,<sup>10</sup> which followed a 2014 recommendation by CJI that ***the DoJ, in partnership with the main criminal justice agencies, should complete a strategy for forensic services. The strategy should present options for the funding and integrated delivery of forensic services from crime scene to Court.***
- 2.2 Management and oversight of the 2016-19 Forensic Services Strategy was placed with a Forensic Services Leadership Board comprised of senior management from the Police Service, FSNI and criminal justice stakeholders – the first time that the main criminal justice organisations were jointly responsible for an agreed crime scene to Court model of service delivery. It was chaired by retired His Honour Judge Burgess CBE who was a Non-Executive Director for FSNI. Similar governance arrangements to deliver a forensic science strategy for England and Wales was recommended by the House of Lords Science and Technology Select Committee in 2019.<sup>11</sup> That report found that the forensic services marketplace has become fragmented with 43 police forces procuring services from private sector laboratories or within their own organisations.
- 2.3 Members of the Forensic Services Leadership Board stated that it had achieved significant results by formalising and improving relationships between FSNI and the Police Service and engaging with key criminal justice stakeholders. A benefits realisation report found efficiency improvements at crime scene attendance, police submissions of exhibits and performance reporting as well as reduced delays due to a mapping project of the scientific analysis of alcohol and toxicology. Most of these improvement projects were led by a specialist Forensic Services Operational Group of section managers from FSNI, the Public Prosecution Service for Northern Ireland (PPS) and the Police Service (including Scientific Support Branch and Cyber Crime). There was also a joint Innovation and Delivery Group which had representation from the two forensic services providers as well as the PPS. It co-ordinated and delivered a number of development projects.

10 DoJ, *Forensic Services Strategy 2016-19* available at <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/forensic-services-strategy-2016.pdf>

11 House of Lords Science and Technology Select Committee, *Forensic science and the criminal justice system: a blueprint for change, 3rd Report of Session 2017-19, 1 May 2019* p. 3 available at: <https://lordslibrary.parliament.uk/forensic-science-and-the-criminal-justice-system/>

- 2.4 A second Forensic Services Strategy 2021-26 (the Strategy) was launched by the Minister of Justice in March 2021. The DoJ, FSNI and the Police Service were the key partners.<sup>12</sup> It had four strategic priorities: collaborative and streamlined service provision; high quality and objective forensic services; modern, innovative and agile; and people focused. Each priority was linked to outcomes, which in turn were aligned with the key issues facing the criminal justice system.

## SERVICE DELIVERY MODEL

- 2.5 The Minister of Justice's Foreword to the Strategy stated a key deliverable as the cross-organisational review of the service delivery model to meet the needs of the criminal justice system. The DoJ together with forensic services providers and customers, acknowledged that the public sector model had provided stability over the past decade but were also concerned about the sustainability of a service which had seen increased and changing demands, the need for new investment in laboratories and people, sustaining and demonstrating quality processes and the importance of maintaining independence. This was getting more difficult as budgets were cut and efficiency savings were getting harder to deliver.
- 2.6 A more integrated/unified model for delivering forensic services could address these challenges by reducing duplication, streamlining processes and providing economies of scale. The Strategy did not provide an agreed service delivery model. It referred to the potential for greater integration using the crime scene to Court model as advocated by CJI in 2014 and the intention to establish a workstream to explore unified service provision, explore and evaluate options and recommend a preferred approach. A published progress report on the first year of the Strategy for 2021-22 showed that discussions, meetings and a workshop had taken place to explore options.<sup>13</sup>
- 2.7 By April 2022, officials had briefed the Minister of Justice that the preferred model was to have forensic services provided by one organisation. The existing model of an overarching Leadership Board setting the direction and priorities for the three business areas was discounted as it would create barriers to the extent of integration possible with the potential to create conflict between organisational governance and the Leadership Board. A second option to establish a new forensic services organisation was considered too complex. The remaining options were a centralisation of services in the Police Service or with FSNI. The former would deliver benefits of economies of scale but was not favoured as the Police Service wanted to commission services from FSNI as an independent organisation. The integration of services into Forensic Science Northern Ireland was the preferred option.

12 DoJ, *Northern Ireland Forensic Services Strategy 2021-26* available at <https://www.justice-ni.gov.uk/sites/default/files/publications/justice/ni-forensic-strategy-21-26.pdf>

13 DoJ, *Year one progress report: forensic services strategy 2021-26, November 2022* available at <https://www.justice-ni.gov.uk/publications/year-one-progress-report-forensic-science-strategy-21-26>

- 2.8 The Minister of Justice, in her communication to stakeholders, stated that the project would require phasing, value for money, quality measures, innovation, value of forensics, benchmarking and feedback from service users and would not be completed until 2030.
- 2.9 That position was not endorsed by the then Chief Constable of the Police Service of Northern Ireland who stated in October 2022 that such a significant transformation project could not be prioritised as the Police Service *'neither has the capacity or financial means, in the short term, to prioritise what will be a significant transformation project'*. The Police Service remained committed to the joint Strategy but required more evidence and costings for each phase rather than planning for an end point. At the time of fieldwork, the Police Service had also confirmed to CJJ that the long-term alignment of aspects of the Cyber Crime Centre with Scientific Support Branch remained under consideration by the Police Service.
- 2.10 The previous collaborative model was under considerable strain during 2022 as the existing governance and leadership structures were replaced by high level meetings between the DoJ, FSNI and the Police Service. While the joint operational groups continued to meet and the Police Service continued to be represented at the FSNI Leadership Board, the joint Leadership Board for the Strategy did not have a formal meeting and the Chairman sent an update report to members in September 2022 as there was no meeting for more than five months.
- 2.11 It also coincided with the decision by FSNI to cease its own digital forensic services in 2022, due to reduced demand from the Police Service as it was meeting its own needs through the Cyber Crime Centre. FSNI were unable to sustain required staff competencies. This was not signalled in year one progress report on the Strategy where the focus was still on collaboration between the two providers. It meant that the forensic needs of the Office of the Police Ombudsman could no longer be delivered by the criminal justice system in Northern Ireland as using the Police Service would have been inappropriate and not feasible in view of perceived conflicts of interests and independence. The Office of the Police Ombudsman estimated higher costs in the procurement of an external provider of forensic services.
- 2.12 By 2023 the Programme Board had agreed an incremental approach with the launch of two projects.<sup>14</sup> The member organisations agreed to produce evidence-based recommendations papers on the feasibility of integrating Specialised Fingerprint as well as Firearms Units in FSNI and the Police Service.

14 DoJ, 'Forensic Services Strategy' Service Delivery Model Project Launch, 31 August 2023 available at <http://nics.intranet.nigov.net/justice/news/forensic-services-strategy-service-delivery-model-project-launch>

- 2.13 No decision had been taken on the service delivery model. At the time of fieldwork, there was no agreed end point for service provider(s), no timelines for completion, no decisions on additional funding for a transformation project, no decision on an overall funding model and no assessment of potential impacts for independence and public confidence in forensic services. It has also created additional uncertainty for staff in the Police Service and FSNI. The absence of an agreed position and a strategic plan on a service delivery model has increased the levels of risk and needs to be addressed as a priority by the Forensic Services Programme Board.
- 2.14 The importance of operational independence in the fairness, impartiality and reliability of forensic services was raised by forensic service providers, their customers and representatives of the legal professions. It was also important for management, scientists and staff working across the two organisations. The Police Service, PPS and FSNI were provided with Guidance from the Attorney General for Northern Ireland in 2016 on co-operation and operational independence to ensure compliance with international human rights standards.<sup>15</sup> The Guidance stated that each organisation's roles *'must be carried out with independence and objectivity [...] should have sufficient resources to carry out its work to a sufficiently rigorous standard and, in particular, with appropriate scientific analysis.'* It also stated that *'effective and appropriate co-operation and communication, are crucial factors in improving efficiency and in reducing unnecessary delay in the criminal justice system.'* It is important that decisions on the future service delivery model are informed by this Guidance.

### STRATEGIC RECOMMENDATION 1

The Forensic Services Programme Board should develop an agreed strategic plan for implementation of the service delivery model which should be presented to the Criminal Justice Board within one year of publication of this report. It should include a business appraisal of options.

## GOVERNANCE

- 2.15 The role of the Programme Board has been set out in revised Terms of Reference provided to CJI at the time of fieldwork. It would be chaired by the Grade 3 Director of Safer Communities with senior management from FSNI (Chief Executive and three Directors) and the Police Service (Assistant Chief Constable for Operational Support and heads of Scientific Support Branch, Cyber Crime Centre and Transformation). It was intended to provide for a stronger element of collective ownership and cross-departmental decisions with members responsible

<sup>15</sup> Attorney General for Northern Ireland, *Human Rights Guidance for the Police Service for Northern Ireland, the Public Prosecution Service and Forensic Science Northern Ireland Cooperation and Operational Independence No 12 October 2016* available at <https://www.attorneygeneralni.gov.uk/publications/police-service-northern-ireland-public-prosecution-service-and-forensic-science>



for implementation in their respective areas of responsibility.<sup>16</sup> It was stated that decisions taken by the Programme Board would still require the support of the respective organisational governance boards – the FSNI Leadership Board; Transformational Change Board/Strategic Management Board in the Police Service and DoJ Departmental Management Board.

- 2.16 The focus on 'enhanced accountability' was strengthened with the facility to report directly to the Criminal Justice Board. Papers on significant strategic or cross-cutting issues such as the service delivery model would be shared with the Criminal Justice Board and agreed by the Minister of Justice.
- 2.17 The Programme Board would have representation from other stakeholders who would attend when relevant – these were listed as the Assistant Director, Serious Crime Unit in the PPS, a member of the Judiciary, the State Pathologist, Coroner and an independent member. Having access to their expertise should enhance and inform decision making and there is potential to have an independent subject expert to better inform science and practice.

## FUNDING MODEL

- 2.18 CJI's 2014 report recommended that **options for the funding...of forensic services** should be developed to better align with the crime scene to Court model of service delivery. In Scotland, where a more integrated crime scene to Court model has operated, the Scottish Police Authority has approved the allocation of one forensic services budget for the criminal justice sector.<sup>17</sup>
- 2.19 The Strategy has a commitment '*to consider a more holistic view of the funding model to ensure that scarce resources are aligned with priorities across the complete forensic portfolio*'. There was an associated action to review the funding arrangements and for a work stream to identify options in a report to stakeholders.
- 2.20 In 2022, the Minister of Justice confirmed that the funding model would be adjusted to suit the proposed service delivery model with a preference that forensic services should be funded directly by the DoJ. The Non-Executive Director's Report in the FSNI Annual Report also presented '*a strong argument for single source funding*'.<sup>18</sup>

16 This approach will be subject to the operational independence of the Chief Constable.

17 The Scottish Police Authority approved the allocation of a £1.4 billion policing budget for the financial year 2023-2024 which involved an allocation of £44.5 million (3.4%) for Forensic Services.

18 Forensic Science Northern Ireland, Annual Report and Accounts 2022-23, 20 July 2023 available at [https://www.justice-ni.gov.uk/sites/default/files/publications/justice/Forensic%20Science%20NI%20Annual%20Report%20and%20Accounts%202022-23\\_Web%20A....pdf](https://www.justice-ni.gov.uk/sites/default/files/publications/justice/Forensic%20Science%20NI%20Annual%20Report%20and%20Accounts%202022-23_Web%20A....pdf)



- 2.21 The decision to move ahead with a phased implementation of the service delivery model in 2023 was not accompanied by any information on funding arrangements. In effect, the hybrid model has been retained to reflect the slower pace of delivery. There is merit in viewing the funding arrangements as an enabler rather than reflecting or perhaps impeding the pace of change.
- 2.22 A decision on whether to implement a single budget for forensic services should also be informed by how the existing arrangements have operated. In general, there was support for a simplified approach to address what was described as 'a complex and burdensome hybrid model'. A funding arrangement that could reduce time and effort in dealing with multiple financial controls and processes could also mean realising efficiencies to allocate more resources to science activities.
- 2.23 There was also some caution that moving to a single budget could reduce the effectiveness of local performance management arrangements which had helped to deliver improvements such as faster turnaround times for forensic analysis and reporting of results. The annual Memorandum of Understanding between the Police Service and FSNI, which has matched policing needs and budget with available FSNI capacities, has also provided benchmarks and standards of performance, quality and value for money. A Service Level Agreement between Scientific Support Branch and the Police Service has also helped to demonstrate the value of forensic services and informed policing priorities. Replicating the benefits of these local arrangements should form part of planning for a new funding model.

## STRATEGIC RECOMMENDATION 2

The Department of Justice in conjunction with the Forensic Services Programme Board should develop a new forensic services funding model to enable, and fit with, service delivery model with first changes in place for 2025-26 financial year.

## COLLABORATION

- 2.24 Other neighbouring jurisdictions have developed their own forensic service strategies such as Scotland, where a public sector model is led by the Scottish Police Authority and covers the period 2021-26.<sup>19</sup> Key developments in the Republic of Ireland have included the construction of a new forensic science laboratory and the incorporation of the Garda Síochána Technical Bureau into Forensic Science Ireland in 2019, which was a recommendation of the Garda Síochána Inspectorate report in 2015.<sup>20</sup> Crime scene services including mapping, photography and scene management remained with An Garda Síochána.

19 *Forensic Services SPA, Forensic Strategy: Delivering excellence in forensic science for a safe and resilient Scotland September 2021* available at <https://www.spa.police.uk/spa-media/tdoptq0u/forensic-strategy-report-final.pdf>

20 *Garda Inspectorate, Changing Policing in Ireland November 2015* available at <https://www.gsinsp.ie/changing-policing-in-ireland/>

- 2.25 All three jurisdictions have retained public sector models for forensic services involving central government funding and capital investments in new laboratories. They also have one primary police customer, broadly similar profiles of crime but are also dealing with challenges such as implementing new service delivery models, protecting quality and scientific excellence, managing rising demands while delivering efficiencies and investing in skills and innovation. FSNI managers and staff reported 'excellent working relationships' with colleagues in Scotland and Ireland.
- 2.26 Expanding the scope and opportunities for greater collaboration can be progressed by respective forensic science organisations, but critical to its success will be the support of Governments and their police forces. The UK and Republic of Ireland have committed to share information to combat terrorism and international crime and work has been undertaken with specific reference to forensic science.<sup>21</sup>
- 2.27 An Intergovernmental Agreement on Co-operation on Criminal Justice Matters, which is in place between Northern Ireland and the Republic of Ireland since 2011, provides a framework for increasing and enhancing co-operation on criminal justice matters.<sup>22</sup> Within the framework of the Agreement, Ministers led co-operation across a range of areas including work of a Project Advisory Group for forensic science. The Project Advisory Group on Forensic Science reported in September 2022 that *'it is our view that good progress is being made, that the co-operation is meaningful and of practical value for both organisations.'* That included occasional case support and technical exchange in the event of significant loss of capacity or capability.
- 2.28 There is considerable scope to further enhance mutually beneficial co-operation between forensic services in Northern Ireland and the Republic of Ireland through the framework of the Intergovernmental Agreement and with Scotland through existing close working relationships. Developing specialised units across jurisdictional boundaries should provide benefits beyond economies of scale such as exchanges of staff, research and innovation and the development of new/enhanced services. Forensic services practitioners have outlined the opportunities to Inspectors and there is now an onus on officials and senior management to provide a framework to evaluate options and approaches.

### STRATEGIC RECOMMENDATION 3

The Forensic Services Programme Board should develop further options to promote mutually beneficial operational co-operation with forensic services in Scotland and the Republic of Ireland.

21 The United Kingdom and the Republic of Ireland have been responsible for overseeing the overall implementation of EU Council Decision 2008/616/JHA, known as the Prüm Decision to put in place mechanisms to enable the exchange of various types of information with other EU Member States in order to combat terrorism and international crime. The Police Service was the lead force for the introduction of Prüm VRD within the UK.

22 A bilateral agreement was signed on 8 June 2011 by Mr. David Ford, M.L.A., Minister of Justice, Northern Ireland Executive and Mr. Alan Shatter T.D., Minister for Justice and Equality, Government of Ireland, which aimed to foster scientific and technical cooperation between Forensic Science Northern Ireland (FSNI) and Forensic Science Ireland (FSI).

# CHAPTER 3: DELIVERY

3.1 The delivery of forensic services is primarily the responsibility of the Police Service and FSNi working to the strategic vision and priorities of the joint Strategy and their respective Corporate and Business Plans. The core activities of both organisations have been examined and assessed against these priorities, objectives and targets. Progress in implementing the 2014 CJi inspection report recommendations as well as examples of good practice have been included.

## BUDGET

3.2 Most of the £34 million spent on forensic services in 2022-23 emanated from the Department of Justice with a smaller amount provided directly to the Police Service from the UK Treasury. It was subsequently allocated by the Police Service to its Scientific Support Branch (£18.6 million) and the Cyber Crime Centre (£8 million). FSNi expenditure of £17.5 million in 2022-23 included a £10.3 million transfer from Scientific Support Branch (from its budget of £18.6 million) as well as smaller amounts from other criminal justice customers. Capital spending was relatively low at £1.6 million.

**Table 1 Forensic Services Expenditure 2022-23 (£ millions)**

	Scientific Support Services	Cyber Crime	FSNI
<b>Resource</b>	<b>£18.6</b>	<b>£8.0</b>	<b>£16.1</b>
<b>Capital</b>	<b>£0.2</b>	<b>£0.0</b>	<b>£1.4</b>
<b>Transfer</b>	<b>£0.0</b>	<b>£0.0</b>	<b>-£10.3</b>
<b>Total</b>	<b>£18.8</b>	<b>£8.0</b>	<b>£7.2</b>

\* FSNi and Police Service expenditure figures are not fully comparable

3.3 The operation of a hybrid budget by FSNi was presented as a financial risk in its Annual Report and Accounts for 2022-23. It stated that the Agency was reliant on one customer which accounted for 90% of total revenue income. Other sources of income were relatively small from criminal justice customers – the PPS, State Pathology Department, Northern Ireland Courts and Tribunals Service and the Office of the Police Ombudsman (until 2023). The shortfall in income has been

supplemented by the DoJ for agreed pressures. This was £4.6m in 2022-23, which was up from £4.2m the previous year. FSNI reported that the deficit in 2022-23 related to non-cash costs, corporate governance costs, posts not funded by customers and increased energy costs.

- 3.4 Security funding, which has been provided annually by UK Treasury, included an allocation to the Police Service of £1.5m in 2022-23 for forensic services. Most of this funding (£1.15m) was transferred to FSNI with the remainder utilised by the Police Service to progress security related cases.
- 3.5 The level of capital spending has carried across years due to investments in new laboratory accommodation and scientific equipment by FSNI and the Police Service. The final cost of the new FSNI laboratory, known as the Locard Building, was £13.7m when it was opened in 2015. A Tender Notice for new office and laboratory accommodation for FSNI was published in October 2023 with a projected contract value of £51m which will be funded by the DoJ.
- 3.6 The challenges of managing insufficient budgets were highlighted by senior management across the DoJ, FSNI and the Police Service and it has become a standard agenda item for respective Audit and Risk Assurance Committees in light of increased risks to service delivery. The 2023-24 budget allocations for forensic services represent real term cuts for each organisation.
- 3.7 The decision by the Police Service to protect its forensic services budgets has been a positive development. Scientific Support Services and the Cyber Crime Centre budgets were increased by 6% and 3% respectively in 2023-24 and the allocation to FSNI was maintained. While this recognises the increasing demands for forensic services within policing, it was also a signal of the wider value and importance of forensic services in the investigation of crime and how that message was communicated to the Senior Command Team.
- 3.8 The largest proportion of forensic resource budgets have been spent on staff. At the time of fieldwork, there was 178 staff in FSNI, 143 in Scientific Support Services and 104 in the Cyber Crime Centre. Real terms cuts to budgets were most noticeable in the number of unfilled vacancies, particularly in FSNI. The situation was comparatively better in the Police Service where Scientific Support Services were allowed to temporarily recruit over their agreed establishment level in anticipation of staff departures. This was a good example of succession planning and training of new staff being aligned with budgets.
- 3.9 The DoJ has responsibility for criminal legal aid which includes the use of forensic science experts by defence legal representatives. The Legal Services Agency for Northern Ireland confirmed that there was no bespoke classification on their management system for 'defence forensic science experts' but that it could calculate that approximately £540k in 2019-20, £260k in 2020-21, £465k in 2021-22

and £650k in 2022-23 could be attributed to the procurement of forensic science expense items. One supplier accounted for about 50% of expenditure over the years of this analysis.

- 3.10 The principal category has been a broadly defined forensic science report (including scientist) which amounted to over 50% of annual spend. A bespoke forensic engineer's report amounted to over 20% of annual spend. An emerging trend has been the greater use of electronic analysis with bespoke items on mobile phone reports and computer expert reports showing combined expenditure of almost £100k in 2022-23.

## DEMAND MODELLING

- 3.11 Collaborative and streamlined provision was the first strategic priority of the Strategy to deliver a crime scene to Court model. The first step in achieving this priority has been to understand the level of demand for forensic services with the purpose to improve and inform decisions on the levels of funding as well as future investments in accommodation, technology and staffing.
- 3.12 The 2014 CJI inspection found limited data and analysis on how crime trends could impact on the need for forensic services. CJI had recommended that the police **should identify and implement arrangements for the effective and efficient management of demand for forensic science.**
- 3.13 At time of fieldwork the Police Service was completing its first comprehensive 'self-assessment' to identify current and future demand across the entire organisation using a modified version of His Majesty's Inspectorate of Constabulary and Fire and Rescue Services Force Management Statement process.
- 3.14 That use of demand profiling was already more developed and used by Scientific Support Branch and FSNI to prepare the annual Memorandum of Understanding. A set of processes were agreed which commenced in September and concluded by the end of the financial year. It involved the analysis of both crime trends and forensic submissions as well as consultations with Police Service operational Departments:
- Minimum of 10 years crime data and trends;
  - Six years of forensic submission data;
  - Demand broken down in detail for one year and predicted for three years to allow resource planning;
  - Consultation with police operational Departments;
  - Police Service predicted demand issued to FSNI;
  - FSNI response to demand costed; and
  - Scientific Support Branch business case to cover costs and present to the Police Service Strategic Management Board.

- 3.15 It was an evolving process that had clear benefits for the Police Service and FSNI with direct links to projecting resources, investment in facilities and technology together with innovation and research. It was also a critical factor in the protections afforded to forensic services in setting 2023-24 budgets. Like any process, there is scope for improvement especially in relation to incorporating new policing strategies and initiatives such as the Drugs Strategy and its impact on the level and types of analysis provided by FSNI.
- 3.16 The need for the Police Service to develop **a comprehensive strategic analysis of cyber crime...potential future demand on police** was recommended by CJI in its inspection of Cyber Crime in 2017<sup>23</sup>. A Follow-Up Review of this recommendation reported that the Police Service had regularly completed strategic assessments of cyber crime as part of the annual Strategic Assessment on Serious and Organised Crime, as well as the Annual Threat Assessment for the Organised Crime Task Force, but that evidence of demand modelling was not made available. The best practice approach and expertise of the Scientific Support Services Branch should be invaluable in helping the Police Service to fully deliver this recommendation.

## CRIME SCENES

- 3.17 Increased investment by the Police Service in CSIs has meant a greater focus on protecting and retrieving evidence at crime scenes. The tasking of CSIs, as well as mapping and photography experts to crime scenes, has advanced by better access and use of new technology to review all requests for scene attendance and allocate resources. This has been supported by Control Works which provides a geographical positioning tool for each CSI.
- 3.18 The attendance of FSNI scientists at crime scenes has been reserved for more complex and serious crimes, with the numbers and resources monitored and assessed as part of the Memorandum of Understanding. FSNI statistics show that it provided a 24/7 on-call service to the Police Service in many disciplines with 3,013 hours of scene attendance in 2022-23 - 1,694 of these hours outside normal working hours. There was a commitment to attend all fatal road traffic collisions – attendance at serious road traffic collisions was not possible due to a loss of key staff in the Road Traffic Collision unit, which was beginning to restore its capacity at time of fieldwork.
- 3.19 CSIs told Inspectors about how they have undertaken examinations and interpretation of crime scenes to identify relevant forensic evidence to recover, which can prove or disprove if a crime had occurred. Inspectors visited crime scenes and saw how CSIs searched for DNA-rich material, fingerprints, footwear marks and other evidence which was then submitted to the Police Service and/or FSNI laboratories for examination and analysis.

<sup>23</sup> CJI, *Cyber Crime: An inspection of how the criminal justice system deals with Cyber Crime in Northern Ireland June 2017* available at <http://www.cjini.org/TheInspections/Inspection-Reports/2017/April-June/Cyber-Crime>



- 3.20 When CSIs were not tasked or were unavailable to attend crime scenes, there was reliance on Police Officers to properly collect, package and submit forensic science exhibits. Previous CJI inspections have reported on the risks associated with a lack of forensic awareness. There was also a need for the Police Service and particularly Senior Investigating Officers, to better understand the role and value of forensic services at crime scenes.
- 3.21 It was positive that Scientific Support Branch and FSNi were working together to deliver training and forensic awareness for Police Officers. This included jointly delivered training to Detective Sergeants and Inspectors and presentations to the Serious Crime Major Investigation Teams learning development day. Training was also provided to Public Protection Officers and at the Police College.
- 3.22 As the crime scene is the start of the service delivery model, there is an opportunity to effect broader change for the benefit of the end-to-end process. The historical problem of collecting too much evidence at scenes was raised by some staff and managers. Police Officers and forensic science professionals wanted to maximise evidential opportunities. The counter argument is that high volumes of exhibits may not improve investigatory and case outcomes and certainly places additional pressures on laboratory submissions, evidence recovery and analysis.
- 3.23 Continued investments in staff numbers, training, skills, quality accreditation and the use of technology had created an important resource which was not fully utilised by the Police Service at crime scenes. Forensic case conferences, which brought investigators and scientists together to shape the forensic strategy, happened more frequently in priority cases but were under-utilised in other important cases. It was the strong view of staff and management in FSNi and Scientific Support Branch that participation had delivered benefits for case progression including reduced delays and more targeted evidence recovery and analysis.

### OPERATIONAL RECOMMENDATION 1

**The Police Service of Northern Ireland should consult with Forensic Science Northern Ireland and the Public Prosecution Service for Northern Ireland, as part of the Working Together project, to maximise the benefits of forensic case conferences. Enhanced training and development should be available to Senior Investigating Officers.**

- 3.24 The role of forensic science at crime scenes has evolved quickly in recent years by the use of mobile technologies, with the potential to allow faster retrieval of exhibits such as mapping and DNA analysis. More immediate analysis should facilitate faster decisions on arrests and charges and potentially reduce reliance on the use of laboratory analysis. Critical quality assurance processes would be necessary to ensure confidence in the reliability of evidence.

- 3.25 An example of new technology was the instant sharing of electronic photos with Investigating Officers. The use of three-dimensional maps of scenes had the potential to transform how evidence was presented to the PPS and the Courts, including at Coroners' inquests. But there was also the reality of technological change moving at a different pace across the criminal justice organisations and the lack of a joined-up plan to fully utilise the benefits. Inspectors were told that a mismatch of technologies meant that its full benefits were not available to use and see in the Courts.

## SUBMISSIONS

- 3.26 One of the notable achievements of the first Strategy, which was delivered as a project of the joint Operational Group, was an improved system and processes for the authorisation and submission of forensic exhibits to FSNI. The lack of a co-ordinated approach and the resulting poor management and control of submissions was referenced in the 2014 CJI inspection report. It meant that FSNI were continuously dealing with excess demand and exhibits were often difficult to track before submission to the laboratory.
- 3.27 The establishment of a Forensic Gateway, which was a joint project of the Operational Group, means that all cases submitted to FSNI go through this route or through a specialist Major Crime Forensic Advisor. The process was that the Head of Police Service Submissions reviews Gateway authorisations each morning before linking with the Director of FSNI Laboratory Services to ensure that the submission levels were within tolerance of acceptance as set out in the Memorandum of Understanding. This enabled a shared Forensic Tracker document to be available every morning which showed crime types, examination requests and the details of all exhibits that would be submitted to FSNI. It also provided for any urgent work that was likely to be submitted as these cases had often negatively impacted more routine cases.
- 3.28 The development and delivery of these processes has made a significant improvement to joint service delivery and ensured greater compliance with targets agreed in the Memorandum of Understanding. It has also brought a more professional approach to making best use of forensic evidence as Investigating Officers had access to forensic case conference options and specialist scientific advice if requested. It was largely a manual system at time of fieldwork and a request for a greater level of automation had been requested from specialist Information Technology support in the Police Service. This was an excellent example of best practice and initiative, delivered by operational staff and supportive of the integrated crime scene to Court model of service delivery.



- 3.29 A total of 13,490 items were submitted to FSNI by the Police Service in 2022-23, which represented a small reduction from 2021-22. All these exhibits go through Customer Services for Quality Assurance. Each exhibit has an associated product code with an item for submission to FSNI. The error rate on Quality Assurance was 5% in 2022-23 – it was 6% at the time of the last inspection in 2014. This was not presented as a significant risk as many of the non-compliances were able to be fixed by FSNI. There is a need for FSNI and the Police Service to continue their work towards reducing non-compliances at the point of submissions. As this work is ongoing, a recommendation is not considered necessary.

## ANALYSIS

- 3.30 Forensic analysis involves the application of different scientific disciplines to inform criminal investigations across a range of crimes, from murders, sexual and violent offences, firearms, explosives, arson and assault, through to more volume crime cases such as driving under the influence, fraud, burglaries and car crimes.
- 3.31 After exhibits were submitted to forensic laboratories (in FSNI and the Police Service), there was a process of evidence recovery, which involved extracting, for example, fingerprints, DNA and fibres from submitted material. An Evidence Recovery Unit was operational in FSNI for this specific purpose. It is a key functional unit as it is the first point of analysis for cases and heavily dependent on predicted and managed levels of submissions from the Police Service. At the time of fieldwork, it had become critically under-staffed with some disciplines such as Biology dealing with nine Assistant Scientific Officer vacancies and a resulting reliance on overtime. Performance had dropped with 60% of internal targets missed and management confirmed that they were seeking to recruit temporary Agency staff. As the Evidence Recovery Unit was a feeder to other services in the laboratory, case delays were increasing at other points in the process.
- 3.32 Senior managers confirmed that some of the pressures were relieved in the early part of 2023 due to a decrease in overall submissions, most notable in physical methods and the Specialist Fingerprints Unit. Biology submissions, which constitute the majority of Evidence Recovery Unit work, had not decreased in this time period.
- 3.33 One of the main problems facing the Evidence Recovery Unit, and a wider challenge for FSNI and the Police Service, has been the impact of dealing with unpredicted spikes in submissions associated with priority cases. This includes Security Fund cases such as exhibits from shootings and explosions. This work often took priority over existing cases and there was increased use of overtime and relying on the goodwill of staff. Similar experiences were shared with Inspectors from Scientific Support Branch and the Cyber Crime Centre.

- 3.34 It is at this point in the process that key decisions are required in terms of what analysis should be completed and how can it meet the needs of customers. Managers must also balance the scientific requirements with available resources. FSNI Reporting Officers have responsibility for the allocation of work to specialists in the laboratory.
- 3.35 In allocating work to specialists and assessing the needs of customers, the issue of how proportionality can be applied becomes more critical. Proportionality refers to balancing the amount of analysis that best delivers acceptable results. A dip sample of five cases, undertaken by the forensic scientist in the Inspection Team, found that those case files were well presented, signed and checked but not challenging in terms of the application of proportionality. Some of the big decisions, where proportionality could have been applied, were not evident from the case files. For example, the level of drugs sampling and analysis appeared to be excessive in straight-forward cases. There was also a practice of documenting everything such as taking photographs without understanding the added value.
- 3.36 There has been a greater focus on staged/proportionate reporting since the last inspection with notable co-operation between scientists and Prosecutors and oversight by the joint Leadership Group. But the ongoing challenges of increasing demands, static or declining resources and the need to significantly reduce delays in criminal case progression requires renewed efforts. Reducing the volume of exhibits collected at crime scenes is also part of this challenge.
- 3.37 Performance improvement and efficiency projects have been delivered by FSNI and the Police Service, with lean management and performance improvement methodologies in place for over a decade. These projects have delivered measurable improvements in sectoral areas such as faster responses to crime scene attendance and quicker times for drugs and DNA analysis which was part of a flagship mapping project. Some of the impetus for additional efficiency savings, such as realising the benefits of the mapping of processes in FSNI Toxicology and Road Traffic Collision investigations, have been diluted as managers and staff have struggled to deliver services with less staff and lower budgets.
- 3.38 An example of success has been the decision not to continue with brokering where FSNI sent work to other laboratories, normally at higher cost to customers, when they lack the capacity to do the analysis. It is positive to note that considerable progress was made in addressing the 2014 recommendation that **FSNI should implement a series of actions to increase the capacity of the laboratory to deliver a quantified increase in the volume of outputs and a quantified reduction in avoidable delay. The actions and targets should be set as part of the current business planning cycle.** However, those risks of insufficient capacity will only get worse without other interventions and this recommendation should continue to be monitored in business planning in FSNI and the Police Service.

## REPORTING

- 3.39 Human Rights Guidance from the Attorney General stated that *'the primary obligation of those providing expert opinion evidence is to the Court and that this overrides any obligation to those instructing them'*. The Guidance emphasised the importance of early communication between the PPS and FSNI to ensure efficient analysis and timely reporting to the Courts. Interviews with senior management in FSNI and Reporting Officers (who advise the PPS on the meaning of scientific evidence and provide Expert Witness to the Courts) referred to good working relationships and a willingness to work together to reduce unnecessary work, including more proportionate reports. This was also the view of a Senior PPS Prosecutor. This can be achieved by better communication and information on key case milestones such as decisions on charges, bail and remand applications, timing of Not Guilty Pleas and the participation of lead scientists at Court hearings.
- 3.40 It has been the responsibility of Reporting Officers to define a case strategy, create worklist including instructions for the Evidence Recovery Unit, review scientific analysis and prepare reports. The Attorney General Guidance to FSNI, the Police Service and PPS stipulated that consultation between the PPS and Reporting Officers should occur *'at the earliest possible stage to facilitate the efficient use of forensic material'*.<sup>24</sup> This has happened, however there is scope for more and earlier interactions, to ensure more targeted use of resources and avoid unnecessary analysis and delays.

### STRATEGIC RECOMMENDATION 4

Forensic Science Northern Ireland and the Police Service of Northern Ireland, in consultation with the Public Prosecution Service for Northern Ireland, should develop a Plan on extending the application of proportionality from crime scene to Court. The Plan should be presented to the Forensic Services Programme Board within six months of the publication of this report. Implementation of the Plan should be completed within one year of agreement. It should include an action plan to implement the Attorney General's Guidance on early consultation between the Public Prosecution Service and Reporting Officers.

- 3.41 One of the recurring issues raised by Reporting Officers in this and the previous inspection was a lack of information about the type of proceedings in the Courts and late changes in Court dates – some being told close to the hearing date or not at all. FSNI have tracked the volume of activity in the Courts (Magistrates' and Crown) since 2022 which showed that the activity split was 57% for Magistrates' Court and 43% for Crown Court.

<sup>24</sup> Attorney General for Northern Ireland, *Human Rights Guidance for the Police Service for Northern Ireland, the Public Prosecution Service and Forensic Science Northern Ireland Cooperation and Operational Independence No 12 October 2016* available at <https://www.attorneygeneralni.gov.uk/publications/police-service-northern-ireland-public-prosecution-service-and-forensic-science>

3.42 The greater use of video evidence during and after the pandemic and the reduction in Court hearings alleviated some of these issues for a couple of years. Since then, the number of Court hearings have increased as efforts to reduce the backlog of cases have been prioritised by the Criminal Justice Board and the Judiciary. The Lady Chief Justice's Direction on more in-person hearings has also increased the importance of earlier and more effective communication with FSNI. Reporting Officers expressed a preference to attend the Courts in-person to ensure best evidence and effective presentation of it in Court. However, if not required this can result in a significant waste of time and inefficient use of scarce resources emphasising the need for effective communication between Prosecutors, defence representatives and Reporting Officers.

## QUALITY

- 3.43 Assessing the quality of the science was not the purpose of this inspection. Quality processes in FSNI and the Police Service were subject to regular external accreditation by the United Kingdom Accreditation Service (UKAS) and reports were made available to Inspectors. The methodologies and results of forensic science is continuously tested and challenged in the Courts and the defence have access to their own forensic experts.
- 3.44 High quality and objective forensic services is one of the four strategic priorities of the Strategy with a specific focus on accreditation in FSNI, Scientific Support Branch and the Cyber Crime Centre. The Strategy outlines a commitment to maintaining quality standards and extending the scope of International Organisation for Standardisation (ISO) 17025 accreditation across forensic services, introducing ISO 17020 accreditation for crime scene attending roles and adhering to the Forensic Science Regulator's quality recommendations.<sup>25</sup> Both organisations have agreed to adhere with the Regulators' Code of Practice and quality recommendations where possible, as its remit does not extend to Northern Ireland.
- 3.45 Guidance from the Attorney General stated that *'any forensic examination or analysis carried out for the purpose of criminal proceedings is undertaken by providers accredited with the current relevant ISO standards or any additional relevant standard or guidance provided by the Forensic Science Regulator.'*
- 3.46 Prior to fieldwork, FSNI was successful in its re-assessment exercise by UKAS and accreditation to the ISO 17025 quality standard was maintained. Work also progressed in relation to the accreditation of FSNI scene attending services to the ISO 17020:2012 standard. In addition, FSNI achieved accreditation for more methods such as bulk explosives and bulk drugs. Accredited services had increased by 27% since the last CJI inspection.

25 GOV.UK, *Forensic Science Regulator Guidance, 7 February 2023* available at <https://www.gov.uk/government/collections/forensic-science-regulator-guidance>

- 3.47 The Police Service has gradually extended its accredited services in recent years with a focus on achieving ISO 17020 for all its staff, starting with the CSIs to ensure high quality and objective scene examination and evidence recovery. Achieving and extending the scope of accreditation was also a priority action for the Cyber Crime Centre and identified as an area for closer linkages with Scientific Support Branch.
- 3.48 The benefits of accreditation included consistency of processes and practices together with assurance and confidence to customers and all users of criminal justice services. However, it has been time-consuming and resource intensive with concerns expressed to Inspectors around the required checks and paperwork and abstractions from other work. Considerable numbers of staff in both organisations had become quality managers, technical and process leads and auditors to ensure that processes and activities remain effective across a broad range of specialisms.
- 3.49 One of the key risks has been the possible suspension and/or loss of accreditation, which would undermine the achievements to date and public confidence. There is also scope for an organisation to voluntarily withdraw as happened when FSNI were unable to comply with the staffing requirements of mobile phone analysis – work in this area had declined as the Police Service had made greater investment in its own Cyber Crime Centre to address increased demands for the examination of electronic devices.
- 3.50 Promoting and developing quality assurance and accreditation is well suited to *'maximising opportunities for closer collaboration and shared learning across forensic service providers'* as stated in the Strategy. There has been evidence of shared learning events and engagement within the Police Service and with FSNI. Closer collaboration has remained under-developed with the respective quality management systems operating in parallel. Greater collaboration should be able to deliver better use of scarce resources.

## OPERATIONAL RECOMMENDATION 2

The Forensic Services Programme Board should develop a joint approach to quality assurance including a plan for retaining and extending quality accreditation by the United Kingdom Accreditation Service.

## ACCOMMODATION

- 3.51 The last inspection coincided with the near competition of new laboratory accommodation for FSNI and CJI recommended that ***FSNI should ensure that a benefits realisation plan for the new laboratory facilities incorporates change management initiatives, quantify how the return on investment can be realised and include mitigating factors on known risks.*** The Locard Building has housed specialisms such as DNA, Evidence Recovery Unit, specialist fingerprints and explosives.

3.52 The current inspection took place as FSNI had moved to temporary accommodation in 2020 following safety concerns with regard to the structural integrity of the roof of an older building. A business case for new office and laboratory accommodation had been approved to move all remaining services 'under one roof'. Lessons learned from the previous accommodation project have been compiled and staff have visited the new laboratory in Dublin.

## PEOPLE

3.53 People focus was one of the four strategic priorities of the Strategy. The people commitments included skills development through investment in training and continuous professional development. There was also a focus on exploring opportunities for career pathways and staff development to help retain and motivate staff and ensure effective succession planning. Mental health and wellbeing were stated as a priority, particularly for those who needed to attend crime scenes. A similar focus on people was also evident in the Forensic Services Strategy for Scotland, which stated that its people were the most important asset in delivering its objectives. As a unified service delivery organisation, the SPA Forensic Services had more scope to develop *'fair and clear career pathways to support mobility throughout the organisation'*.

3.54 The Police Service and FSNI had their own Human Resources Strategies. The FSNI Human Resources Strategy 2021-26 set out the strategic directions and plans it must develop to *'safeguard, recruit, retain and develop the people that are central to delivery.'* The FSNI Corporate Risk Register had a red risk for staff resources at time of inspection fieldwork. The Police Service had a People and Culture Board at senior management level where Scientific Support Branch and Cyber Crime issues were raised through an action plan.

3.55 Interviews and focus groups with management and staff across the different business areas raised a number of people issues that were impacting on service delivery. Managers raised concerns around budgeting, difficulties in recruitment and retention and negative impacts of vacancies on performance and workforce culture. Staff focus groups demonstrated the impacts on individuals with increasing reliance on overtime, lack of time to develop skills and conduct research and limited or no promotion/career opportunities within their own specialisms.

3.56 In its Annual Report for 2022-23, FSNI had a vacancy rate of 18% (37 vacancies), spread right across the scientific disciplines compared to 9% (19 vacancies) the previous year.<sup>26</sup> It also showed a significant increase in its staff turnover rate to 12% compared to 9% in the previous year. The level of vacancies in the Police Service was lower as staffing budgets and establishment figures were temporarily increased to enable succession planning and training of new staff.

26 *Forensic Science Northern Ireland, Annual Report and Accounts 2022-23, 20 July 2023* available at [https://www.justice-ni.gov.uk/sites/default/files/publications/justice/Forensic%20Science%20NI%20Annual%20Report%20and%20Accounts%202022-23\\_Web%20A....pdf](https://www.justice-ni.gov.uk/sites/default/files/publications/justice/Forensic%20Science%20NI%20Annual%20Report%20and%20Accounts%202022-23_Web%20A....pdf)



- 3.57 There were deep concerns around the 'imposed' Northern Ireland Civil Service pay settlement for 2022-23 (which applied to FSNI and Police Service staff) which had resulted in a comparatively poor award for civil and public servants with many staff comparing pay and conditions with that available to staff in other jurisdictions and different parts of the public service. A bigger pay gap between Police Officers and Police Staff had also emerged as a result of different pay settlements in 2022-23.
- 3.58 There was however an evident high level of commitment and motivation from staff in both organisations and a clear linkage between their roles and the objectives and values of both organisations. Staff were willing to do considerable overtime and sickness rates were relatively low compared to other public services. For example, FSNI reported in its Annual Report that 7.3% of working days were lost in 2020-21 (during the pandemic) and this had reduced to 1.7% in 2021-22 and 0.9% in 2022-23.
- 3.59 A review of the minutes of senior management team meetings and separate meetings with corporate leaders (Human Resources, Finance) as well as FSNI Non-Executive Directors confirmed that people issues had become the highest risk in FSNI and the Police Service. Corporate Risk Registers showed how the risks had escalated and how mitigation actions were limited in scope and impact. There was frustration that many of the solutions were not 'within the gift' of individual organisations, such as the level of pay increases and pensions. Progress on other solutions such as faster recruitment, succession planning, the grading of posts, the criteria for promotions and the development of career pathways had been slow and partly impeded by budget pressures.
- 3.60 The level of risk and concerns raised with Inspectors would point towards the need for a more strategic and targeted approach to people issues across forensic services. The objectives and priorities of the joint Strategy may not be sufficient to deal with the challenges and the risks posed to service delivery and quality. Organisational Human Resources strategies were not demonstrating sufficient impact at the point of fieldwork and Working Groups and projects on staffing were struggling to deliver the required changes. Achievements in areas such as the cross-skilling of staff, to increase flexibility to meet demands, were getting lost in the wider problems. It was clear that many of these issues were common for staff in the Police Service and FSNI and that a joint approach could deliver better solutions.
- 3.61 There was also a need to monitor the effectiveness of wellbeing initiatives as many staff in FSNI and the Police Service had to deal with traumatic incidents during the course of their work and this was particularly acute for those who attended crime scenes and road traffic collisions as well as Police Officers in the Cyber Crime Centre dealing with digital images. An update report on the FSNI HR Strategy 2021-26 in February 2023 showed that wellbeing constituted over one

third of its themes and associated actions. Many of the actions and projects were aligned with the DoJ and wider Civil Service initiatives, though there were no evident direct linkages with forensic services staff in the Police Service. Wellbeing was a standing agenda item on the Scientific Support Branch Accountability Management Meetings.

## STRATEGIC RECOMMENDATION 5

The Forensic Services Programme Board should commission a joint Workforce Plan with agreed actions in place within six months of publication of this report. Working Groups in the Police Service of Northern Ireland and Forensic Science Northern Ireland should present actions to their respective senior management decision making bodies.

## ENGAGEMENT AND COMMUNICATION

- 3.62 Engagement and communication was identified as an enabler in delivering the objectives of the Strategy. It was targeted externally with stakeholders (including customers) and internally with staff. The feedback from stakeholders during fieldwork was broadly positive with effective consultation and feedback and meetings focussed on performance and results. The Leadership Group, and particularly its former Chair, had promoted and strengthened relationships across a wide spectrum including the Judiciary, Northern Ireland Civil Service, policing and academia and this had raised the profile and understanding of forensic services.
- 3.63 The feedback from most customers was positive with the State Pathologist and the Coroner remarking that the quality of forensic services exceeded what was available in England and Wales. FSNI had processes in place to promote and develop customer relationships. Progress on developing a wider customer base had not advanced since the last inspection.
- 3.64 The quality of internal engagement and communication had a mixed response from staff. Many staff referred to staff meetings at corporate and team level, though Customer Services meetings in FSNI were no longer happening. The form of that engagement had changed since the last inspection as a result of more hybrid remote working, which had created some divisions within teams and the wider organisation. The loss of accommodation in FSNI had resulted in no suitable meeting room for large groups of staff to come together and this had led to some evidence of silo working. For example, staff had commented about strong team working within their own specialisms and units but less interactions with other sections within their organisations and branches.



3.65 Knowledge and awareness about the Strategy, organisational objectives and changes to the service delivery model tended to significantly diminish across less senior grades of staff. Some of this was certainly due to work pressures and the demands of getting the job done, but it may also point to a difficulty in getting the messages across to all staff. This seemed to be at odds with the findings of a progress report on the Strategy which reported the completion of an action to *'develop accurate and timely workforce communications'*. Communication and engagement are more likely to be continuous rather than time bound and delivered in FSNI through its Communications and Stakeholder Engagement Strategy, which is in place since 2020. The Staff Engagement Forum provides a mechanism to assess and improve internal engagement and communication.

## CHAPTER 4: **OUTCOMES**

- 4.1 The principal outcome, as set out in the Strategy, was for forensic services to support the effective and efficient working of the criminal justice system. This can be measured against criminal justice priorities such as improving public confidence, reducing delays in cases, improving the experiences of victims and witnesses and delivering value for money. These high-level outcomes are also prominent in the Draft Programme for Government, DoJ Plans, Policing Plan 2020-25 and Police Service and FSNI Corporate and Business Plans.

### **INDEPENDENCE AND OBJECTIVITY**

- 4.2 Independence and objectivity had been core values for forensic services and are an important factor influencing public confidence in the operation of the criminal justice system. The FSNI Chief Executive's introduction to the 2022-23 Annual Report referred to the *'Agency's ethos is a scientific one, meaning that the objective deductions from the evidence are rigorously arrived at with neutrality as to the conviction or acquittal of defendants and are provided to the Courts through independent expert witness.'* The embedding of that ethos was confirmed in meetings with staff across the organisation. It was also reinforced in meetings with the DoJ, customers and stakeholders. The views of some defence legal practitioners were shaped by the fact that FSNI had worked exclusively for the prosecution.
- 4.3 Achieving operational independence and objectivity has been strengthened by the application of external accreditation of services where processes and scientific methods have been consistently observed and protected and improved in line with recommendations and actions. FSNI and the Police Service have also agreed to align with and follow the Code of the Forensic Science Regulator, where possible. Formal accreditation would require a specific Code for Northern Ireland to take account of differences in the two criminal justice jurisdictions.
- 4.4 The Guidance provided by the Attorney General for Northern Ireland had a similar purpose to protect and strengthen operational independence in FSNI and the Police Service and ensure that forensic scientists fulfil their role as Expert Opinion Evidence to the Courts. The ultimate test of independence and impartiality remains with the Courts.

## PERFORMANCE INFORMATION

- 4.5 CJI has reported on a number of inspections and reviews in recent years where the level of data collected and analysed by criminal justice organisations was insufficient to inform decision making. A positive aspect of the Strategy has been a formal process to annually examine and assess performance against stated objectives and targets in the form of progress reports. The quality of these progress reports has been dependent on management information systems in FSNI and the Police Service.
- 4.6 One of the most important management information systems for the Police Service has been PULSE,<sup>27</sup> that has provided real time performance data to support key decisions on estimating crime trends and demands, the review of authorisations and submissions and a new tasking system for CSIs. For example, Scientific Support Branch had installed an automated performance reporting application within PULSE which monitors the speed of forensic submissions by Police Officers to FSNI. The application and use of this type of management information had made a significant contribution to the timely progression of cases and showed an 81% reduction in times from when evidence was collected at crime scenes to delivery at FSNI. There were plans to extend this project to be able to link submissions to crime type and therefore facilitate the ongoing Committal Reform project led by the DoJ.
- 4.7 Good use of management information was also evident from the mapping project of FSNI toxicology and alcohol processes, which had delivered efficiencies and reduced times for laboratory analysis.
- 4.8 The Memorandum of Understanding between the Police Service and FSNI included demand levels, performance targets, services supplied, quality commitments and a procedure for complaints. Scientific Support Branch produced monthly performance dashboards with evaluations of performance against strategic objectives and targets. Quarterly reports were presented to the Senior Leadership Team at the Police Service Performance Board. Wider performance was reviewed every six months with more detailed analysis and assessments at the end of each year. This data and performance reports were also used by FSNI and made available to the joint Leadership Group. A strong performance culture was becoming embedded for forensic services.

<sup>27</sup> PULSE is an electronic performance measurement system accessible from any Police Service IT device.

## FASTER JUSTICE

- 4.9 Faster Justice had become the top priority for the Criminal Justice Board at the time of fieldwork in response to a significant lengthening of already long case processing times for criminal cases. This importance of reducing delays formed an important part of the Terms of Reference for the new Programme Board.
- 4.10 The extent of forensic services as a cause of delay has never been quantified by the criminal justice system, though requests for adjournments in Court were often attributed to *"it's with forensics"* and *"waiting on forensics"*. FSNI had reviewed and tracked a number of these cases and were able to show that significant delays had occurred prior to submissions to the laboratory and that some cases had late requests for additional analysis. There was however an acceptance that greater efficiencies were possible within the laboratory to speed up case progression. Projects such as the mapping of processes for alcohol and toxicology, which delivered faster analysis and reporting, delivered benefits that could have been applied across a wider range of scientific and non-scientific services.
- 4.11 Time based performance targets have been a core element of the annual Memorandum of Understanding between the Police Service and FSNI and the internal Service Level Agreements for Scientific Support Branch and the Cyber Crime Centre. The FSNI Annual Report for 2022-23 showed that it had achieved 11 of 13 sectional targets. That included 80% of all reports issued within 95 days (86% was achieved) and a median average of 61 days for reports issued – this was three days more than the previous year. It achieved 100% of all urgent work requests within pre-agreed timeframes and all requests for scene attendance within agreed timeframes. These have been important indicators of performance and can inform wider analysis of end to end (crime scene to court) criminal case times that encompass submissions, case allocations, analysis, reporting and presentation of evidence to the Courts. The work to help identify committal reform cases was delayed at time of fieldwork and is part of a wider focus on faster justice.
- 4.12 FSNI were able to report in 2022-23 that demand from the Police Service to FSNI had exceeded reserved capacity levels in the areas of Biology (130%), Questioned Documents (116%), Fires (167%) and Toxicology (110%). However, it was less for Micro-Chemistry and Physical Methods and there was a downward trend in Glass and Footwear cases. A 5% tolerance of reserved demand within any forensic discipline was permitted as agreed with the Police Service, with the exception of Security Fund related cases. FSNI continued to accept Security Fund related cases where demand was higher than anticipated to ensure the maintenance of key services.

- 4.13 The impact of Security Fund related cases and other priority cases needs to be better understood by FSNI and customers as they had a separate performance regime, which impacted on overall performance. Priority cases were identified by a Forensic Case Manager in the Police Service and received quicker responses than standard cases – this included domestic abuse and crimes against older people, any crimes against vulnerable persons, hate crime, serious crime, organised crime groups and sexual offences. Security Fund related crime were also treated as priority cases. There is good practice from Scotland and the Republic of Ireland which could support changes to the management of priority cases.

## BENCHMARKING PERFORMANCE

- 4.14 The scope to have more benchmarks or comparisons with other laboratories was raised in the 2014 CJI inspection. One of the benefits of benchmarking is that it could show some relative metrics which could better inform outcomes such as timelines, costs, range of services and the identification and application of best practice. That type of benchmarking has been limited to date, in part due to differences across different jurisdictions and also to commercial issues associated with a competitive marketplace, particularly evident in England and Wales. However, there should be more opportunities to do specific benchmarking with forensic services in Scotland and the Republic of Ireland.
- 4.15 International studies have indicated that DNA reference and DNA crime stains as well as Biology casework was significantly faster in commercial providers compared with the European Network of Forensic Science Institutes which included FSNI. It also showed that local based public laboratories such as FSNI were able to provide added value such as advice and attending Court and were providing a wider range of services to meet the wider needs of the criminal justice system.

## MEASURING VALUE

- 4.16 The 2014 CJI report recommended that ***FSNI, in conjunction with the criminal justice agencies, should develop a set of performance indicators based on measuring the value of forensic science to the Criminal Justice System. These should be aligned with the targets in any new forensic services strategy.***
- 4.17 This project was taken forward by the Leadership Group with Ulster University commissioned to deliver a Public Value Account and Scorecard to measure the value of forensic services. This was a detailed study and report which was shared with a range of stakeholders and received interest from other parts of Government. The next stage, to deliver the project by collecting data from users such as Investigators and Prosecutors, is the most important phase to fully realise the benefits of this investment. While this will have resource implications for already stretched organisations, it would be a missed opportunity to not progress this project to completion.

## OPERATIONAL RECOMMENDATION 3

The Forensic Services Programme Board should complete the implementation of the Value Project.

- 4.18 The importance of understanding value was shown in a UK Government Home Office led report which stated that data on the use of forensic science in cases that come to Court was not collected in England and Wales.<sup>28</sup> The report could not determine how many of the roughly 35,000 Crown Court trials or the 137,000 trials listed for the Magistrates' Courts in England and Wales in 2017 involved or ultimately relied upon forensic evidence. This type of data was also not available for Northern Ireland.
- 4.19 A form of value assessment has been used by police forces which measures the conversion rates for specific submissions – the Police Service were able to show that 23% of DNA submissions added value to the case outcome which was the same as fingerprints while the footwear conversion rate was 53%.
- 4.20 The Police Service has commenced a separate but linked value of forensic services project. It is anticipated that this will become regular business to monitor outputs and outcomes. The process is based on the Home Office Impact of Forensics work. The project aims to identify value at four impact points for all cases: the initial report, the impact on the Police Officers' investigation, the value to the PPS and the Court outcomes.

## INNOVATION

- 4.21 The development and strengthening of a modern, innovative and agile forensic service is one of the strategic priorities in the Strategy. CJI made a recommendation in 2014 that **FSNI, in conjunction with the DoJ and its main customers, should implement a plan to allocate a specified proportion of efficiency savings into research and development**. That recommendation was not achieved as no ring-fenced research and development budget was put in place for FSNI or the Police Service and this represents a risk to the future quality and range of forensic services and the ability to meet the changing needs of customers. The problem is not unique to Northern Ireland as the UK Government House of Lords Science and Technology Select Committee found that '*research and development in forensic science is under-resourced and uncoordinated*'[...] and recommended '*the creation of National Institute for Forensic Science to set strategic priorities for forensic science research and development, and to coordinate and direct research and funding*'.<sup>29</sup>

28 Home Office, Association of Police and Crime Commissioners and National Police Chiefs' Council, *Review of the provision of forensic science to the criminal justice system in England and Wales and Implementation Plan April 2019* p7 available at <https://www.gov.uk/government/publications/joint-review-of-forensics-2018-and-implementation-plan>

29 House of Lords Science and Technology Select Committee, *Forensic science and the criminal justice system: a blueprint for change, 3rd Report of Session 2017–19, 1 May 2019* p.4 available at: <https://lordslibrary.parliament.uk/forensic-science-and-the-criminal-justice-system/>

- 4.22 A Joint Innovation and Delivery Group, co-chaired by FSNI and the Police Service, achieved positive results in taking a joint approach to innovation and improvement. FSNI were able to show 90 projects registered on a Corporate Project Register in 2023 – these were intended to make a contribution to scientific developments and IT improvements. Staff participating in innovation and research pointed to its value for the organisation and skills development. But there was also the reality that many staff who had expressed an interest, were impeded by workload and the need to deal with backlogs and cover for vacancies.
- 4.23 There were pockets of good practice such as the work done in the police to use technology in the introduction of the Single DNA lifetime sample and therefore reduce the number of samples required to be taken. Staff from FSNI and the Police Service had attended scientific events and conferences and were part of scientific networks. Maximising the opportunities for further innovation and research will require new approaches and partnerships including forging links with universities and research bodies. Forensic Services in Scotland had benefited from collaboration with the Universities and the Leverhulme Trust<sup>30</sup> and had set a benchmark for other UK and Republic of Ireland forensic services.
- 4.24 There is still merit in establishing a joint research and development fund to deliver the world class and excellent forensic services envisaged in the Strategy and reinforced in respective Corporate and Business Plans. The DoJ did provide funding for innovation and development posts in FSNI, which remained vacant in some cases. The CJI 2014 recommendation should be revisited and extended to the Police Service.

#### OPERATIONAL RECOMMENDATION 4

The Department of Justice, Forensic Science Northern Ireland and the Police Service of Northern Ireland should develop a plan for joint agreement on research and development within six months of publication of this report. The Forensic Services Programme Board should have oversight of implementation.

<sup>30</sup> The Leverhulme Research Centre for Forensic Science's mission is to develop and communicate robustly scientific methodologies in the service of justice, harnessing existing understanding, developing new scientific ground truths and innovating new technological solutions for current challenges from the crime scene to the Court room.



# APPENDIX 1: TERMS OF REFERENCE

## AN INSPECTION OF FORENSIC SERVICES IN NORTHERN IRELAND

### Introduction

Criminal Justice Inspection Northern Ireland (CJI) proposes to undertake an inspection of Forensic Services in Northern Ireland. There are two principal suppliers of forensic services to the Northern Ireland Criminal Justice System – Forensic Science Northern Ireland (FSNI) and the Police Service of Northern Ireland (Police Service).

FSNI is an agency within the Department of Justice (DoJ) with a vision to be a world class provider of integrated forensic science services and a mission of scientific excellence delivered in partnership supporting justice for all. FSNI has an annual operating budget of £13.2m with most of its funding provided by the Police Service, with the remainder coming from the State Pathologist, Public Prosecution Service (PPS), the Police Ombudsman, the DoJ and a range of smaller public and private customers. FSNI acts as the custodian of the Northern Ireland DNA database and regularly uploads NI DNA profiles with the UK's Forensic Information Database Services.

Forensic Services in the Police Service are currently delivered across two core business areas - Scientific Support Branch and the Cyber Crime Centre.

### Context

The last full CJI inspection of FSNI was published in 2014 with six recommendations which included the completion and delivery of a crime scene to Court forensic services strategy involving a partnership between the FSNI, Police Service and the DoJ. A new Forensic Services Strategy covers the period 2021-26.

Partnership working was strongly encouraged by CJI to address challenges of managing the demand and supply of forensic services as well as responding to the needs for faster investigations and faster progression of cases through the Courts. There was also a need to further advance work on assessing the value of forensic services to the justice system and promote research and development. Previous full inspections of FSNI were published in 2009 and 2005 – the latter coincided with a review of Scientific Support Services in the Police Service, which was done in conjunction with Her Majesty's Inspectorate of Constabulary (HMIC).

The delivery of forensic services interfaces with broader criminal justice priorities such as Committal reform, tackling Avoidable Delay, delivering modernisation and post Covid-19 recovery. Unlike England and Wales where private facilities and police forces deliver most

forensic services, Northern Ireland has continued to retain most forensic services within a specialist public sector laboratory. A similar model is also in use in Scotland and the Republic of Ireland.

### **Aims of the Inspection**

The aims of the inspection are to:

- Assess progress against the recommendations (6) of the CJI 2014 inspection report;
- Review the operation of the Northern Ireland Forensic Services Strategy 2021-26;
- Assess progress with regard to governance, delivery and performance of Forensic Services in the FSNi and Police Service, including benchmarking with other relevant providers;
- Assess the contribution of Forensic Services to the effective and efficient working of the Northern Ireland Criminal Justice System;
- Obtain assurance on the quality of the science; and
- Make recommendations for improvement.

Any other matters arising during the inspection if considered appropriate by CJI may be included. As the inspection progresses, Inspectors may also determine it necessary to focus on a specific aspect of the terms of reference while always adopting a risk based approach.

### **Methodology**

The inspection will be based on the CJINI Inspection Framework for each inspection that it conducts. The three main elements of the inspection framework are:

- Strategy and governance;
- Delivery; and
- Outcomes.

Constants in each of the three framework elements and throughout each inspection are equality and fairness, together with standards and best practice. The inspection methodology can be found at [www.cjini.org](http://www.cjini.org).

### **Design and Planning**

The planning stage of the inspection will include:

#### **Preliminary research**

- Procurement of specialist external expertise to assist CJI Inspectors and provide advice on science, specialist aspects and benchmarking with other jurisdictions and providers of forensic services; and
- Collection and review of relevant documentation such as corporate and business plans, external reports, internal strategies, policies, minutes of meetings, performance management, financial management and monitoring information, business statistics, risk registers, internal and external surveys and any other relevant internal reviews, papers and correspondence.

## Benchmarking

- Collection and review of documentation and reviews regarding delivery of forensic services in other jurisdictions.

## Contact with agency; exploratory stakeholder meetings

- Planning meetings with FSNI and Police Service senior management;
- Identify liaison person in FSNI and Police Service; and
- Planning meeting with key stakeholders.

## Delivery

The fieldwork stages of the inspection will comprise:

## Self-Assessment

- Request bespoke self-assessments from FSNI and Police Service including provision of relevant supporting documentation.

## Fieldwork

- Development of fieldwork plan;
- Meetings (interviews and focus groups) in FSNI, Police Service and the DoJ;
- Stakeholder meetings including PPS, NICTS, State Pathologist's Department, Office of the Police Ombudsman, Judiciary and members of the legal profession;
- Analysis of data;
- Benchmarking with other service providers such as laboratories in Scotland and the Republic of Ireland; and
- Emerging findings to inspected organisations.

## Publication and Closure

### Writing up report

- Writing up draft report;
- Factual accuracy check with FSNI, Police Service and DoJ;
- Ministerial approval;
- Press release;
- Identification of publication date;
- Publication arrangements; and
- Action plan in response to recommendations (possible incorporation as appendix to report).

It is planned for fieldwork to take place in March and April 2023 with a draft final report by August/September 2023.

## APPENDIX 2: **METHODOLOGY**

### **Desktop research and development of inspection Terms of Reference and question areas**

Research literature and guidance documentation was reviewed in relation to forensic services. A Terms of Reference was developed and shared with the relevant criminal justice organisations.

### **Self-assessment and document review**

FSNI and the Police Service were asked to provide documents and data as part of a self-assessment of the delivery of forensic services. This was also used to inform interview questions during the fieldwork phase.

### **Data requests**

The two organisations were requested to provide relevant data and analysis (published and unpublished) which would assist the inspection.

### **Scope of fieldwork**

Site visits were conducted to observe the operation of forensic services in the Police Service and FSNI. One-to-one and focus groups interviews were conducted with a range of personnel within the two organisations as well as customers and other stakeholders.

### **Case Reviews**

A dip sample of five cases was undertaken in FSNI.

### **Customers and Stakeholders**

Meetings were conducted with the following individuals and organisations:

- DoJ - Director of Safer Communities;
- Judiciary – Recorder of Belfast;
- Representatives of the Bar Library;
- Representatives of the Law Society;
- Judiciary – Coroner;
- State Pathologist; and
- Public Prosecution Service.

### **Interviews and Focus Groups**

Interviews and focus groups were undertaken with personnel in inspected organisations in the following roles:

- FSNI Senior Management Team;
- FSNI Managers;
- FSNI Customer Services;
- FSNI Laboratory Services;
- FSNI Reporting Officers;
- FSNI Lead Scientists;
- FSNI Quality Managers;
- FSNI former and current Non-Executive Directors;
- Police Service Assistant Chief Constable Operational Support Department;
- Police Service Scientific Support Branch G6;
- Police Service Forensic Case Managers;
- Police Service Scientific Support Branch Sub-Branch managers;
- Police Service Senior Forensic Officers;
- Police Service Scientific Support Branch laboratory staff;
- Police Service CSIs;
- Police Service Photographers;
- Police Service Surveyors;
- Police Service Quality Managers;
- Police Service Trainers;
- Police Service Cyber Crime Centre Head;
- Police Service Cyber Crime Detective Inspectors;
- Police Service Cyber Crime Detective Sergeants; and
- Police Service Cyber Crime Detective Constables.



First published in Northern Ireland in February 2024 by

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**Criminal Justice Inspection  
Northern Ireland**

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