

UNCORRECTED TRANSCRIPT OF ORAL EVIDENCE

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HOUSE OF COMMONS  
ORAL EVIDENCE  
TAKEN BEFORE THE  
SCIENCE AND TECHNOLOGY COMMITTEE

**FORENSIC SCIENCE**

WEDNESDAY 6 FEBRUARY 2013

PROFESSOR MARTIN EVISON, DR JOHN MANLOVE and DAVID RICHARDSON

CHIEF CONSTABLE CHRIS SIMS, GARY PUGH and KEVIN MORTON

Evidence heard in Public

Questions 54 - 163

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## Oral Evidence

Taken before the Science and Technology Committee

on Wednesday 6 February 2013

Members present:

Andrew Miller (Chair)  
Stephen Metcalfe  
David Morris  
Stephen Mosley  
Pamela Nash  
Sarah Newton  
Graham Stringer  
David Tredinnick  
Hywel Williams

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**Examination of Witnesses**

*Witnesses:* **Professor Martin Evison**, Director, Northumbria University Centre for Forensic Science, **Dr John Manlove**, Manlove Forensics Ltd, and **David Richardson**, Chief Executive, LGC Forensics, gave evidence.

**Q54 Chair:** Good morning, gentlemen. Welcome to the session this morning. As you know, we are doing a follow-up piece of work on our Report and the Government response on the closure of the FSS. We look forward to hearing your evidence this morning. For the record, I should be grateful if you would introduce yourselves.

**Dr Manlove:** I am John Manlove. I am managing director of Manlove Forensics.

**Professor Evison:** I am Martin Evison, professor and director of Northumbria University Centre for Forensic Science.

**David Richardson:** I am David Richardson, the chief executive of LGC.

**Q55 Chair:** Thank you very much. Starting off generally, were any real opportunities created for private providers with the closure of the FSS?

**David Richardson:** The FSS obviously had a fairly large share of the market at the point when the closure was announced. Inevitably, more work was made available as a result of the closure. There was also the opportunity to acquire some of the intellectual property that the Forensic Science Service had developed, and clearly, expertise as well, because it had some excellent scientists working for it.

**Professor Evison:** As a professor and director of a university centre, I am not sure that I am really in a position to comment on that. My only observation would be that, by the time a more open market emerged, the situation was such that I felt it was rather difficult for private providers to compete effectively in a market that had really been damaged as a consequence of restructuring in the economic recession.

**Dr Manlove:** I felt that the closure of the FSS gave an opportunity for private companies to be able to procure forensic services, which they were able to provide.

**Q56 Chair:** Who are now the key players?

**David Richardson:** LGC is probably still the largest player in the market now. Orchid Cellmark, which you heard from when you last looked into this, and Key Forensic Services are probably the two other biggest players, but there are a range of smaller players involved in the market as well.

**Q57 Chair:** So LGC now has the largest share of the market.

**David Richardson:** We believe so, yes.

**Q58 Chair:** How much do you think you have?

**David Richardson:** We think we probably have just under 50%.

**Q59 Chair:** Is that a healthy situation, do you think, in terms of competition?

**David Richardson:** It is a temporary situation. Our market share has been higher than that over the past year and a half, which was inevitable given the fairly rapid speed of the closure of the FSS. It was about the providers in the market stepping up to the plate and being able to maintain continuity in terms of the delivery of forensic science services. It was about getting to the end of that process in good order.

After that, as you may be aware, there have been a number of other tenders. Inevitably, our market share has declined because of the structure of those tenders, where, in most cases, single providers were not able to win all the work. We would see our market share probably continuing to come down a little bit, and settling at a somewhat lower figure than 50%.

**Q60 Chair:** Does that conform to the thinking of the other two panellists?

**Dr Manlove:** I would tend to be in agreement that there is going to be some fluctuation in market share from the way that the tenders are actually structured. With some exceptions, there is not a single provider allocated in each case for each lot. Therefore, the police forces and consortia ensure that they have options to go to one or the other. I would imagine that, to an extent, that is control of disaster events and shows a variety of productivity.

**Q61 Chair:** Professor Evison, looking at it from the independent point of view of an academic, do you see there being a healthy market now? Do you think that leaving it to the market in the way that is occurring will produce a satisfactory outcome?

**Professor Evison:** I struggle to see it as healthy. The gross decline in the overall market is bound to be challenging for providers attempting to find or keep a foothold in the marketplace. I am also uncertain as to whether the contraction is continuing or whether it has come to an end. I suppose I struggle to see it as a healthy environment, and I fear that there are difficulties further along that will be encountered until some kind of stable situation is reached.

The second part of your question concerned whether private provision was likely to be effective, if I understood you correctly. My view is that the issue is not whether the provider is a public or private organisation but whether provision is effective financially—it has to be provided cost-effectively, whoever provides it—and whether it is provided in the interests of the criminal justice system. To my mind, it is not a question of public versus private, but a question of how arrangements can be made so that forensic science service provision is done effectively by whoever it is done by.

**Q62 Stephen Metcalfe:** Going back to the size of the market, when we were talking about this 18 months or two years ago, a figure of £150-odd million was bandied about,

dropping to about £120 million. The Home Office now estimates that the market is around £80 million to £90 million. First, is that a figure that you recognise and you would agree is around the size of the market? Secondly, why do you think it has contracted so much more quickly than the projections of two years ago?

*Dr Manlove:* To answer the second part of the question first, the speed of contraction is due primarily to the austerity measures and the cost-saving pressures that police are being placed under. There is, therefore, a disincentive to outsource forensic services to the extent that they were, and in-sourcing—whether it is in laboratories or in different manners, such as screening out items prior to examining them even—has greatly increased with the prioritisation of forensic examinations.

This has all contributed to a great contraction of the outsourced marketplace and, as such, it makes it very difficult for a commercial organisation to predict what demand may be. If one is provided with an estimate of what case numbers may be from a particular tender, when, in fact, the reality can turn out to be a fraction of the prediction, it makes it incredibly difficult for business continuity.

**Q63 Stephen Metcalfe:** You talked about in-sourcing. Bearing in mind that we were in a period of austerity two years or 18 months ago, do you think that this has happened quicker than anyone had imagined?

*Dr Manlove:* I think that the process has accelerated, yes. There is quite a large amount of work that would otherwise have been outsourced to an FSP, rather than as at present, where it is essentially controlled within the policing of crime.

*David Richardson:* Yes, I would agree with all of that. I would say that in our view the market is probably slightly less than that. We think that it is £70 million to £80 million. However, we also believe that that process is not yet concluded, not least because there is continued pressure from the austerity measures and further cuts to come in policing budgets, but also because of initiatives such as Streamlined Forensic Reporting, where the forensics that is done is only sufficient to get to the point where there might be a guilty plea. We think that the process is likely to continue, and I would certainly agree that in-sourcing has been an important factor in the reduction of the available market as well.

*Professor Evison:* A colleague at our centre, Dr Maguire, has tried to bring together some figures relating to market size, and his estimate comes out at a little less than the Home Office estimate at about £70 million. I agree with my colleagues here that a reluctance to outsource is reducing police expenditure. I also imagine that there may be some fear, given the restructuring of the forensic science providers, that it is creating a kind of vicious circle where we would prefer not to spend and we are a little worried about what is going on outside, so we will not spend.

I also perceive a more medium-term effect, in that forensic science enjoyed years of profligacy. I recall that, in the “Forensic Science on Trial” Report, the Macfarlane report is cited, which refers to the entrenched monopoly of the Forensic Science Service, which enjoyed the gift of Alec Jeffreys’ exciting discovery and took several hundred millions of pounds of the taxpayers’ money to do something with it. In a way, that created a very artificial world for forensic science to live in, but that world had started to change. Then, all of a sudden, it came radically to an end, and I think that there might be a knock-on effect of a bigger picture that is manifesting itself now.

**Q64 Stephen Metcalfe:** Are you alluding to the market being sustainable in the medium to long term? If it continues to drop, there must be a point at which it impacts on the profits of private providers, dramatically not knowing what the numbers will be, and, therefore, people will be physically pulling out of the market.

**Professor Evison:** If the Government want a viable market, they can have one. The only question is what structure they decide to put in place to create it. At the moment, the customers are in a very strong position to drive down their expenditure, which is driving down the financial viability of the providers, and that is not a healthy situation. My preferred model would be one where the providers can be licensed to provide services and be able to do so at a cost that allows them to make a respectable, if modest, profit. Then the market will be healthy. Issues like research and development can be dealt with; matters of regulation can be dealt with. At the moment, the situation where the police services can act as customers and competitors, and in a sense via the Home Office they are also the arbiters, looks like a model for disaster to me.

**Q65 David Tredinnick:** Do you think that it is all to do with economics, or are the police naturally reticent about outsourcing, and the major issue here is that there would be a better use of police money if there was more outsourcing?

**Professor Evison:** I would be second-guessing what the police think, to a certain extent, but I can understand that they want to keep their costs down. That is perfectly reasonable. There is also a tendency, which is a little bit more of a sensitive issue, for the police to try to keep everything within their mandate and remit and control. In a sense, that is also partly understandable, but since forensic science exists to support the rule of law, it is not necessarily healthy because it brings with it certain risks to do with the independence of the criminal justice process in relation to forensic science.

**Q66 Stephen Metcalfe:** Thank you for answering my earlier question so fully.

Mr Richardson and Dr Manlove, you are trying to operate in this shrinking, changing market. Do you see it becoming unsustainable at some point if the market continues to shrink as it has?

**David Richardson:** It is quite difficult to say that it will become unsustainable. There are some challenging aspects of the market at the moment, and Professor Evison has touched on some of them, but what we have seen in forensic science probably over the past 10 years or so has been a series of peaks, followed, if not by troughs, certainly by periods of some stagnation in market development. This may just be another one of those, but clearly the economic situation is not helping that.

In relation to the other matter, the commercialisation of the parts of forensic science that have been commercialised has brought tremendous benefits in terms of improved turnaround times, reduced costs and so forth. Those benefits are clearly available to the police to access in relation to other aspects of forensic science that are currently not in the commercial domain. For example, if that were done by police forces, you would see the available market beginning to grow again.

I do not like the word “unsustainable” because it implies crisis and potential disaster, and I certainly do not see either of those things on the horizon.

**Q67 Stephen Metcalfe:** The Government have a role in all of this, and you have touched on that. One of the criticisms at the time of the announcement of the closure of the FSS was that the Government did not have a strategic view of forensic science. Do you think that a strategic view has now emerged about their approach to the market and about forensic science generally?

**Dr Manlove:** I am a little unclear on what their strategy may be at present. There have been a vast number of changes in the market within the last couple of years. To be honest, everyone is possibly trying to come to terms with that—both the police and the commercial providers. As a commercial provider, and Mr Richardson is in exactly the same position, we

have risen to every challenge that has been asked of us. We have been asked to provide services that we have been in a position to deliver as requested. There now needs to be a settling period—I don't think we are quite at the point where there will be—when we can regain the direction in which forensic science is going, but you will forgive me for not being exactly clear on what the present strategy may be.

**David Richardson:** I don't think that there is a clear strategy at the moment. Some of the mechanisms for that exist, such as the forensic science policy group, but so far that has had very little—if any—interaction with the suppliers, and that is clearly a fairly important part of the equation. It has been a very difficult period because of the speed at which things have had to be done.

I am not sure that I see much prospect of stability because there are still trends in the market, but it would be useful if the various stakeholders—the police, the Home Office, academia and providers—were to get round a table and debate what kind of market they would like to see evolving over the next few years rather than, as at the moment, it being left to the outcome of the tender process. That in itself is clearly driven by a number of things, such as pricing and the police desire to have the work done by outside providers. That is not being done, in my view, with an overview or in a strategic direction at the moment.

**Q68 Stephen Metcalfe:** What about the issue of transparency? You mentioned getting the stakeholders round a table. That requires a transparent approach. Are you saying that that is not being adopted either and that there is still some clouding of the issue?

**David Richardson:** I think that it is cloudy at the moment, but part of that, as Dr Manlove said, is because we have been through that transitional period. It has been one thing after another. In the last three or four months there have been three tenders, and about 45% of the market has potentially changed hands. That is a bigger transfer than the Forensic Science Service closedown. It has gone a lot faster and it was almost unremarked. That is astonishingly disruptive to providers and, I am sure, to forces as well.

It is difficult for our scientists; that is the other thing. In all of this, we talk about the big picture and companies gaining or losing market share, but these are scientists. They are highly intelligent and motivated people, who are looking to the future with a degree of uncertainty. As a leader of one of those organisations, that is a worry and concern to me.

**Q69 David Morris:** Aside from the Metropolitan police taking over the FSS Lambeth lab, has there been more police in-sourcing of forensic work?

**David Richardson:** As a general comment, I would have to say yes. Some of that has been around specific areas of forensic science. For example, we see more firearms work going in-house, and some other areas as well. There has been more work done in police submissions units. I touched on this when I was last before you. Increasingly, commercial providers are being sent material to analyse rather than being involved in the strategic overview of the case, which I see as a retrograde step, and it has probably been happening more. There are some important exceptions, with some forces having chosen to go down a different route.

**Q70 David Morris:** If a police lab is accredited to ISO 17025, is there still a risk to criminal justice?

**David Richardson:** I am sorry; I am not sure that I entirely understand the question.

**David Morris:** The question is: if it has been accredited on a commercial basis, is there a risk there to criminal justice?

**David Richardson:** Accreditation provides a very important foundation for quality. It cannot of itself ensure quality, but it is an important standard. We have for some time suggested that the regulator should have statutory powers to enforce it. The standard should

be there to give a level playing field for anybody submitting evidence to the criminal justice system. That is possibly an area that you may want to think about further. It is important, though, for all the providers to have quality systems around and built on 17025, over and above the basic requirement.

**Q71 Chair:** Are there any other comments on that aspect?

**Dr Manlove:** I certainly second what has been said by Mr Richardson. It is essential that the minimum standard is ISO 17025 for forensic science providers. There is a dichotomy in provision to the criminal justice system at present, in that some of the police laboratories hold the accreditation standards and some do not. Although most are striving towards that standard and developing their own quality systems and working in the same spirit of the system, whilst it is mandatory for a forensic science provider to hold ISO 17025 to be able to provide services to the criminal justice system, it is not mandatory at present for police laboratories in the same manner.

**Q72 Chair:** From an academic point of view, and independent of the people with commercial interests, has there been any evidence that this lack of accreditation or in-sourcing has had a detrimental impact on criminal justice?

**Professor Evison:** Presently I am not aware of any, but it needs to be asked whether the reason that the Forensic Science Service, for example, was established in the first place was to increase the distance from the investigation of the Forensic Science Service's analytical process. Having the police service be the investigator and the scientist can lead to too close a relationship between the two processes.

With the best will in the world, there is always a danger of confirmation bias, an honest and virtuous attempt to find the answer that is being looked for. That may not necessarily be the right answer—the term sometimes used is tunnel vision—and it can be an honest mistake. In principle, there should be separation between the police service investigative process and the forensic science analytical process—and maybe, to an extent, the scene of crime examination process. They are just little protections.

**Chair:** It just seems to me that the public might believe that the exact opposite is the case if they followed some television series.

**Q73 Sarah Newton:** I would like to pick up on the whole issue of creating a level playing field among the defence, the police and the private companies that provide forensic science to the criminal justice system. I am looking particularly in the context of regulation. We have heard that it is very unequal and that there is an alarming lack of an equal playing field in the quality standards that can be adopted by different parts of the system. We have touched on this a little, but would you describe whether you feel that statutory powers should be given to the Forensic Science Regulator?

**Dr Manlove:** I believe that the Forensic Science Regulator should have statutory powers but not just to be able to regulate the quality of the marketplace, as is widely perceived in terms of the forensic science providers and the police laboratories. There is one grey area at present that seems to fall through the gaps, and that is the defence scientists.

A percentage of our company's work is review, where we are working on behalf of defence solicitors and barristers. As such, we carry out our work in exactly the same way as we would carry out our work on behalf of police customers: where we receive a request, we analyse it and produce an unbiased, impartial report addressing the queries that have been asked. We have had to obtain the quality standard; we have jumped through many hoops and attained the highest standard. Our scientists all perform in the manner that would be expected when working for the police if they are working for the defence as well. A number of issues

spring from this, not least that several of the defence scientists and companies do not have quality standards, or the quality standards that they have are not necessarily of the same bar as 17025.

Further, when one is working for the defence, we are often now doing original work, because the work has not been done in the first place due to streamlined submissions. This is not necessarily subject to the same review by the prosecution as the prosecution work may be by the defence, and we believe that this is also an area that ought to be highlighted.

**Q74 Sarah Newton:** That is very concerning, I am sure. You touched on the defence side; so you very much believe in regulation. Are there any other examples that you can give us where the lack of regulation has caused problems along the lines that you have described? This is a question for any one of you to answer.

**Dr Manlove:** I do not want to go into specific details in this forum, but there are specific examples of individuals practising in areas in which they are not competent to practise. They are able to go into a court of law, reviewing the evidence of a competent scientist. Their evidence is not always accurate and not always correct, and may well distort the evidence to the court. When the jury has a choice between one individual and another, and they do not necessarily have the understanding of science to be able to choose between them, it can cause great problems for a case.

**Q75 Sarah Newton:** That is a very powerful case for regulation. Would anybody else like to comment?

**David Richardson:** The only thing that I would add is that inevitably, if it is an unlevel playing field, there comes a point at which you have to ask, "Is the additional cost of being an accredited provider in this field really justified, because we are up against people who do not have to reach those standards?" Sooner or later, you have to consider whether you want to continue to offer services in that arena. That cannot be in the interests of the provision of forensic science to the criminal justice system. So the levelling up of that playing field is an urgent requirement. There is, I believe, a deadline for police labs to be accredited by November of this year. I think that is still in place, although it stems from something that came out of the treaty of Lisbon so it is a slightly unclear position at the moment, given our stance in relation to that.

There is a further question, which is exactly what is being accredited and what the scope is of the accreditation. Because you cannot just say that a force is accredited; accredited to do what, and where, are important questions as well.

**Stephen Mosley:** Dr Manlove made a strong statement but said that he did not want to discuss it here. Is there any way that we can take it offline at all, Chair, because I am concerned about what was said there? Is there any way that we can look at it?

**Q76 Chair:** Perhaps you could direct us to some cases that give you concern.

**Dr Manlove:** Right. I shall do that at a later date.

**Chair:** Thank you, and thank you, Stephen.

**Q77 Sarah Newton:** We have heard very powerful evidence for the need for regulation. Should that regulator be more independent from the Home Office?

**Professor Evison:** My view would be yes. As I suggested in my written submission, I would like to see a licensing model where the provider is licensed to provide forensic services. The regulator's job is to make sure that their procedures and standards are up to



scratch. If they are not, they should lose their licence, if you see what I mean, or there is a risk that they will. That would be my preferred structure.

I also would not like to see the licensing body being the Home Office; I would like to see it being an independent body, somewhat analogous to Ofwat or a body of that kind.

**Q78 Sarah Newton:** Dr Manlove, would you like to comment on that as somebody who has had to participate in such a system?

**Dr Manlove:** In terms of licensing, the Forensic Science Society is at present taking measures to look at assessing individuals for accreditation. Indeed, I know that the society has applied for chartered status. It is ideally placed to be conducting these assessments. One thing that I would stress, however, is that we have a number of sole practitioners whose contribution to the CJS is very valuable, and the costs of this should be very much to the fore; if it is over-expensive, such people may decide, albeit on a far smaller scale than one of the FSPs, to withdraw their services from the market.

Whilst ISO 17025 has its place, giving us an excellent management structure for firms and providing the areas of technical performance to which we may become accredited, I believe that there should also be a level of accreditation for each scientist—a registration process of a type. For an FSP to bear a significant cost in relation to each member of staff for registration, in addition to the maintenance of 17025, we unfortunately have to bear in mind the commercial pressures that we are under, given the market that we have.

As such, while I would encourage such a measure, it would have to be cost-effective. When we had the CRFP, that was one model that could be taken. I understand that it was heavily subsidised; the cost was in the order of £170 a year per scientist. I may have that figure wrong, so forgive me. That was not mandatory at the time. Having gone through that process, and expecting members of the judiciary to be asking me about my registration status, as time went by it did not seem to be a system that was widely bought into; indeed, it was abolished a few years ago, as we know. There is somewhat of a vacuum at present, and we need to have that filled. It may well answer a number of the issues that I have just raised.

**Q79 Sarah Newton:** Thank you. Would anyone else like to comment on the issue of statutory regulation?

**David Richardson:** I can only say that we have found in our work with the regulator that he has taken a very independent and forceful stance on a number of things, and we welcome that. We think it is important that the regulator is robust in that regulation, and that is what we have seen. I recognise, though, that as a large provider we may find it easier to work with that regime than other smaller providers.

**Q80 Chair:** Will you put into perspective, Mr Richardson, your earlier comments about ISO 17025? It is a big cost, and there is presumably a cost in getting to that standard and a cost in maintaining that standard. I presume, given the scope of the work that you do and the wide range of services that you provide, that the cost would be quite substantial.

**David Richardson:** Yes, it is very substantial.

**Q81 Chair:** What is the order of magnitude?

**David Richardson:** It is difficult for me to put a figure on it because a lot of the people involved in the process of getting accreditation for a particular thing that we are doing will clearly have other jobs that they are doing at the same time. It is difficult to say whether 5% or 10% of somebody's role was about accreditation.

We acquired the intellectual property of a thing called DNA Insight from the FSS. In fact, we got that accredited yesterday. We have been involved in that process for a

considerable number of months—probably at least a year. There has also been some development involved of the software, and there are training and methods to be developed. You can tell that it would have involved a considerable number of people, and this is just one piece of new software that we are introducing to try to speed up the process. Multiply that across 83 or certainly over 80 accredited methods now and the need to keep up the training on all of those, and you can see that it is a very significant cost.

**Q82 Graham Stringer:** Professor Evison, you said that R and D could be dealt with. Is it being dealt with? How easy is it to get money for research into forensic science?

*Professor Evison:* It is extremely difficult and has been for a long time.

**Q83 Graham Stringer:** So it is not being dealt with.

*Professor Evison:* No.

**Q84 Graham Stringer:** That is a very clear answer. Do you want to expand on it?

*Professor Evison:* Traditionally, the research councils have not funded forensic science very much. Occasionally they do, but their remit is to fund highly innovative basic science research. Unfortunately, forensic science rarely meets the standards of the basic science peer-review college that one applies to. My own frustration during the life of the Forensic Science Service was that, as well as enjoying an entrenched monopoly in service provision, it also enjoyed an entrenched monopoly in Home Office-funded research. So I found it very difficult to get my own research off the ground using funds from the United Kingdom. I managed to fund my research from US funding sources.

I believe that there were wider consequences for the criminal justice system, although it might be a consequence of my own frustration, but I worked on low template DNA analysis at that time. I could not get any funds from the Home Office to promote that research; I was funded by a US funding body. The Forensic Science Service eventually developed low copy number DNA analysis, and I would hear stories from police officers in Merseyside that the charge for low copy number DNA testing on a handgun was £15,000.

I also heard that one of the Yorkshire coroners—maybe the Humberside coroner—was quoted a fee of approaching £500,000 for the identification of the remains of two individuals who were killed in a very violent air accident. As a researcher, scraping pennies together to try to do the research, to find that Home Office policy prevented me from receiving enough money to do the research, and then to find that these seemingly vast sums of money were being charged to do the very tests that I was aiming to develop myself, was very frustrating.

When the Omagh bombing trial collapsed, my heart sank because, again, low copy number analysis featured centrally in that case. I felt that if the Home Office had fostered a wider dissemination and development of that forensic technique and many others, these sorts of situations would be less likely to arise. Methods would be validated in a competitive and pluralistic academic environment. In science, if you have a smart idea, you can guarantee that somebody else has one as well; they will be trying to get there first and trying to publish first. If you publish first, they try to repeat or falsify your findings. That is how science progresses as an engine of finding fact. An entrenched monopoly is an expensive and not particularly effective way of doing that, in my opinion.

**Q85 Graham Stringer:** Have either the closure of the FSS or the Home Office review helped access to research funds?

*Professor Evison:* No. I cannot identify any way that they have. It is a very difficult thing to do. It is very early days. The research councils will still have their peer-review colleges. They are unlikely to have changed very much. Their views of forensic science are

unlikely to have changed very much. They tend to be populated by established research council-funded academics, very few of whom are likely to be interested in forensic science, so they are not likely to be allies of your proposal. The Technology Strategy Board route looks promising, but again, I think it was said in the “Forensic Science on Trial” Report in 2004-05 that that route should be pursued.

A couple of issues arise from that. One is that the technology transfer partnership route usually requires an idea that is close to market, and I do not know how many institutions have suitable close-to-market research findings that are suitable. Also, I do not know which of the private providers now can offer some supportive match funding, which is often required to fund these sorts of projects. So, no, I cannot see any evidence.

**Q86 Graham Stringer:** I was intrigued by your answer to Stephen Metcalfe, when you said that forensic science had been through a period of profligacy. Would you expand on that?

**Professor Evison:** My perception, repeating myself a little, is that Professor Sir Alec Jeffreys made one of the most exciting scientific discoveries of the 20th century, and that was gifted to the Forensic Science Service along with several hundreds of millions of pounds of taxpayers’ money for DNA rollout. The Forensic Science Service, after some understandable glitches, made a very good job of it, but one might argue that under those circumstances it would have been a little bit inexcusable if they had not done so.

I felt, as I have already said, that they had a rather proprietorial attitude both to the market, as discussed, but also to research and development. They enjoyed preferred supplier status in the early days of the emergence of a competitive marketplace, and I kind of wonder what more could have been done to help them on the way to survival in a relatively free market. I feel it is a question of cultural ethos as to why the Forensic Science Service was unable to adjust in those circumstances, and part of the reason why is that, in a way, they had had it a little bit too easy. They had a monopoly that was funded by the taxpayer. My perception, my opinion, my feeling is that they could not change their ways.

**Q87 Pamela Nash:** Mr Richardson, I understand that a quite considerable number of FSS staff went to LGC. How many of those transferred under TUPE regulations?

**David Richardson:** We employed about 148 or 149 ex-FSS people, but I don’t believe that very many of them came under TUPE at all.

**Q88 Pamela Nash:** Did any?

**David Richardson:** I am not aware that they did, no.

**Q89 Pamela Nash:** Why was that the case?

**David Richardson:** A number of different circumstances were involved. The most significant transfer came with the closure by the FSS of the Wetherby facility in the north of England. At the time, it was decided that that facility was going to close, and we made an offer to open a new facility, in fact, in the scientific support unit of one of the north-east forces at Wakefield.

The staff who were in the Wetherby lab were offered a choice of routes. They could take TUPE; they could take redundancy if TUPE was not relevant to them or if they did not wish to take it; or we had a voluntary transfer, whereby they could come across to the new laboratory, in return for a payment that had, in its mirror, a change in some terms and conditions. We took just over 20 of those staff on that voluntary transfer scheme. We recruited a further 27 or so people who had taken the redundancy payment but who then came

to us on the open market; we were advertising on the open market, and they came to us through that route.

**Q90 Pamela Nash:** We took evidence from Prospect last week. I shall read what Ms Kenny said in evidence. She said: “Through a combination of effectively scaring people...they”—LGC—“encouraged people not to exercise their TUPE rights”. Is that something that you recognise?

**David Richardson:** That is nonsense.

**Q91 Pamela Nash:** Why did people choose not to transfer? I know you have explained that, but I am not clear why.

**David Richardson:** People had different circumstances, I am sure. There were some, for example, who might have felt that the journey to Wakefield was too far for them and, therefore, that for them personally redundancy was a better way to go. There may be some who felt that they were prepared to take their chance on the open market. There were others for whom the voluntary transfer made sense.

The terms and conditions were driven by the needs of the force; we did not just pluck them from thin air. It was our customers who required a particular sort of service and particular availability, and, therefore, some terms and conditions needed to change. Those people made a choice that, for them, that would work and that would be okay. That is what was behind the fact that not everybody went down the same route.

**Q92 Pamela Nash:** Of the 148 who transferred, how many are still with LGC?

**David Richardson:** All of those who transferred over at Wakefield are still there to my knowledge, but there may be ones or twos. Probably the vast majority of the others are still there, but it is right to say at this point that we recently announced that we are going to make some redundancies, driven by a tender the result of which was announced a month or two ago. It is inevitable that some people who transferred to us from the FSS will now be part of the consultation process that we are in the middle of with our staff around those redundancies. Some of them may well leave as a result of that process.

**Q93 Pamela Nash:** Are you able to tell us today how many that will affect?

**David Richardson:** I cannot, because we are in the consultation process. Until that is concluded, it will not be clear how many are involved.

**Q94 Pamela Nash:** Are those staff who have transferred in similar positions to those that they would have been in at FSS? Are their expertise and skills being used with LGC or are they in different jobs?

**David Richardson:** Broadly speaking, I would say that they are. It is difficult with those kinds of numbers to be absolutely clear that everybody is doing exactly the same job. Indeed, I can probably be clear that they are not, as there are bound to have been some changes. Broadly, it is not in our interests to pay for skills that we do not use, and it is not in our interests to recruit people who have skills at a much higher level than we would use, because those people inevitably get bored and unhappy. Broadly speaking, they will be doing similar kinds of jobs to the ones that they were doing previously.

**Q95 Pamela Nash:** Professor Evison and Dr Manlove, since the closure of FSS, have you seen evidence that a considerable number of skills went out of the workplace? Obviously people have left, but are the skills of those who have stayed in forensic science still being utilised?

**Dr Manlove:** From my direct experience of recruiting individuals from some of the laboratories, I am aware, certainly from the Forensic Science Service Chepstow laboratory, that in the order of 80% of the staff are no longer practising in forensic science within an FSP. With other laboratories, the percentages may differ slightly. However, there has been a vast exodus from the marketplace of individuals who feel that it is unpredictable and is no longer the job for life that it was, that it does not offer the security or, quite simply, for domestic reasons—their children are in school, their partners have jobs in situ and they cannot necessarily move. There is a variety of reasons as to why it has happened. One may expect there to be attrition of staff if a considerable geographical relocation is required.

**Professor Evison:** I can tell you that some forensic scientists have gone into academia—probably a very small proportion though. Over the last two years, my own institution has recruited three former Forensic Science Service scientists and one former LGC scientist. Although their opportunity to practise is likely to be very much diminished, the good thing is that they will be able to pass on their knowledge and experience to another generation. My feeling is that this is a problem that will take a long time to resolve itself, and that is probably one of the good things that can be done.

**David Richardson:** May I add to that, Ms Nash? With the reduction in the size of the market from, say, £150 million to £180 million down to under £80 million, it was inevitable that a large number of forensic scientists were not going to have employment in the industry any more, because the industry is smaller than it was. Whether or not the FSS had stayed around, there would be many fewer forensic scientists working today than were working two or three years ago. That is just the market, I am afraid.

**Q96 Chair:** I want to push you a bit further on your response to Pamela Nash on the conflict between your evidence and that of Prospect. The word “nonsense” may be your answer, but it is not an explanation.

There is a clear conflict of evidence between yourselves and Prospect. Given that I have had some years of experience, going back to when Mrs Thatcher brought in the TUPE regulations in my previous incarnation, it seems to me pretty unlikely that professional people who value things like the benefits of continuity of service that come with TUPE would not choose to move to a new employer with TUPE but would go on a voluntary arrangement that is outwith TUPE. It just does not seem logical.

**David Richardson:** The comment that, as I understand it, was made by Prospect was that we had scared and frightened people. That is, in my view, nonsense.

**Q97 Chair:** That is nonsense, you say, but what is the explanation? It is not a logical position for somebody to choose not to take TUPE when they are moving to a new employer. I agree that there are people who, for the domestic reasons that Dr Manlove mentioned, may not wish to move to the new employer, but for the ones that do it is illogical for them not to exercise their TUPE rights.

**David Richardson:** It is difficult because you are asking me to get into the minds of people. So long as there is a free choice available to them—

**Q98 Chair:** These are your employees. You must know about their views.

**David Richardson:** I do not know about the views of the 200 people who worked in the Wetherby lab, which is the group you are talking about, because they were not my employees. Some of them are now my employees. All that I can do is to say what our experience was.

We put in front of those people a choice, which was to come to us on a voluntary transfer, with some changes in terms and conditions that met the needs that we had in serving

our customer. They were entirely free, if they wished to, to come across on TUPE or to take redundancy. They made the choices that they made. Speculating about why they made those choices, given that we are dealing with 200 people, is quite difficult for me to do. The ones who came to us I can talk about.

We do a staff survey of feedback every two years, and we did one last summer. The results that came out of the Wakefield laboratory from our staff there, many of whom as I suggested earlier were ex-FSS, were among the very best not only in the UK but in our worldwide organisation. The people who came across, as measured by that survey, were, clearly, broadly content. It is difficult for me to comment on the ones who did not come.

**Q99 Chair:** I was asking about the ones who did come who did not exercise their TUPE rights but who came voluntarily on a new set of terms and conditions. I am not disputing the people who left.

**David Richardson:** I am saying that the feedback that we have had from those staff is that they are content with the situation that they have at the Wakefield laboratory. I do not know why they chose to go down the route that they did. Broadly speaking, about half of them came on voluntary transfer, about half had taken redundancy and we then recruited them on the open market.

**Q100 Hywel Williams:** May I ask Mr Richardson and Dr Manlove what your archiving arrangements are for forensic material?

**David Richardson:** We follow the ACPO guidelines.

**Dr Manlove:** As do we.

**Q101 Hywel Williams:** You hold your own archives, located with you. Reference has already been made to television programmes, and the popular image that the police officer in the field phones the scientist somewhere, who then peers into the screen, and the parking offence in John O'Groats is linked to the murder in Land's End. We know that it has never been like that, but my question is whether it would be a good idea to hold all materials in a central archive so that that source of reference could at least be facilitated, if not magically produced as on television.

**Dr Manlove:** I am sure that Mr Richardson will be in agreement that if we did not have to hold the vast amounts of paperwork and retained material that we do, it would be something that we would look on very positively, as still being a case-working scientist. However, I believe that we should keep the most recent material for court attendance and shortly afterwards, but it would be a very positive step if we had to keep material for only a measured amount of time after the conclusion of a case and it could then be moved to a central archive.

**Q102 Hywel Williams:** I should say that some members of the Committee visited the forensic archive in Birmingham a little time ago. To all of you, what do you think should be the future of Forensic Archives Ltd?

**Dr Manlove:** Given that strictly speaking the cases belong to the customers, although the physical paperwork is ours, and given also the potential instability of the market, it may be an idea that these are looked after in a central facility. There is the possibility that any one of us may have to withdraw from the market at some point. The question then remains in potentially short order of what happens to the archive. There needs to be a well thought-out strategy.

**David Richardson:** At the end of the day, all the evidence belongs to the police. I would be entirely in agreement that if it was stored somewhere, it would probably be of

assistance from our perspective. One thing that I would say, however, is that it would be important that the indexing of that material was carried out in a way that would enable its easy retrieval. That is something of a challenge with the forensic archive, as I know you heard last week.

**Professor Evison:** I am very much in favour of a central archive, where the evidence can be kept securely and curated so that it does not get damaged or lost.

**Q103 Hywel Williams:** I have two brief follow-up questions. Are you aware of any strategy, one that exists or is being worked on by anybody—the Home Office for example? Also, given that you are private organisations, who should pay?

**David Richardson:** I am not aware that there is any strategy being worked on around this at the moment.

**Dr Manlove:** Nor am I.

**Professor Evison:** Are you referring to the archive?

**Hywel Williams:** Yes.

**Professor Evison:** I struggle to see much evidence of strategy in Home Office forensic science policy at all, I am afraid.

**Q104 David Tredinnick:** How does the new forensic procurement framework compare to its predecessor? Are improvements needed, do you think?

**David Richardson:** I would say that the new framework has some improvements, but there have been a lot of challenges with it as well. The first and most obvious one is that, because we are in the transitional period, we are now operating at least five—and you might argue many more than that—different protocols. The first question any of our scientists must ask is, “Which of the various protocols are we working on with this particular piece of evidence?”

The second thing is that there has been a tremendous proliferation of pricing points. We have some cases where a particular test that we are doing previously had four or five pricing points; there are now as many as 25 or 30. The administrative burden of working out exactly what it is we are doing and what we should be charging is clearly more significant than it was in the past.

**Q105 David Tredinnick:** I was slightly disturbed by what Professor Evison said earlier about an important case in which two people were involved, where he felt that because of the costs the correct evidence was not presented to the court.

**Professor Evison:** I am not sure whether that was quite what I meant to say.

**Q106 David Tredinnick:** Would you elaborate? I thought that that was a very crucial piece of evidence. If we have a situation where expensive prosecutions are failing because the forensic evidence that is produced in court is inadequate, I put it to you that there is a fundamental problem.

**Professor Evison:** I am sorry, but the case that I was referring to was from some years ago. It was a coronial inquiry, not a criminal justice system inquiry, and I am not quite sure what the outcome was. I am only aware of the fact that a very large sum of money was quoted for doing an identification, which I imagine would have taken up most, if not all, of the coroner’s annual budget.

**Q107 David Tredinnick:** I can see from what Mr Richardson is saying that you are in a transition phase. You have five different protocols and a differentiation in pricing points. But is there not also a conflict in philosophy here?

LGC Forensics stated: “Whilst the introduction of the National Framework has given forces a number of advantages, including lower pricing for outsourced work and greater control over spending, it has also had the effect of commoditising forensic science and creating a transactional customer/supplier relationship”—which was something that came up earlier on, a separation of powers—“rather than a partnership approach to crime solving.”

The desire for a partnership approach was echoed by witnesses at the session on 30 January, when, sadly, I was not able to be here. Is there not a conflict here? Either we want the cosy old relationship of partnership, or we want a much clearer system where we have a transactional supplier relationship. It seems to me that there is actually resistance to change.

**David Richardson:** I would not agree with that. I do not think that I would agree that partnership relationships have to be cosy, which I take to be a pejorative term from your perspective.

What we are talking about there is the fact that there was a situation, for a period of time, when forensic service providers would work alongside the police in determining the strategy that would be applied in any particular case. That relationship has changed as a result of the introduction of the new protocols. As we have said there, there have been some very positive things coming from that, but it has meant that we have increasingly been asked to do particular tests which our forensic scientists may not be able to see the full context of.

An example that I have used in the past is that we might previously have been sent a jacket and been told, “See what you can do with it.” Now, we will be sent a snip from the jacket with a bloodstain on it and told, “Tell me what blood that is. Give me a DNA profile.” Those are two fundamentally different tasks from a scientific point of view, because context is clearly extremely important. Because we are now just being asked to do a test, it is clearer and the charging for it is easier in one sense, but the evidence that you might be able to get from it is perhaps less good.

**Q108 David Tredinnick:** It is not only your agencies that are going through dramatic change; there is a dramatic change in policing. When you talk to the police, who exactly are you talking to now? What impact have the police and crime commissioner elections had?

**David Richardson:** From our perspective, it is far too early to say. They have only been in post since the end of last year, so we are not seeing any direct impact of that at this stage.

**Q109 David Tredinnick:** Going back to the difference between transactional costs and supplier relationships, and the partnership approach, is it not likely that these police and crime commissioners, who are probably much more cost-conscious and may come from totally different backgrounds in industry, are going to be much more rigorous in their approach? It is more likely that they will favour the approach where you have a transactional customer-supplier relationship.

**David Richardson:** The advantage of the partnership relationship, as we see it, is that you can look at the whole crime-scene-to-court process. The adoption of a strategy that is more effective may also be cheaper. For example, it may be more likely to get to a guilty plea and save court time. That is one example. I don’t think you can say that the adoption of a more challenging way of looking at costing is necessarily going to result in a low total cost, because you have to look at the full process, in my view.

**Q110 David Tredinnick:** I have one final question, with your leave, Chair. Is fragmentation of casework occurring under the new framework?

**Dr Manlove:** I would say that, increasingly, yes, it is. It is not always necessarily detrimental to a case that different providers do different parts of a case. However, when there



is a major inquiry that is best dealt with when there is total provision of service, it is potentially best to hold that under one roof.

A particular example in relation to your question is where DNA analysis is done by one company, with a subsequent interpretation and statement produced on that, and the interpretation of, say, blood and a bloodstained pattern done by another laboratory, albeit the police or a forensic science provider. The value of a single scientist being able to interpret the meaning of the DNA results in relation to that item of clothing is lost, to an extent, and there is not always going to be the maintenance of the bridge of communication. It creates a danger of a slightly disjointed approach to a particular case, opening up potential avenues of defence that may not have been available previously. It certainly provides the risk that you would move from what we would call level 2, the stage where you could potentially discuss activity in relation to individuals and DNA results, down to level 1, which is simply a source attribution of a particular result.

**Q111 Chair:** Thank you very much indeed, gentlemen. That has been extremely helpful.

**Dr Manlove:** Is it possible for me to say one additional thing regarding the Forensic Science Service? Having worked with the Forensic Science Service for a number of years, and with its scientists at the end of the 1990s and the beginning of the following decade, I did not feel that the Forensic Science Service had a profligate attitude towards its work. I felt that it strived extremely hard to work in an efficient and effective way, and the managers of those teams also worked very hard to deliver in partnership with the police customer.

**Chair:** Thank you, gentlemen.

### Examination of Witnesses

**Witnesses:** **Chief Constable Chris Sims**, Association of Chief Police Officers, **Gary Pugh**, Director of Forensic Services, Metropolitan Police Service, and **Kevin Morton**, Regional Director of Scientific Support Services, Yorkshire and Humber Police Forces, gave evidence.

**Q112 Chair:** Good morning, gentlemen. You have been sitting at the back listening to the previous session, but for the record it would be helpful if you could introduce yourselves.

**Gary Pugh:** I am Gary Pugh. I am director of forensic services for the Metropolitan police. Referring to the other witnesses, I am also a visiting professor of forensic science at Northumbria university. In relation to the earlier session, I was also a director at the FSS and I was on the DNA Expansion Programme board in terms of the expenditure of that money, which may be relevant to your questions.

**Chief Constable Sims:** I am Chris Sims. I am chief constable of the West Midlands police, and I lead for ACPO on forensic science. I was also on the DNA Expansion Programme board some time back.

**Kevin Morton:** Good morning. I am Kevin Morton. I am the regional director of scientific support services for the Yorkshire and Humber police—a senior practitioner, I would say.

**Q113 Chair:** Thank you for coming here this morning. Would you start by briefly explaining your involvement in the FSS transition?

**Chief Constable Sims:** Perhaps I will kick off. This was a decision taken on largely economic grounds by the Home Office. We, as ACPO, were consulted during the decision-

making process and then were a major part of the way in which the transition was handled. Operation Slingshot was our operational name. At its heart it was managing the transition, making sure that the work load moved across smoothly, that criminal justice end users were served properly and, in effect, that the new forensic market was able to kick in and take up the slack left by the FSS departure.

**Gary Pugh:** The Metropolitan police considered very carefully the decision taken by the Home Secretary. We had some existing forensic science capability, which I can perhaps expand on later. With the primary objective of maintaining service continuity, we decided that we would expand our current forensic science capability to take on the recovery, interpretation and reporting of forensic evidence based at the Lambeth site, which was occupied by the FSS but which is owned by the Metropolitan police.

We TUPE-transferred around 100 staff over to the Metropolitan police and set up that model. That is how we are now delivering forensic science. We contract out the DNA profiling and analytical services such as toxicology and gunshot residue analysis.

**Kevin Morton:** I assisted with the ACPO No. 2 north-east region transition in relation to the closure of the FSS. We were in a different position from the rest of the country in that we had a long-standing relationship with the Forensic Science Service at Wetherby, which at the time was the only laboratory in the north-east of England. We wanted to continue that relationship in working with them and so we took a different view. Rather than going with Slingshot, we progressed a different route toward securing forensic services, but again, the main objective was to ensure continuity of service to the criminal justice system.

**Q114 Chair:** Mr Sims, in the ACPO evidence you state that it was difficult to identify savings achieved by the transition. I preface my question by saying that we had extreme difficulty in unravelling the cost base of the way the police managed forensic science when we did our first report on it. Following that, one of our parliamentary colleagues made a series of FOI requests. That is not a very satisfactory way of getting information from a public body, but that was what happened. The consequence of that was that, from an accountancy point of view, some of that information was unintelligible. We had one large police force that said it could not separate revenue from capital, which rather surprised the Minister when we put it to him. Another large police force, which I know rather well, got its decimal point in the wrong place. Some of the information was not easy to understand.

We want to drill down into this issue of the transition and the current costs. Can you assist us in doing this? For example, Mr Williams mentioned our visit to Birmingham to look at the archive. I presume that a number of forces have now decided to maintain their own archive and have spent capital in establishing an archive. For example, there is some very expensive refrigeration equipment in Birmingham. Is it going to be possible to get hold of proper costings and what each police force has spent on the transition, both in revenue and capital?

**Chief Constable Sims:** The first thing to say is that behind that question is the point that the transition was designed as a cost-reduction measure—and it was not. The transition was brought about because of business failings within the FSS, and forces and Government, to an extent, reacted to that to set up a new service.

**Q115 Chair:** Let me just stop you there. We are not making that presumption. If anything, what was lying behind our theory was that the dispersal of responsibilities would increase costs. At the moment, we have very little evidence to support that one way or the other.

**Chief Constable Sims:** Let us look at the pieces that we know. We definitely know that the external spend of forces has continued to fall, from a point where it was around £180

million a year down to a point where it is now pushing towards £70 million a year. Some of that—a small part—is because forces like Gary's, the Met, has taken part of the service provision and is delivering itself, but I know from my experience in other forces that all of those decisions were based on business cases that they offered better value for money.

We can start with the very strong assumption that less money is being spent on forensic science than it was prior to the transition starting. I am very happy to help drill down, and probably the best way of drilling down, although I am not sure that I can help you with the detail today, is to look at some of the business cases that were made; and how the numbers, capital revenue and everything stack up behind them is probably the best way of understanding the overall picture from a sort of micro-position.

**Gary Pugh:** In terms of my own experience, the governance that I went through in order to implement the changes that we made, with the priority of maintaining service continuity, went to the Metropolitan Police Authority, and it approved the full business case. In fact, the full authority sat to hear this and considered this case in July 2011.

For us, there was not a great deal of capital investment, because we were effectively taking back the Lambeth site, which is owned by the Metropolitan police. There was some limited capital expenditure on equipment, but that was quite small and was measured in hundreds of thousands rather than in millions. There was limited capital outlay for us in that sense.

I would add that, in relation to the archive, we have a very extensive archive of criminal cases and of forensic work that is undertaken. The Metropolitan police, indeed, has a legacy of the national fingerprint service, so we are holding millions of fingerprints.

**Q116 Chair:** The Met is in a slightly different position from the rest of the country in that respect.

**Gary Pugh:** Yes. The point that I am making is that archiving and managing forensic material and records in criminal cases is a core business for us and always has been. We have the facilities to do that. In terms of the storage of samples and fridges and so on, we have those as well.

**Q117 Chair:** Yes, but as I say, the Met is not the rest of the country.

**Chief Constable Sims:** We all do elements of our own work around fingerprinting, so we all have some storage. The archive issue—I am sure that we will want to talk about it in more detail—has become an issue because of the archive that the FSS held and how it will be handled into the future.

**Q118 Chair:** Yes, indeed. We shall come to that later, if we may. The FSS closure was not the driver in reduction of costs. The driver was the reduction in demand. Is that essentially it?

**Chief Constable Sims:** The driver to reduce costs—

**Chair:** There has been a reduction in demand for forensic science work.

**Chief Constable Sims:** There has been a series of things. There has been a reduction in cost, which has come about largely as a result of competition and improvements in technology. There has been a reduction in demand, which was driven principally by reducing levels of crime but also by different approaches to submission and changes to the operating model, which the Met has done but other forces have done in part as well. There is a big, complex package as to why that external spend figure has fallen, but if anything, the transition was the cause of the FSS problems rather than the result, if that makes sense.

**Q119 Chair:** Indeed. Mr Pugh, you talked about the scientists that you brought over from FSS. How many were there?

**Gary Pugh:** There was a TUPE transfer of 103 staff—four team leaders, 80 forensic staff and 19 support staff. The four team leaders took a package and left because there was no equivalent role in the Metropolitan police, but the remaining staff transferred to the Metropolitan police on 28 November, when the whole package was signed off by the police authority, the Home Office and the FSS, in a transfer agreement.

**Q120 Chair:** You have described the categories, and a significant number were professional scientists.

**Gary Pugh:** Yes.

**Q121 Stephen Mosley:** Last week, we heard some mixed opinions about the national forensic framework. Of course, the next generation framework came in on 1 August last year. Would you describe the differences between the current framework and the previous one?

**Chief Constable Sims:** I shall start, but I am sure that others will help. It is based on a similar concept. It was a new OJEU notice that prompted it; the OJEU notice was completed in August 2012. It is a four-year process. In completing that, it has allowed a number of additional organisations to enter and be part of the agreement. Probably, the differences are in what we refer to as the pipeline—the way in which the different regional contracts are let. One of the criticisms before was that we ended up with large parts of the country being let at the same time, which created excessive disruption. What the pipeline is trying to do is to spread those contract renewals or contract reassignments over a four-year period so that we get a smoother change-over. Those are probably the principal issues, unless colleagues want to add other things.

**Kevin Morton:** They are some of the principal issues. From our point of view, the words “commoditised” and “transactional orders” have been used already by others during the course of the morning. I think that they are more along those lines than they were previously, and there are various different pricing points compared to the old specifications, where forces can enter the pricing point dependent on the work that they do in-house. They are the principal differences in the way that it is run.

**Gary Pugh:** I would add to that. We used the framework to put in place contracts for DNA analytical services. I certainly see this procurement as a means to an end. We want that analysis to support crime investigation in London, so we work very closely with our providers to ensure a joined-up approach in terms of the provision of the results of that analytical data and to deal with issues that arose.

As I have set out in my submission, there are two areas; there certainly were issues in toxicology and gunshot residue analysis. By working with our providers in terms of how we look at demand and prioritise, and how they build additional capacity, we have come through those issues, but those are areas where there was some limited provision for a while. Certainly, I see this as very close working with the commercial sector in order to get the right services for crime investigation.

**Q122 Stephen Mosley:** One of the issues that was brought up last week was that the framework makes it very difficult for new providers to come into the marketplace. Have you heard that complaint, and do you think that it is valid?

**Chief Constable Sims:** We have had new providers come in as a result of this framework. You could take that question as a very general piece across the whole of the public sector and across every single aspect of what we deal with. It is a problem that we have these monumentally bureaucratic and complex procurement processes. I look at some of the

SMEs in Birmingham that would probably want to do more public business if they could but struggle with the complexity of procurement.

You have a very general point there, but specifically on this, we have some smaller providers who, if you like, are niche within their particular areas, and we certainly have some new providers. We have done quite a lot of work to help people get on to the framework because it is in our interests that they do.

**Q123 Stephen Mosley:** When you say new providers, are these providers that came along at the beginning of the framework? Is it possible for companies to come along and get on to the framework now that it has been established, or do they have to wait for the next cycle?

**Chief Constable Sims:** They will have to wait for the next cycle, as there is a qualification process to become part of the framework. The next cycle is in 2016, but the preparation for it will, in effect, begin two years earlier. It is a moving piece.

**Q124 Stephen Mosley:** I should have thought that the forensics market is probably changing very quickly; technology is changing and science is changing. What happens if someone comes along with a new technique and you guys as police might want to use it? Do you have to wait for the next cycle to be able to bring it on?

**Gary Pugh:** No. The contracts allow us to use specialist analysis. For example, in a very high profile case we used a company in Pennsylvania for the mitochondrial profiling of hair. They are the only organisation in the world that undertakes that work, and we go to them to get that analysis done. We can step outside our contracts or the framework where we have that requirement in particular cases.

I would add that the framework has certainly stimulated interest, so I get quite a number of organisations approaching me, asking what it is all about and what the requirements are. I have met quite a large number now that have shown an interest in joining the framework, and I am very happy to talk to them and explain how the Metropolitan police sees the framework and its use.

**Kevin Morton:** There is no bar to anybody joining the framework. They need to meet the required regulatory standards and so on, and any other procurement process that you would need to go through. The framework itself is managed by a central team. A succession of mini-tenders takes place over the period, as Mr Sims already explained.

Although 2016 is the start of the next framework, during that time a number of forces will be tendering for services. There is no reason why anybody could not come on to the framework during that time in between each of the tenders, but to suggest that we could enter into a contract with a supplier, and then another supplier could come along that we preferred so that we ditched the original contract, would be very difficult to do. The contracts have to be of sufficient length to allow the suppliers on the framework to get a return on their investment.

**Q125 Stephen Mosley:** I turn to a slightly different issue with the framework. In one of the answers to a question to the previous panel, we heard a description that in the old days the police would have gone along with a jacket and said, "We've got this jacket with a bloodstain on it. What can you do?" whereas the approach now tends to be, "Here's a bit of material with a bloodstain on it. Can you do this test on it?" We heard from the providers last week that they would prefer more of a partnership approach. Do you have any comments on that?

**Chief Constable Sims:** I shall ask Gary to address the jacket question, which has now become central to the debate, but there is a bigger issue. We co-exist with these main

providers at all sorts of levels. We are talking at the moment at a very operational, commercial level. We could have a discussion, for example, around research and development, where there are really good partnerships. We are providing test environments for organisations to bring in new technology, and we are helping to shape the demand for that technology by setting out what we think future requirements would look like. That is a really important part of partnerships, because it helps the future of both organisations to move forward.

Specifically, in the narrower operational, commercial field, I shall ask Gary to speak.

**Gary Pugh:** The jacket needs to be seen in the context of how criminal investigations are undertaken. As I said in my evidence in 2011, we have seen this major shift in the way that forensic science is used, with databases developing on fingerprints and DNA. Our ability to rapidly identify a suspect in a case has moved on immeasurably since the old days, when the van would drive to the lab full of exhibits. In the Metropolitan police, our focus and our model is based on a very quick response. That starts with the crime scene managers, who are 24/7. They will be at a major incident in London within minutes, if not hours, and they will take control of that.

The forensic science input to that in the Metropolitan police is through forensic scientists. This is where we perhaps differ from other forces or even providers. They are trained in the location recovery of not just DNA or blood and body fluids, but also in finger marks and footwear marks. They take, if you like, a holistic approach to that. However, that examination is very focused and very quick in identifying that critical item—or the critical bloodstain on the jacket—so that we can identify an offender using modern DNA techniques. We will show you a case when you visit tomorrow where we effectively solved a murder in 48 hours using that approach. That is a very big change.

I used the expression “real-time forensics” in my previous submission, and I do so again in this one. One of the things that will shape this market, and it is not just in DNA but also in fingerprints and drugs analysis, is the move towards the real-time analysis of forensic material. As I have said before, the laboratories and the fingerprint bureaux could become redundant, as this effectively takes the technology right to the crime scene and allows you to generate results very quickly.

**Chief Constable Sims:** That is on the basis that if you can identify a suspect really quickly, it opens up a whole avenue of different investigative processes, from interview or from finding stolen property, to phone work. It is quite an important change, and it should not be seen necessarily as a threat but as an opportunity.

**Gary Pugh:** I think also that the interpretation of the crime scene and establishing the sequence of events or validating the account of a suspect or of witnesses is a critical part of the thinking that goes into it before you get to testing the jacket. That is what we are focused on.

**Q126 Chair:** May I ask you, Mr Morton, about your evidence? Is what you described a different way of procuring to the rest of the country, or is it just a different description?

**Kevin Morton:** Many of the things that have been said by Gary and Mr Sims are exactly what we are talking about.

The first thing that I would like to say—I am sure that you did not mean it in this way—is that the relationships are far from cosy. They are very robust, managed and challenging relationships that we have with our forensic providers. Unlike the Metropolitan police, which has the luxury of staff and facilities to deliver various analyses and scientific work, within the north-east we do not have that ability. Our partnership is looking at the end-to-end process of the criminal justice system for forensic recovery and forensic analysis.

We are experts in forensic recovery. We know what we are doing in managing crime scenes. The scientists are experts at analysing and interpreting the results of that forensic recovery. The partnership for me is working together on the end-to-end process in order to get the best for the criminal justice system.

**Q127 Stephen Metcalfe:** As I am sure you are aware, there has been a great deal of discussion around the size of the forensic market. When the decision was taken to close the FSS, the market—I now have the figure—was around £170 million in 2009, with the projection that it would drop to about £110 million by 2015. It has already dropped below that; there will have been a shrinkage of £100 million over the three years. Would you explain or expand on why that shrinkage has happened and where that work has gone?

**Chief Constable Sims:** Yes. I shall slightly repeat the facts again, but I can go into more detail.

First, crime has fallen really sharply. I can say, for the West Midlands force, that we will end the year at least another 10% down. A lot of the crime was things like burglary, where a lot of the bulk forensic science was delivered, so there are some positives to start with. Then there is the change of method. Again, we have heard a little bit about the Met, but others are doing part of it. In effect, in a very dynamic territory, the borderline of where we put something as external delivery has shifted because of the changes in technology and the changes in investigative philosophy. They have all allowed more of that work to be done earlier within a policing context.

The other issue is that there has been a lot of work within the criminal justice system. There is a piece that has started under the name of staged reporting, which, again, is a very positive value-for-money initiative. It says in philosophical terms, “Let’s not analyse something that is going to end up as uncontested material within a case. Let’s stage the analytical process and the expenditure on forensic science and the other parts of policing so that it is not wasted on a case that may end in a guilty plea, or may end where the contested part of the evidence is not, in fact, identity or presence at the scene but is something entirely different.”

All of those factors, and probably others too, are impacting on the size of the market in, let us be honest, a climate when forces are under extraordinary financial pressure and are having to make a series of difficult decisions about what to prioritise.

**Kevin Morton:** Expanding on what Mr Sims has said, there is no doubt about it that initiatives such as Streamline Forensic Reporting and the austerity measures have caused us to think more closely about what we submit. There is another factor; forensic science has become cheaper. It has become more automated. The jug of blood that we used to have to send at one time to get a DNA profile from is not there any more. We can send much less now, it is done in a much more technological way and it does not need the people there to do it.

We have also become much more intelligent customers. We know what we are likely to get a result from, so we play our part in contributing to the savings that forces have to make. We will therefore send things that we know we are likely to get a result from. Are we different from scientists? If you ask a scientist if something is possible, they will say yes. In the old days, we would send it to them and ask, “Will you try and do it for us?” The next question we now ask is, “Is it probable?” If it is not probable, then we will not send it. We have become much more intelligent in what we submit and how we manage our services. That inevitably, along with the cost of science itself going down, has led to the fall in the market.

**Chief Constable Sims:** I would offer one more explanation, which you have probably explored at a previous hearing. The DNA expansion fund and the period that surrounded it—a number of us were involved in that process—deliberately pushed the forensic spend up,

because part of the philosophy of that process was to increase the size of the database. All of that expenditure in increasing the database was pushed into a fairly short period and led to a big jump in expenditure. The fall is against a peak rather than probably simply against a longer-term average.

**Q128 Stephen Metcalfe:** There is a whole bundle of different and complex reasons, but one is that you have brought some of that work in-house and are doing it more inside the police service.

*Chief Constable Sims:* Yes.

**Q129 Stephen Metcalfe:** As a customer of forensic science and now obviously a supplier to yourselves, and with a diminishing market, do you think that the position of the service as a whole means that you have too much control over the market—that you are able to wield too much power to drive prices down that might make the commercial market unsustainable?

*Chief Constable Sims:* Again, I am sure that we all have perspectives on this, but we are very mindful of the market in which we operate and very respectful of the organisations that choose to be part of that market. This is where the bigger partnership issue sits. We are very interested in making sure, as far as we are able, that they have a proper commercial future and that their intentions are to remain in the market, because there is a dependence on them.

It is important to distinguish between the role of individual forces, the role of ACPO and the role of the Home Office in this. Individual forces are charged with trying to get value for money, and they are charged with operating in a way that is safe and responsible. ACPO, through me and Chief Constable Chris Eyre, who leads for it in this area, has the responsibility to look beyond at the market, but it is the Home Office, through the committee of which I am part, who are ultimately the people who look at the long-term risk associated with the market. In a sense, ACPO supports and plays into that group.

**Q130 Stephen Metcalfe:** Is the committee that you are talking about the forensic science policy group?

*Chief Constable Sims:* It is, yes.

**Q131 Stephen Metcalfe:** Is that making progress in looking at those issues?

*Chief Constable Sims:* It is early days. In effect, it has only just begun its new life. It existed some time ago but stopped for a period. It was dominated by the transition issue. It has now restarted, but it is early days. As a member of that group, I would say that it needs to be more proactive in the way it considers risk and reacts to what it sees.

**Q132 Stephen Metcalfe:** We recently had elections for police and crime commissioners. Have they had any impact on this area yet? Is it on any of their agendas to look at forensic science issues?

*Chief Constable Sims:* The Met is in a different position, with a different governance arrangement, but I have seen no impact yet. Ultimately, the PCC will take from the old police authority the responsibility of owning the contractual relationship. The PCC will absolutely have a commitment to value for money, as indeed we do.

I briefly heard some of the earlier discussions, and the thought of the PCC being involved in shaping the transaction is utterly not where they would want to be, nor should be. Overall, the answer is probably certainly not at the moment, and I do not anticipate it being a major issue.



**Gary Pugh:** May I add to that? As Chris says, we clearly have a different situation in London. Having gone through the governance—it was then the police authority, but it is now replicated in the Deputy Mayor—it was very clear that scrutiny of the business case of what we did was very detailed. It was also on the basis that there were no unfunded liabilities, so there is a governance that comes into play here, which scrutinises what we do and how we do it and certainly how we spend public money.

I would add to that in terms of your market point. I am sorry to go back, but there are two things. When we looked at this previously, 60% of our spending in the Met was linked to DNA profiling. DNA profiling has a very dominant position in the spend, so if the unit cost goes down then there is a contraction of the market. What I would say now, and certainly from my position holding the budget for all forensic services in the Met, is that we are under pressure to reduce costs. My budget is reduced this year and it will reduce again next year, so I am expected to make efficiency savings. To give you a flavour of that, I have just approved 86 voluntary exits for forensic staff in the Metropolitan police. It is a broader picture now, certainly with the austerity that we feel in the police service.

**Kevin Morton:** May I make a couple of comments? The first thing is that not everybody is in-sourcing. There is not wholesale in-sourcing going on within the police service. The north-east region, for instance, has no plans to in-source anything, and we are 20% of the police service of the United Kingdom. It is not happening.

Where in-sourcing is taking place, it is driven by technology and the advances in science, where the equipment and the staff needed are much less than they used to be. To give an example, if you took a photograph 10 years ago, you had to send the film to be developed and wait for it to come back, and you were reliant on them for that. You do not have to do that now. Imaging can be done on your own computer or desktop in your own time. I am sure that nobody would expect us, as a police service, to just carry on doing what we used to do. This new technology is available to us. It is much cheaper, which is a way of contributing to the savings that we have to make.

We have to make sure that there is a clear corridor between the evidence that we analyse and produce and the investigation. That is a very clear picture for me: that sterile corridor has to be there. My fear is the perception that, because some police forces do it, there will not be a clear corridor within the overall criminal justice system, whether it is there or not. We prefer, in the north-east, not to take that risk. Others have chosen to take that risk. They are in a different situation from us.

**Q133 Chair:** Your mention of the technology leads me to my final question before I move on to other colleagues. Mr Sims, at the beginning of your response you talked about the stats relating to the fall of crime, and then we talked about the expenditure on forensics. Can I just go on to technology-related issues? Does your fall in crime include computer crimes like ID theft?

**Chief Constable Sims:** No.

**Q134 Chair:** Is ID theft in that list?

**Chief Constable Sims:** Not ID theft, but I shall broaden that a little to what we call e-crime, which is bigger than ID theft.

**Q135 Chair:** Can we be clear about it? Is identity theft included in your crime stats?

**Chief Constable Sims:** I would have to be clear what the criminal offence associated with identity theft is.

**Q136 Chair:** The criminal offence is that my credit rating is then wrecked. I am personally damaged.

**Chief Constable Sims:** Yes; I understand the harm.

**Q137 Chair:** The offence is against me. The reason that I ask is that some forces, as my colleagues have said, do not treat ID theft as a serious crime because there is no loser. There are losers; your credit ratings are wrecked and therefore there is a loser.

**Chief Constable Sims:** I can say for the West Midlands police that the reporting of crime relating to IT, which would include that situation, or the reporting of it, has gone up about fivefold in three years. As a constituent part of a shrinking overall crime level, IT-based crime has risen.

**Q138 Chair:** Presumably, therefore—I have seen it in my own force in Cheshire, which is doing some fantastic work on forensic computing—expenditure on forensic computing has gone up.

**Chief Constable Sims:** Yes. Proportionately, it is taking a bigger and bigger share of expenditure.

**Q139 Chair:** When talking about expenditure on forensics, are we including forensic computing or excluding it?

**Chief Constable Sims:** We are talking about all of that part of expenditure that is external. Computer forensics is difficult because some of it is done by us and some is passed to external providers.

**Q140 Stephen Metcalfe:** Are other Government agencies included?

**Chief Constable Sims:** Yes. Each force will have a slightly different mix of that market. In my experience, it is an increasing share of what we spend.

**Gary Pugh:** To add to that, and it is relevant to the size of the market debate, digital forensics is a different operating model again, I think. Rather than the traditional laboratory model, where you collect material and send it to the laboratory and have it examined and analysed, we are finding that we need to enable front-line officers to download the data from a mobile phone or an iPad, and to do that very quickly. There are devices that will do that. Like other forces, we have put some of that technology out there on the ground, with support staff to ensure that it is used properly and effectively. It is a different model, but it is a growing area. Again, it is something that we will show you tomorrow in terms of that growth. If you like, the traditional DNA forensics is being driven down by reduced crime and reduced unit costs, but it is digital that is the growth area.

**Q141 Chair:** The Met, when talking about expenditure on forensics, includes that.

**Gary Pugh:** It is within my budget, as is fingerprints, scenes of examination and so on.

**Q142 David Morris:** How much is currently being spent by police forces on in-house forensics?

**Chief Constable Sims:** I do not have that figure. For reasons that we described before, it is a very complicated figure. Do you include guarding the scene in that? Do you include the full cost of scene management? You would have to help shape your question.

**Q143 David Morris:** What is the broad, across-the-board figure?

**Chief Constable Sims:** We have talked before about a figure of £170 million or £180 million.

**Gary Pugh:** There has been some collection of the cost by HMI, and there is some value-for-money data. Again, there are issues. On your point about digital, some forces count that within forensics and some do not. In broad terms, I understand that about 2% of police expenditure is on forensic capability, whether it is in-sourced or outsourced.

**Q144 David Morris:** Mr Pugh, by taking over the FSS Lambeth lab, how much more is the Met police spending internally on forensic science, would you say?

**Gary Pugh:** As I say, my budget is reduced so we have made a saving through doing that, and, overall, we are not spending more if you look at both in-sourced and outsourced.

**Q145 Chair:** You presumably did not have the capital costs of the building.

**Gary Pugh:** The building was leased to the FSS; it was taken back, so there was no capital expenditure. There was the expenditure of running costs on the 100 or so staff and so on. We have incurred those costs, but we are not buying in services, so the net effect was a saving.

**Kevin Morton:** From our point of view in the north-east overall, it is very difficult, but for my own force, which is South Yorkshire, our in-house spend on forensics is £3.4 million or £3.5 million, but that takes into account the remit of management, crime scene investigators, the fingerprint laboratory, the consumables and everything else that has to do with that. Our outsourced budget for forensics is about £2.7 million, but that is solely on outsourced forensics. Within South Yorkshire, that is the case. The outsourced budget for the north-east is currently about £12 million, but it has fallen from £21 million 10 years ago.

**Q146 David Morris:** Mr Pugh, will all police laboratories achieve the ISO 17025 accreditation this year for DNA, and by 2015 for fingerprint work?

**Gary Pugh:** I am sorry, I do not know about the other forces, but we certainly have. We have accreditation both for the chemical recovery of fingerprints, which is an EU requirement, and we have full 17025 accreditation for all our capabilities at Lambeth. I know that, under Chris's leadership, there is a project to bring all forces in terms of their in-house fingerprint capability up to 17025.

**Chief Constable Sims:** We have a programme of work within ACPO where we are working, in effect, in an agreement with the regulator. One of the limiters on time is the ability of UKAS to push through the accreditation process across the whole organisation, so we have had to prioritise that programme. The early priorities were around the fingerprint recovery process and those parts of the policing world that were closest to laboratory work. We are pushing those forward, and I believe that they will finish in early 2014. The rest of the programme follows behind. We are moving as quickly as we can towards a position where the whole of the police service is reaching that accreditation.

**Q147 Hywel Williams:** Again, I want to ask about archives, but perhaps excluding the Met, as I understand that you have your own arrangements. Gentlemen, would you tell me what the location and size of archives are for individual police forces? How is it arranged? Perhaps you could include the Met as well.

**Chair:** The Met has a pretty clear picture on that, and that is a historic question. It is in relation to the change.

**Chief Constable Sims:** Let me begin by talking a little about the archive. The archive issue was a by-product of the transition from the FSS. The FSS held a lot of police material from the period when it operated. As we foresaw the end of the FSS, a parallel project was created to manage how that archive was going to be dealt with. That project is still in operation. It is delivering a service to the forces that have material with the FSS, but it is now

at a point where it is reliable and is serving the criminal justice ends that it is required to serve.

It is fair to say that there is still a debate about how the future of that project should move. One or two forces would seek to have their part of the archive returned. Gary, who is leading the biggest force in this area, would probably see it in that perspective, but others would find that position very difficult. There was a debate as to whether the service should be retained within the public sector or outsourced. On balance, I think that it is moving back to a position where it is retained, but we are still at a position where those options are being debated and considered.

**Kevin Morton:** From my point of view, I am not aware of any forces in the north-east that have a forensic archive. We retain case files, but the forensic evidence remains with our suppliers. It was previously with the Forensic Science Service, and it is now with our current supplier. They hold it on our behalf, although it remains our property and our evidence.

You asked earlier who will pay for it, which I found quite interesting. I can tell you who will pay for it: the police will pay for it, because the suppliers are not going to do it out of the goodness of their hearts and the Government are not going to give us any money.

**Q148 Chair:** I think that you heard the previous evidence session on that point. There is a logic that says that if the external providers were able to lodge such files with a central archive, both the revenue and capital costs of maintaining that archive would be lower than if they had to establish an archive for themselves.

**Kevin Morton:** Absolutely. That is what we would prefer.

**Q149 Chair:** Can we be clear? You would prefer, essentially, Forensic Archive Ltd to handle ongoing cases as well as the historic archive.

**Kevin Morton:** Yes. We would know where everything was then. That is my position and that of our forces.

**Chief Constable Sims:** I will say on behalf of ACPO that David Shaw, the chief constable of West Mercia, represents me on that group, and that is still moving forward with a series of options. Kevin has outlined one, but others are being considered.

**Gary Pugh:** If the Home Office was going to fund that part of our archive, it would clearly be churlish of me not to take up its offer.

I would make two points that are relevant to this. One is that we should bear in mind, in terms of the freezer issue and all that storage, that under the Protection of Freedoms Act we will destroy somewhere in the region of 6 million DNA samples, so there will be a much reduced requirement. Under the provisions of that Act, we can only retain DNA samples for six months, so there will not be the great freezer storage that we currently have, as it will go under that provision. You will need to bear in mind that, when you see lots of freezers, they will not be there in a year's time.

**Q150 Hywel Williams:** It is in the nature of archives that they are added to. Mr Morton, you said that the archives are kept by the commercial organisations that serve you. Is that the case for every police force?

**Chief Constable Sims:** Pretty much, yes. It is still owned by the force. The force never loses ownership of the material that it submits, but it is hosted, if you like, by the people who analyse it.

**Q151 Hywel Williams:** I am not going to ask you how much it costs, but presumably because it is a specific service it could be costed.

**Chief Constable Sims:** It is built into the cost of the original submission.

**Q152 Chair:** One of the things that we found a bit surreal about the visit to Birmingham was that it was not only DNA samples in the fridge next door to where we were having our sandwiches. The scale is pretty significant, with 45 million file items. How big is your archive at the Met?

**Gary Pugh:** We certainly have millions of fingerprint records by definition, because we used to hold the national fingerprint database. As has been mentioned, there is a weeding policy around that for crime generally. For some crimes, files are destroyed in seven or 10 years, for more serious crimes it is 30 years, and for others it is 100 years. There is an established process in the case files.

I would make the point as well that after the case has progressed through the criminal justice system and the opportunity for appeal has gone, then the whole thing becomes fairly dormant. A lot of our case files are stored in a salt mine somewhere, and we access them rarely. It is only cold case reviews where the case file sometimes becomes—

**Chair:** It is probably our salt mine in Cheshire.

**Gary Pugh:** That is very kind of you. Once you have got through that part of the case being live, there are obviously occasional challenges to the CCRC, but it is a very limited intervention so that you can safely put it away somewhere for the period that it needs to be stored under the CPIA.

**Q153 Hywel Williams:** You have answered the question as to where you think they should be held. You think that it would be useful to have them all held centrally.

**Kevin Morton:** This is a personal view, and Mr Shaw is leading a working group to look at it at this moment in time. From my point of view, it is impractical for us as a force, as we do not have the estate or the conditions in which to house it. When we are looking at cross-border crime, how can other people access our files or know where they are, whereas a central repository would give us that. It needs to be much better indexed than it is now.

The point that Gary makes is that, as the Protection of Freedoms Act takes effect, a lot of the samples that we are now using will not be there to use anyway; they will be destroyed and will not be there. Over the last five, six or seven years probably, most police forces have gone through a programme of looking at cold cases, certainly for serious sexual offences and homicides, where they may previously have missed forensic evidence. We have all gone through that, at different levels and in different stages, and most have got through it. As for what is left in the archive that is worth us looking at, I am not quite sure.

**Q154 Hywel Williams:** Mr Sims, what influence do you think ACPO or the gentlemen in general have over the future of Forensic Archive Ltd? Are your voices being heard?

**Chief Constable Sims:** Oh yes. David Shaw is in effect leading that process. The project management for it comes from within the Home Office; yes, absolutely.

**Q155 Chair:** If it were finally determined that Birmingham was one centre and the Met was another, which would not be an irrational outcome, one thing, of course, you know better than we do is that criminals do not respect force boundaries. There needs to be an archive system so that anyone doing a cold case review can look at information in Birmingham and, for example, in the Met. Is work going on in the Met to ensure that the indexing system that you use parallels or replicates the indexing system that has been adopted by Birmingham?

**Gary Pugh:** It does not replicate it. As I said in my submission, we have a cold case team, so we have people who are still looking at some historic cases and looking for

opportunities. The guiding principle for me here is that we must extract the maximum information from a case, not just to progress it through the criminal justice system but to have an eye to linking it with other cases. So that is the forensic intelligence in that. We therefore need to do that at the outset. It is very time-consuming to go back to extract that.

Certainly we have occasions when police forces come to us where they believe that offences in the Met were committed by a serial offender and we will make that information freely available to them, as we would any details of a criminal investigation that they thought was linked perhaps to an offender in their force.

**Q156 Chair:** Ultimately, if there was a proper search facility in the indexing system—

**Gary Pugh:** It is more of a consequence of it being about the FSS rather than the archive, but one of the things that we found difficult is that, because it is all paper records in Birmingham, the FSS systems and particularly the laboratory management systems that held that index are not accessible. That has meant that it has been more time-consuming to get to the files.

**Q157 Chair:** That is the point that I am making. They are going through the indexing process. They have adopted a methodology that is not absolutely leading-edge but is a pretty high technology that is designed to have longevity. It is important both that their system is accessible to the Met and that the Met's system is accessible to other police officers elsewhere in the country.

**Gary Pugh:** And I absolutely support that.

**Kevin Morton:** It is important to understand the process of cold case reviews and the way that they are done. I am not up to date as to where the archive is at the moment, to be honest, but I know that there used to be two or three people from the FSS who actually understood the indexing system. If anything happens to them, God forbid, I do not know where we will be.

**Q158 Chair:** We heard that, which is why they are going through this big revision.

**Kevin Morton:** That is a real difficulty, but the process for actually investigating cold cases generally stems from an in-force review. We know within forces what historic rapes we have, what historic homicides we have, that have remained undetected, particularly if they are in a series. The investigations promulgated by us identify that. We then go to the archive to see what material is there related to that offence. It is not that looking at the archive shows us what is there that we might be able to look at. It is a reverse system.

**Chair:** Before we close, Mr Tredinnick has an unrelated question.

**Q159 David Tredinnick:** I go back to something that Mr Pugh said earlier about the number of staff you have taken on from the Forensic Science Service. What happened to the four team leaders?

**Gary Pugh:** They effectively took redundancy prior to joining the Metropolitan police. They were identified within the TUPE transfer, but they took redundancy.

**Q160 David Tredinnick:** Was that early redundancy, or would they have stayed on in the service if they could have done for another 10 years, for example? Was that a serious loss?

**Gary Pugh:** From memory, they were team leaders and managers, and some were not forensic scientists. They came from the private sector.

**Q161 David Tredinnick:** Do you think that the computer links between forces are adequate for the purposes of forensic science?

**Gary Pugh:** The fact is that we have a national fingerprint and a national DNA database. For unsolved crimes, where we obtain DNA or fingerprints, the fact that they are stored nationally and searched nationally is extremely important. We also have a national ballistic intelligence system, which you will see tomorrow, and we are able through three centres in the UK to link guns and the use of firearms. There are systems in place to link forensic material. Beyond that, there are central intelligence units that look at crime generally. Perhaps Chris can expand on that.

**Q162 David Tredinnick:** My last point is almost a statement rather than a question. Intuitively, I think that fragmentation of the national archive would be a mistake, because down the road who knows where the little bits will end up? I don't know whether you want to comment on that.

**Chief Constable Sims:** No; I think we probably all agree with you.

**Q163 Chair:** Gentlemen, thank you very much. Mr Sims, given your offer to help us with our inquiries—I have always wanted to say that to a policeman—we will follow up with a detailed letter on which I should be grateful if you would seek the co-operation of your ACPO colleagues.

**Chief Constable Sims:** Yes, of course.

**Chair:** There is, as I indicated, quite a lot of confusion about expenditure, partly because of the reasons that you have explained, and what is happening to the money—whether the closure of the FSS was a smart idea and whether there have been consequential benefits or disadvantages with the archive and so on. We are trying to drill down and get to the bottom of that, but also to have a better understanding of what is happening in terms of your needs as professional police officers, given the resources that you will need for the future. This is not just about the FSS and what happened last year; it is about resourcing policing in future. Thank you very much for your attendance.