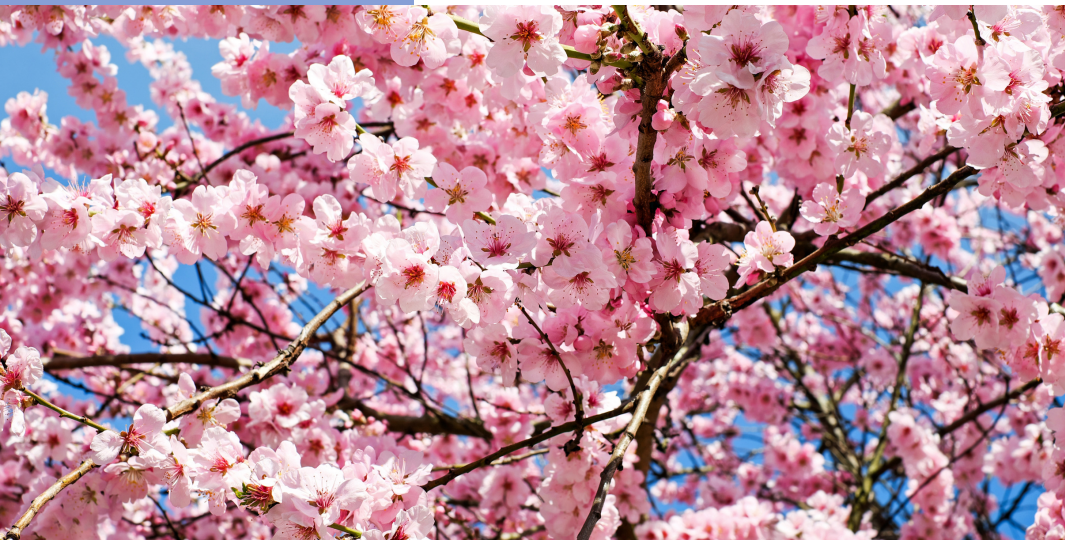


May 2021



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FORENSIC SCIENCE REGULATOR NEWS

On 29th April 2021, the Forensic Science Regulator Act 2021 received Royal Assent and became law. The Forensic Science Regulator's office was set up in 2007 to identify and develop quality standards across different forensic disciplines and to offer advice and guidance on how providers could demonstrate compliance. The Act states that the Regulator "must prepare and publish a code of practice about the carrying on of forensic science activities in England and Wales" and gives statutory powers to investigate and deal with non-compliance.

A summary of the Second Reading touched on points raised during the Science and Technology Committee Forensic Science Inquiry of 2018/19, notably instability in the market and future skills/staffing issues, issues which we hope will be tackled in the near future.

Fingerprint 'Identifications': A thing of the past?

The wording of the latest Forensic Science Regulator's codes suggests a change in how fingerprint 'identifications' are reported might be just around the corner.

For over 100 years, Fingerprint Experts have been telling courtrooms that they are "in no doubt" that the defendant deposited the fingerprint or giving an absolute outcome that the fingerprint "was" made by the suspect. The presentation of fingerprint evidence in such conclusive terms looks set to change with the Regulator explaining that the outcome of 'identified' "...will be replaced in future when an evaluative interpretation method for fingerprint comparison is further developed" (emphasis added).

Although details are yet to be announced, 'evaluative interpretation' suggests that Fingerprint Experts might have to adopt a more probabilistic approach to their outcome reporting, bringing their evidence in line with other areas of forensic comparison such as DNA profiling and Imagery Analysis.

In future, an SFR or statement from a Fingerprint Expert might look very different and contain reference to a 'support scale' with results perhaps reported as 'moderate support' that the mark was made by the defendant or that it is 'more likely' that it was deposited by the defendant as opposed to a random person.

So, is it time for fingerprints to be reported in terms of likelihood? Probably.



@KBCforensics

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.

CrimeLine CPD Podcasts

If you are a CrimeLine subscriber, you can catch up with the experts at KBC in a series of forensic podcasts. Topics include CBD oil, IP addresses & cloud storage, fingerprints, indecent imagery, DNA, fire investigation and handwriting analysis. Look out for new podcasts being added to the series. You'll find them under CPD.



An opportunity to meet some of our team...

RICHARD BROWN

How long have you been a forensic scientist?

Since 2002, when I left Newcastle University. I hadn't really considered forensic science as a career before then. I enjoy a varied caseload covering criminal, civil and family law matters in the UK, Ireland and further afield.

What aspects of the job do you find most interesting?

- Any cases involving the Road Traffic Act, as I have a keen interest in all forms of transport and toxicology.
- Attending court where I enjoy meeting and advising solicitors, barristers and clients on the forensic strengths and weaknesses of their case.

What are your specialisms?

- Alcohol – including alcohol technical defence (drink drive and drunk in charge cases involving forward and back calculations), effects of medications, breathalyser device functionality and failure to provide.
- Toxicology – including interpretation of toxicology results, effects of alcohol/drugs/medications.
- Drugs – including drug identification, cannabis cultivation, drug valuations, patterns of drug use, drug traces on banknotes and drug packaging.

Firearms – Antique or Not?

A recent Home Office circular has highlighted changes to the controls on Antique Firearms and some types of ammunition. The changes came into effect on 22nd March 2021, with a 6-month transition period. After 21st September 2021, owners of the affected firearms must either have licensed them or lawfully disposed of them.

What is an antique firearm?

Some firearms, including those that are “sold, transferred, purchased, acquired or possessed as a curiosity or ornament” are exempt from licensing, as set out in Section 58 of the Firearms Act 1968. However, there was never a formal definition of the term ‘antique firearm’. New legislation in England, Wales and Scotland, namely the Antique Firearms Regulations 2021 and the Policing and Crime Act 2017 (Commencement No.11 and Transitional Provisions Regulations) changes this.

To satisfy the new definition of ‘antique’, a firearm must:

- have been manufactured before 1 September 1939, and
- either have a propulsion system of a type specified in the 2021 Regulations (for example, muzzle loaders, pin-fire or needle-fire) or the chamber(s) are those that the firearm had when it was manufactured (or a replacement that is identical in all material respects) and it is chambered for use with a cartridge specified in the 2021 Regulations, and
- be sold, transferred, purchased, acquired or possessed as a curiosity or ornament.

In addition, 7 types of ammunition have been removed from the Home Office obsolete cartridge list as they have allegedly been used in a number of crimes. Any firearms chambered for use with these (previously) obsoleted cartridges will need to be licensed after 21st September 2021.

Expert Forensic Advice

Keith Borer Consultants can assist solicitors, barristers, firearms dealers and private individuals with classification of firearms and ammunition in line with current legislation. For advice, please contact Ann Kiernan or Alan Henderson on 0191 332 4999.

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