

# Keith Borer Consultants

Forensic expertise – *when you need it*

May 2019

## Recent ripples in the world of drugs – Fentanyl and Spice

Fentanyl is a synthetic morphine-like drug, 50-100 times more potent than morphine and one of a group of analogues of fentanyl, many of which are powerful drugs. Typically, these are being found mixed with heroin (diamorphine) and a user may not be aware of their presence until undesirable effects occur.

Despite popular belief, heroin is rarely 'cut' with materials more dangerous than heroin itself and the use of fentanyl-based drugs in this way is a disturbing shift. Coroners are seeing deaths due to fentanyl-adulterated heroin and now routinely test for the drug.

The legislation surrounding the fentanyl group is complex in terms of the naming protocol and generic chemical wording is used to capture a range of such drugs rather than listing them by name. It takes an expert to figure out if a particular drug is covered by the legislation and Keith Borer Consultants can provide guidance in these cases.

Many newly emerged drugs in current circulation, such as synthetic cannabinoids ('spice') and cathinones, for example 'monkey dust' have similar legislative approaches to naming. KBC recommends that expert guidance is sought to interpret the drug formula against the legislation to ensure any issues are addressed.

If you want to find out more about current drugs issues, including nitrous oxide and cannabis cultivation, please take a look at the News section of our website (<https://keithborer.co.uk/news>).

## Cognitive bias and Chain of Custody in fingerprint examination

Fingerprint evidence carries significant weight, but recent cases have reinforced the need to check if there's any doubt. Issues of provenance and bias are still found and what appears on paper to be irrefutable proof can sometimes fall apart upon proper re-examination.

In several cases we have seen items mislabelled, including someone charged with a fingerprint on a passport when it was actually on his own (stolen) birth certificate and charges of handling a jewellery box were brought when the print could not have come from any of the boxes seized.

Fingerprint longevity still remains an issue. In a recent case a mark on a bar seems to have been there for a long time yet was said to be made after a robbery, despite witness evidence who said the assailant was wearing gloves.

A major risk to fingerprint examination is cognitive bias. A well known example of this was R v Smith [2011] EWCA Crim 1296. Two components of a fingerprint matched to a defendant – normally this would be insufficient for an identification – but the police expert used the reference fingerprint to find 10 more 'matching' characteristics not originally noted on the mark from the scene. With 12 points "matching" he stated he had 'no doubt' that the defendant had made the mark. The Court of Appeal quashed the conviction after a number of experts agreed the identification was unreliable. At Keith Borer Consultants we use the ACE-V approach that helps remove this type of bias.

## Abbreviated statements in DNA cases

We recently received instructions from a solicitor in a DNA matter. He was going to accept an abbreviated statement (a SFR1 from the CPS in England & Wales) without having the evidence independently checked, but contacted us after looking more closely . . .

Not only did the covering letter refer to the Forensic Science Service – which closed years ago! – it stated that there were "no other contributors to the DNA". On reading the attached statement, there was reference to DNA profiles from two exhibits – and the results were mixed partial DNA profiles i.e. more than one person could have contributed DNA to each item. Clearly "no other contributors" referred to in the covering letter was not the case.

Remember that in England and Wales, SFR1 statements are not written by forensic scientists. They are written by a 'Forensic Intelligence Officer' who receives a test result and carries out a DNA database search.

## Moral of the story?

Don't accept what the cover letter (whether it be a letter, SFR1 or even an MG5 summary) says as being an accurate representation of the forensic results. Don't accept abbreviated/SFR1 findings if you don't understand what they mean or they are not clear. Ask for an evidential statement and get the evidence checked by an independent forensic scientist.

# Keith Borer

## CONSULTANTS



**An opportunity to meet  
some of our team . . .**

**Louise Floate**

Handwriting and  
Questioned Document Expert,  
Huntingdon Office

*How long have you been a forensic scientist?*

For over 30 years. I started as a forensic scientist in the chemistry department at the Forensic Science Service in Huntingdon and then moved into handwriting and document examination in 1992. I've specialised in that ever since and have been with Keith Borer Consultants since 2018.

*What cases do you enjoy most?*

My caseload is a mix of criminal, civil and private instructions. But regardless of who instructs me, I really enjoy cases which involve carrying out research on a particular aspect of the case before reaching my conclusions, for example a recent case involved research into developments in the drying times of inks.

*What are your specialisms?*

Many of the cases I deal with involve looking at questioned handwriting or signatures on documents and comparing them with specimen handwriting and signatures (known samples from a particular individual) to determine authorship. That might be documents like dealer's lists, letters, receipts, Wills or mortgage applications. I also look at indented impressions on documents and allegations of alterations or forgery.



**@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.

**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 fingerprints, cannabis, indecent imagery, DNA, fire investigation and handwriting analysis. Look out for new podcasts being added to the series later this year! You'll find them by clicking on Main Menu, then CPD/Competence.

**Prefer news in your inbox?**

Don't forget to sign up for email updates (including newsletters like this one) on the KBC website.

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