

# Keith Borer Consultants

Forensic expertise – *when you need it*

May 2017

## KBC's expertise in Glasgow High Court

There are two elements to an outstanding forensic expert: the ability to prepare a comprehensible report and, when required, to deliver their opinion with clarity. In a recent complex case of 'wilful fire raising' KBC's **Alan Henderson** achieved both of these.

Alan carried out an in depth analysis of the technical reports of the fire investigator and forensic scientist. The scene was no longer available and so his work encompassed detailed study of prosecution examination notes and photographs. Actions taken by a neighbour and fire fighters also had to be considered.

The fire was confined to the hallway immediately behind the front door but the origin of the fire was in Alan's opinion far from certain. He gave evidence at the trial and his performance was described as *'superb'*. McLennan Adam Davis praised Alan's work: *'ensuring we were fully briefed and au fait with many technical aspects ... was crucial to the overall presentation.'*

If you have a fire investigation, footwear mark or case involving glass evidence, Alan can be contacted on 01835 822 511.

## 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, Radox 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.



## Evaluation of 'DNA matches'

Throughout Ireland, prosecution laboratories use DNA profiling techniques that are significantly more sensitive than 10 years ago. **But has evaluation in the court room and the potentially greater significance of background DNA kept pace?**

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.'* Cases in which the defendant has legitimate access require careful evaluation to understand the evidential value of DNA profiling data and its limitations.

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.'*

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.

For a thorough evaluation of DNA profiling evidence in your case, call Dr Duncan Woods or Lee Fagan in Durham in the first instance.

## 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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