

House of Lords Call for Reform of Forensic Science Services

A report of the House of Lords Science and Technology Committee issued on 1st May 2019 highlights that the UK was once regarded as world-leading in forensic science but an absence of high-level leadership, a lack of funding and an insufficient level of research and development now means the UK is lagging behind others. The report, *Forensic science and the criminal justice system: a blueprint for change*, concludes that the forensic science market is not properly regulated creating a state of crisis and a threat to the criminal justice system.

The Committee heard worrying evidence that:

- Many private forensic service providers, including the three with the largest market share, are experiencing serious financial difficulties and are on the brink of collapse.
- There is no consistency in how the 43 Police Authorities commission forensic science services. Some Police Authorities have taken forensic investigation predominantly in-house whilst outsourcing some services to unregulated providers.
- The Forensic Science Regulator has no statutory powers with which to enforce standards of forensic science provision and there is no discernible strategy to deal with the rapid growth of digital forensic evidence
- Cuts to legal aid have affected the ability of defendants to access forensic science expertise resulting in inequitable access to justice.
- Research and development in forensic science is currently under-resourced, uncoordinated and does not appear to reflect the value to the criminal justice system. This has resulted in serious concerns about the scientific validity of some forensic science fields and the evaluative interpretation of science evidence.

The delivery of justice depends on the integrity and accuracy of forensic science evidence and the trust that society has in it. The Committee concluded that fair access to justice for defendants is hampered by cuts to legal aid, as the defence must have the opportunity to commission their own forensic testing where evidence is disputed.

Committee makes recommendations for urgent action including:

- A **Forensic Science Board** should be created to deliver a new forensic science strategy and to take responsibility for forensic science in England and Wales.
- The remit and resources of the **Forensic Science Regulator** should be significantly reformed and expanded to include responsibility for regulating the market and given a number of statutory powers to bolster trust in the

quality of forensic science including powers to: issue improvement notices and fines; rescind a forensic science provider's accreditation and inspect accredited forensic science providers without notice.

- The **Legal Aid Agency** should liaise with the market-regulation arm within the expanded role of the Forensic Science Regulator to set new pricing schemes for forensic testing and expert advice for defendants and the Ministry of Justice and the Home Office should invest in research of automation techniques for data retrieval and analysis to tackle issues with digital forensic analysis.

- To return the UK to its position as world-leading, a **National Institute for Forensic Science** should be created to set strategic priorities for forensic science research and development, and to coordinate and direct research and funding.

Lord Patel, Chairman of the House of Lords Committee said on publication of the report:

“A free society is dependent on the rule of law which in turn relies on equality of access to justice. Simultaneous budget cuts and reorganisation, together with exponential growth in the need for new services such as digital evidence has put forensic science providers under extreme pressure. The result is a forensic science market which, unless properly regulated, will soon suffer the shocks of major forensic science providers going out of business and putting justice in jeopardy.

“The situation we are in cannot continue. Since 2012 the Home Office has made empty promises to give the Forensic Science Regulator statutory powers but still no action has been taken. We believe that seven years is an embarrassing amount of time to delay legislation; our forensic science provision has now reached breaking point and a complete overhaul is needed.

“If our recommendations are implemented and the Government adequately invests in forensic science, our forensic science market can return to a world leading position.”

Click [here](#) for the report.