

## Evaluation, Evaluation, Evaluation

Since the early days of Streamlined Forensic Reporting ('SFR') in 2013, we have been advising of the limitations of SFRs and the potential misinterpretation of their significance in the context of the case. This is exacerbated as the content of an SFR varies across technical disciplines, from something akin to an evidential statement to simply a test result. Without the input of a forensic expert it is not surprising that there appears to be widespread misunderstanding of SFRs.

### Does an SFR give a summary of forensic evidence or just the results of initial tests?

In general, a short 2 page SFR1 will be giving the results of initial tests **only**. This is particularly important to understand whenever a DNA or fingerprint comparison 'match' is being reported. The SFR1 does not contain any **evaluation** of the test result in the context of the case. KBC's chief scientist Dr Duncan Woods comments: *'a DNA match in one case may be compelling evidence whereas in another, it will have no evidential value. DNA profiling techniques are now so sensitive that background DNA is a factor that should be considered in the evaluation of certain cases.'*

It is often put to the defendant to explain how their DNA came to be present on an item. Is this a reasonable question given that is likely that neither the defendant nor their solicitor will have much if any knowledge of DNA transfer issues? Dr Woods adds: *'my DNA could be found in places where, even with my training and experience, I would be unable to explain how it came to be there. Research into secondary transfer is quite limited but we know it happens.'*

### Surely further forensic work will increase the strength of the evidence?

With cuts to police spending budgets, only the bare minimum of forensic work is undertaken with few corroborating strands of evidence commissioned. It has become a regular occurrence for **the strength of the evidence to decrease** from that implied by the SFR1. For example: KBC was instructed in a case in which one of two partial footwear marks was reported as matching the defendant's footwear. Our work showed that the two partial marks were part of the same mark and could not be the defendant's due to basic size differences.



In a recent case of domestic assault the prosecution scientist considered only two possibilities and failed to acknowledge the other real transfer opportunities for DNA in a domestic setting. Fortunately, the defence commissioned further samples which resulted in the DNA evidence being accepted by both prosecution and defence as neutral.

### How can KBC help?

Experts at KBC can advise on the limitations of an SFR — what it does and does not tell you, so that you can be better informed when advising your client. In the first instance call Dr Duncan Woods or Lee Fagan in Durham or Dr Helen Davey in Huntingdon.

### Prosecution Laboratory under Fire

The recent admission of a 'quality incident' at a forensic laboratory used by the police for drug testing underlines the importance of **not** taking Prosecution lab results at face value. The laboratory involved, Randox Testing Services, admitted on 9th May that it was investigating over 6000 test results which may have been affected by 'rogue staff' not following procedure. Significantly, despite it being a UKAS accredited laboratory, this has been a long-running quality failure which shows the continuing importance of careful scrutiny.

## KBC's digital team expands

As a result of its growing reputation for high quality, focussed digital forensic expertise, KBC is expanding its digital forensics team with more capacity in cell site analysis, mobile phones and forensic computing. We are particularly pleased to welcome John Tarpey formerly of Forensic Telecommunications Services and who has been a leading expert in cell site analysis for over ten years. John is a Chartered Engineer who spent 20 years in the communications industry including 11 years as Network Planning Engineer with Orange. He was involved with setting policy and procedures for coverage prediction, assessment and planning.

Thomas Marryat commented: *'KBC's digital team has a focussed approach of understanding your case and tailoring our estimates to the key issues. We concentrate on work which really adds value to that undertaken by the Prosecution. With John as part of the KBC team our capacity to take on cases is significantly enhanced. We can also work with survey readings taken by the police if available, giving significant cost savings in appropriate cases.'*

**For knowledgeable experts who can explain technical matters in plain English**, call Thomas Marryat (**cell site analysis**), Ross Donnelly (**forensic computing**) or Mark Henderson (**mobile phones**) on 0191 332 4999.

## Welcome back to Dr David Schudel

We know that customers familiar with Dave and his work in fire investigation and illegal drugs will be as pleased as we are to have him back at KBC. His forensic career began alongside Dr Keith Borer and more recently he was the forensic manager for the police in Grand Cayman.

Dave's range of experience and knowledge of the experimental rigour required to support an opinion is increasingly rare to find in one individual. With a PhD combining computing and chemistry he also supports the digital forensic team. He is a very approachable forensic scientist. **If you are unsure of what can be done or what questions should be asked, please call Dave on 0191 332 4999 – you will be glad you called.**



### @KBCalison

You can follow Keith Borer Consultants on Twitter for up to date details of CPD training seminars for solicitors and barristers, links to news articles and case excerpts that may be useful to your case.

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