

# Inspection of Forensic Science Northern Ireland

July 2009

Criminal Justice Inspection  
Northern Ireland  
*a better justice system for all*







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**July 2009**

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## List of abbreviations

<b>ACC</b>	Assistant Chief Constable	<b>MoU</b>	Memorandum of Understanding
<b>ACPO</b>	Association of Chief Police Officers	<b>NBI</b>	National Bureau of Investigation (Finland)
<b>AFSP</b>	Association of Forensic Science Providers	<b>NDPB</b>	Non-Departmental Public Body
<b>CJ</b>	Criminal Justice	<b>NFI</b>	Netherlands Forensic Institute
<b>CJI</b>	Criminal Justice Inspection (Northern Ireland)	<b>NI</b>	Northern Ireland
<b>CJFS</b>	Criminal Justice Forensic Science	<b>NIAO</b>	Northern Ireland Audit Office
<b>CJS</b>	Criminal Justice System	<b>NICS</b>	Northern Ireland Civil Service
<b>CPS</b>	Crown Prosecution Service (in England and Wales)	<b>NICtS</b>	Northern Ireland Courts Service
<b>CSR</b>	Comprehensive Spending Review	<b>NIO</b>	Northern Ireland Office
<b>DCC</b>	Deputy Chief Constable	<b>NIPB</b>	Northern Ireland Policing Board
<b>DFP</b>	Department of Finance and Personnel	<b>NPIA</b>	National Police Improvement Agency
<b>DNA</b>	Deoxyribonucleic acid	<b>OBC</b>	Outline Business Case
<b>ENFSI</b>	European Network of Forensic Science Institutes	<b>PACE</b>	Police and Criminal Evidence Act
<b>ERU</b>	Evidence Recovery Unit	<b>PPS</b>	Public Prosecution Service for Northern Ireland
<b>EU</b>	European Union	<b>PSNI</b>	Police Service of Northern Ireland
<b>FSAC</b>	Forensic Science Advisory Council	<b>RoI</b>	Republic of Ireland
<b>FSL</b>	Forensic Science Limited (in Republic of Ireland)	<b>SFSS</b>	Scottish Forensic Science Service
<b>FSNI</b>	Forensic Science Northern Ireland	<b>SIB</b>	Strategic Investment Board
<b>FSS</b>	Forensic Science Service (in UK)	<b>SIO</b>	Senior Investigating Officer
<b>GB</b>	Great Britain	<b>SLA</b>	Service Level Agreement
<b>HET</b>	Historical Enquiries Team (in PSNI)	<b>SMART</b>	Specific, Measurable, Achievable, Realistic and Time-bound
<b>HMIC</b>	Her Majesty's Inspectorate of Constabulary	<b>SPD</b>	State Pathologist's Department
<b>ISO</b>	International Organisation for Standardisation	<b>SPSA</b>	Scottish Police Services Authority
<b>IT</b>	Information Technology	<b>SSM</b>	Scientific Support Manager
<b>MAB</b>	Ministerial Advisory Board	<b>USA</b>	United States of America
		<b>UK</b>	United Kingdom
		<b>UKAS</b>	United Kingdom Accreditation Service
		<b>YJA</b>	Youth Justice Agency



## Chief Inspector's Foreword

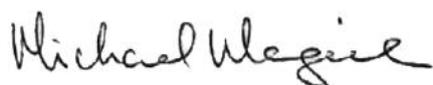
This inspection report follows a full inspection of Forensic Science Northern Ireland (FSNI) in 2005 and a follow-up review in 2007. These reports identified serious shortcomings in the operations of FSNI. The report also deals with a specific Ministerial request to assess the quality and implementation of the FSNI Action Plan in response to the judgement at the conclusion of the Omagh bomb trial.

Our findings were that FSNI is emerging from a period of instability with a renewed focus on delivering an effective forensic science service. Corporate governance arrangements have been strengthened and a new Board of Directors is taking forward a major programme of service improvement initiatives focused on excellence, quality and timely delivery. These changes have been recognised by FSNI's customers. In addition, the decision to work in partnership with the United Kingdom Forensic Science Regulator is a positive step in terms of ensuring a high quality standards framework that should address concerns raised in the Omagh bomb judgement. Accreditation through the United Kingdom Accreditation Service (UKAS) has been sustained and extended.

We did find that a number of weaknesses identified in previous inspections/reviews continue to be a problem for FSNI. The inability of the Agency to demonstrate value for money remains a concern to the police and needs to be addressed through IT enhancements. A number of management challenges such as inflexible working practices/processes and resistance to change were identified, but while they are understandable, they cannot be allowed to impede progress. These issues need to be addressed by management if FSNI is to operate effectively within a new competitive marketplace.

The broader challenge for the Agency and the wider criminal justice system is to determine the type of forensic science service that will best meet the needs of the future. This has taken on a greater urgency with the advent of a more competitive marketplace. In my view, the time is right for the wider criminal justice system to develop a clear understanding of what it wants from a forensic science service, and to develop a response that meets these requirements. This approach will also inform and help expedite the building of a new forensic science laboratory.

The inspection was led by James Corrigan and included expert assistance from Professor Jim Fraser of the University of Strathclyde in Glasgow. I would like to thank the staff of FSNI for all their assistance during this inspection.



**Dr Michael Maguire**  
Chief Inspector of Criminal Justice in Northern Ireland  
July 2009



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## Executive Summary

This inspection report follows a full inspection of Forensic Science Northern Ireland (FSNI) in 2005 and a follow-up review conducted in early 2007. Both reports found significant weaknesses in key areas of corporate governance, strategic direction, customer relationships, performance and quality control. The two years since the last review was the main focus of this inspection. This report also deals with a specific Ministerial request to assess the quality and implementation of the FSNI Action Plan in response to the judgement at the conclusion of the Omagh bomb trial.

The Agency has made progress in a number of important areas. More transparent and effective corporate governance arrangements are now in place with clearer lines of decision making and external accountability. The new management team are gaining the confidence of staff and customers and strategic relationships with the police have improved. Quality accreditation has been maintained and extended, and there is evidence that it is now becoming a core element of broader work practices. The decision to work in partnership with the United Kingdom Forensic Science Regulator is a positive step in terms of ensuring a high quality standards framework. It should also address concerns such as those identified in the Omagh bomb trial judgement. Performance in terms of meeting customer requirements (e.g. timeliness and price) is variable, although the Agency has maintained its 100% on-time turnaround of Priority One cases. In the critical area of DNA turnaround, performance has improved and now compares favourably with other forensic science laboratories.

A number of the weaknesses, which were identified in the previous inspection and review continue to present problems for FSNI. The continued inability to demonstrate value for money through the production of reliable pricing of its products and services has dented confidence with its customers, particularly the PSNI, and presents a significant risk with the advent of open competition. This issue needs to be urgently addressed through the IT enhancements proposed by FSNI under the Perseus IT Programme. Relations with other customers and users require ongoing work so that their needs can be better matched to the capacity and future development of the laboratory.

The biggest challenge for the Agency is the proposed introduction of a more competitive marketplace. Management and staff are embarking on a process of major change which needs to be sustained and targeted over the next two years. Part of the change is structural which, in the main, is already happening – new functional areas include business development, a re-alignment along laboratory and reporting services, and cross-skilling within the range of science disciplines to allow greater flexibility. The remaining challenge is cultural which requires the buy-in of staff at all levels within the organisation. Resistance to change needs to be overcome through improved internal communications and a renewed focus on management within and across the directorates. Staff development can be better aligned with corporate objectives, including the need to prioritise and promote the flow of new knowledge into the organisation (e.g. through targeted research and development as well as the strengthening of external partnerships).



The laboratory has delivered a forensic science service to the Northern Ireland criminal justice system for the past 53 years. The type of service has adjusted in response to global developments in forensic science as well as the local needs of criminal justice organisations. For the past 17 years, staff have continued to deliver a service from 'temporary' accommodation. Developments over the next few years are likely to radically change the nature of how forensic science is delivered in Northern Ireland. A well run laboratory which meets the needs of its customers, is likely to continue to play a major role in the criminal justice system. But there is also an onus on the system, particularly the Northern Ireland Office (NIO) and the main criminal justice organisations, to provide an input to the type of service which can meet their needs. It is recommended that this input should be provided through the development of a forensic science strategy. This strategy should provide a road-map for forensic science, including clarity on its organisational model and achieve greater certainty in the scope and design of a new forensic science laboratory.





## Recommendations

- The NIO, in partnership with the main criminal justice agencies, should develop a bespoke criminal justice strategy for forensic science which meets their needs and provides a road map for the future development of FSNI. This should include an organisational model for the Agency (paragraph 3.1).
- FSNI should seek to develop, in conjunction with other laboratories (e.g. Republic of Ireland and Scotland) a plan to facilitate increased collaboration including the exchange of staff on secondment (paragraph 3.9).
- The approval and implementation of the Perseus IT Programme should be expedited with priority accorded to the production of a full activity based cost system and work flow management system (paragraph 4.7).
- FSNI, in conjunction with the PPS and NICtS should agree a strategy to determine their forensic science needs at court and implement a plan to reduce unnecessary FSNI Reporting Officers' time spent in court (paragraph 4.23).
- FSNI should continue to work closely with the Forensic Science Regulator to align its approach to the proposed 'standards framework' and ensure its implementation in Northern Ireland (paragraph 5.5).
- FSNI should prepare a final summary report on the implementation of the Omagh Response Plan which should be made available to all the key stakeholders. Any outstanding actions should be mainstreamed into the overall performance improvement arrangements of the organisation (paragraph 5.7).
- The Agency should continue to identify opportunities to increase the quality and through-put of casework. Lessons learned and best practice identified should be mainstreamed into wider process improvements (paragraph 5.10).
- All crime databases held by FSNI, which are compatible with those held by the PSNI, should be subject to a shared services plan. The linking of the footwear databases in both organisations should be a priority (paragraph 5.14).
- The Chief Executive, in conjunction with the NIO, should review the draft Framework Document to ensure that it helps deliver the corporate objectives of the Agency and address the challenges of a competitive marketplace (paragraph 6.2).
- FSNI should increase its resource allocation to research and development and seek additional funding from the NIO (paragraph 6.7).
- The planning and design of a new forensic science laboratory should be aligned to the proposed criminal justice forensic science strategy (paragraph 6.15).
- FSNI should, in conjunction with its customers, develop a clear set of performance indicators. A more concise and user friendly performance report is required (paragraph 7.9).

Section



# Inspection Report



# Introduction

## Contextual issues

- 1.1 There has been a locally based forensic science laboratory in Northern Ireland (NI) since 1956. The development and expansion of the laboratory has been in tandem with the changing needs of criminal justice, particularly police criminal investigation techniques. The first major expansion took place in the 1970s and was in response to the need for specialist investigation and analytical methods in relation to trace and bulk explosives and firearms. As this particular need has declined, the new area of expansion has been in DNA profiling and electronic analysis such as mobile phones.
- 1.2 The success of any forensic science laboratory, like Forensic Science Northern Ireland (FSNI), is determined by how it can evolve and respond to these types of changes – some of which are global in nature (e.g. development of DNA) and others which are localised as in the case of the cessation of ‘the Troubles’. A key part of this evolution is structural – the laboratory was integrated into the Northern Ireland Office (NIO) as a Division in 1976 and became an Executive Agency in 1995. Following a Quinquennial Review in 2001-02, it was decided that the laboratory should follow a course towards becoming a Trading Fund and therefore operating within a commercial marketplace. This was in line with developments in England and Wales. The Trading Fund approach was dropped by Treasury and the NIO in 2005 and replaced with a less specific objective to become a more business-like organisation. That remains the pathway for the Agency as it prepares for greater competition and the ending of its near monopoly in the local delivery of forensic science. For the past 17 years, it has operated from ‘temporary’ accommodation on a police site in Carrickfergus.
- 1.3 The first Criminal Justice Inspection (CJI) inspection of FSNI was undertaken in 2005. It found that the Agency was facing a number of critical challenges which raised concerns around its continued viability. The main areas of concern related to weak management and corporate governance arrangements, lack of strategic direction, poor customer relationships, delays and backlogs in casework and inadequate quality control including the management of exhibits. A follow-up



inspection conducted in early 2007 found little progress against most of the recommendations, but noted the start of a different approach at senior management level, following the appointment of a new Chief Executive in late 2006. Inspectors and the new FSNI management agreed that the changing circumstances of the Agency required a full inspection but that a period of time (around two years) could elapse before an inspection would commence. This was to allow time for proposed changes and actions (arising from the CJI recommendations and a new change programme initiative by the Chief Executive) to take effect.

- 1.4 The increasing significance and limitations of forensic science is ultimately tested in the courts in cases such as the Omagh bomb trial. This is a complex issue for the courts, including the prosecution and the defence, as they are dealing with a 'science' that is actually a range of disciplines (e.g. DNA, toxicology, fingerprints, writing samples, fibres etc.) each with their corresponding techniques and practices for analysing and reporting on evidence. Those engaged in forensic science come from a variety of backgrounds including those who have scientific qualifications and often work in forensic science laboratories such as FSNI, and those who have investigative skills within law enforcement agencies (e.g. crime scene investigators).
- 1.5 A major report on forensic science in the United States of America (USA)<sup>1</sup>

reported that partisan adversarial systems such as the USA and the United Kingdom (UK) are 'not well-suited to address the systematic problems in many of the forensic science disciplines'. It recommended forensic evidence in criminal trials should be founded on a reliable scientific methodology, that lets it accurately analyse evidence and report findings and takes account of the extent to which the discipline relies on human interpretation that could be tainted by error, bias, or the absence of sound procedures and performance standards.

- 1.6 The judgement at the conclusion of the Omagh bomb trial partly reflects these international concerns around the analysis and interpretation of forensic science. The concerns expressed around the gathering, storage, tracking and analysis of evidence were in line with problems found by CJI and Her Majesty's Inspectorate of Constabulary (HMIC) in previous inspections<sup>2</sup>. FSNI has produced an Action Plan in response to this judgement. The assessment of this Action Plan and its implementation formed a specific request to CJI from the NIO Criminal Justice Minister and it is incorporated into this report.
- 1.7 The big risk for forensic science is that in an environment of cost cutting, there is a tendency for funding bodies, such as the Police Service of Northern Ireland (PSNI), to reduce overall expenditure on forensic science. The likely impact of any expenditure cuts is unknown

<sup>1</sup> Strengthening forensic science in the United States: a path forward, National Research Council of the National Academies, 2009.

<sup>2</sup> CJI and HMIC conducted a joint inspection of Scientific Support Services in the PSNI in 2005 with follow-up reviews in 2007 and 2008.



across a range of issues such as crime prevention, clearance rates, prosecutions, acquittals etc.

A reduction in some types of examinations would have a much higher impact than others. For example, the increased sensitivity of DNA profiling enabling new avenues in investigation and court processes though its linkages with other disciplines such as fibres and fingerprints, should not be underestimated.

- 1.8 The biggest immediate challenge for European forensic science providers is the increasing commercialisation of the marketplace. England and Wales<sup>3</sup> has pioneered this commercial model of provision with other jurisdictions such as the Netherlands<sup>4</sup> moving in a similar direction. The delivery of forensic science is still near monopolistic in Northern Ireland, in that one state-run laboratory provides a full range of services to its criminal justice customers<sup>5</sup>. This is in line with the model of state-run forensic science laboratories in most European countries. The key difference in Northern Ireland is

that the Agency, with strong direction from the PSNI as its dominant customer, is moving towards open competition as part of a UK procurement exercise. Scotland has opted out of this arrangement as it has brought its laboratories under the same funding body, the Scottish Police Services Authority (SPSA), as the Scottish Police Services themselves, whilst preserving their operational independence.<sup>6</sup>

- 1.9 The future viability of smaller state run laboratories like FSNI will depend on how effectively they can compete with both larger, and niche providers, of forensic science products and services. It is estimated that up to 60% of the total market in England and Wales can be classified as portable, commodity-based, price sensitive items such as mobile phones, footwear and DNA samples.<sup>7</sup> These could be purchased from other providers under open competition. It is a clear strategic challenge for FSNI to maintain its market position in an increasingly competitive environment.

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3 Since 2005 Forensic Science Service (FSS) has been a 100% Government-owned company, or GovCo. It operated as a Trading Fund from 1999. The Laboratory of the Government Chemist (LGC) is a private company.

4 The Netherlands Forensic Institute is a division of the Ministry of Justice and intends to move towards a commercial model where the Government is likely to own 100% of the company.

5 The PSNI does procure a small amount of its forensic science needs from other external providers but this is mainly related to a specific lack of capacity or expertise within FSNI. Other customers sometimes procure the services of external providers to get an independent (from the CJS) analysis.

6 The four laboratories have been merged into the Scottish Forensic Science Service and integrated with the Scottish Criminal Records Office, the Scottish Police Information Strategy and the Fingerprint Bureau to create the new Scottish Police Services Authority (SPSA). This is a Non-Departmental Public Body (NDPB) with a remit to deliver an end-to-end forensic science service to the Scottish police forces. The SPSA and the police forces are controlled and funded by one overarching body.

7 The figure of 50% which was used by Key Forensic Services Ltd in its review of the FSNI new accommodation project, is based on analysis of the England and Wales National Procurement Framework. It is contested by FSNI's Chief Executive on the basis that much forensic science analysis is integrated across different specialisms.





# Corporate governance

## Structures

- 2.1 The lack of transparency and accountability in relation to corporate governance arrangements was identified as a major weakness for the Agency in the CJI inspection in 2005. Some improvements were evident at the time of the follow-up review in early 2007, when the Forensic Science Steering Group was abolished in favour of an internal Executive Board and Management Committee structure under the new Chief Executive. The Executive Board provides support to the Chief Executive in ensuring proper governance and strategic planning and in establishing the vision, mission and values of the organisation. A second non-executive director has been appointed as a member of the Board. The Management Committee is responsible for the day-to-day operation of the Agency to ensure that FSNI delivers on its Business Plan objectives and targets. This has led to clearer lines of decision making within the organisation. A Ministerial Advisory Board (MAB) continues to have oversight of the Agency and is chaired by the Director of Criminal Justice within the NIO. The rationale for this Board will need to be considered in the context of the broader strategic development of the Agency.
- 2.2 A new Chief Executive was appointed just prior to the last follow-up review and a new Board of Directors has been taking shape in the intervening period. This includes a Corporate Services Director, a Finance Director and a Corporate Secretary. The Operations Directorate has been split into two with new Directors of Laboratory and Reporting Services. New appointments of Business Development Director (March '09) and Quality Director (April '09) are now in place.
- 2.3 The formation of a full Board of Directors has been slow due to the need for NIO approval of required business cases and delays in the recruitment process. This has impeded progress in preparing for the challenges of the commercial marketplace. This is most evident in relation to the strategic role of Business Director, which was under consideration at the time of the last review, but not in post at the time of this inspection – the position was filled in March 2009. A Business Development Director is not a requirement for a state-run



laboratory which holds a monopoly in delivering a forensic science service, but it is an essential component of an organisation which is moving towards a competitive marketplace. A diagram of the management structure is attached as Appendix 2.

- 2.4 Inspectors have been made aware of some external views and internal comments that FSNI may be at risk of 'over-management' in terms of the resources (numbers of Directors and time spent) devoted to the running of the Agency as opposed to doing scientific casework. The Board is relatively large compared to similar organisations/forensic science laboratories, though this does not necessarily imply over-management. The key issue is whether the current management structures are required to support the business objectives of the organisation. At present this appears to be the case as the Agency is facing a number of immediate challenges which require a dedicated resource at senior management level. There remains an onus on senior management to clearly demonstrate the added value of the current structures and posts and these posts will be expected to become self-sustaining (costs fully covered in product prices) with the introduction of competition. One of the Board posts (Business Development Director) is funded directly by the NIO at present but this will taper to customer revenue funding. Increased efficiencies and productivity in management as well as scientific processes is necessary. Opportunities to share some services with the

NIO/Northern Ireland Civil Service (NICS) should be explored in areas such as procurement.

### Accountability

- 2.5 FSNI is accountable to Government and the public through the NIO and the Criminal Justice Minister. The NIO, as the sponsoring Department, provides the funding for any shortfall between costs and customer revenues of the Agency and approves its Business Plan. This is formally done through the MAB. A Framework Document sets out the relationship between the Agency and the Department. FSNI is currently operating under a Framework Document dating from 1995. A revised draft was in preparation at the time of this inspection – as was also the case during the last full inspection. It has prompted the NIO's own internal audit unit to refer to its completion as a 'moving target'.<sup>8</sup> The delay in finalising this agreement has delayed progress in other business planning areas. Inspectors were told that the document would be ratified by both parties in early 2009.
- 2.6 The NIO is a key player in terms of the future development of the laboratory, particularly also given its role in policing and as chair of the Criminal Justice Board. Some of the difficulties of the Agency in the past were, in part, due to decisions made within Government. It is now accepted that the decision to become a Trading Fund was a mistake at that time as it entailed high risks to the commercial viability of the

<sup>8</sup> Departmental relationship with FSNI, NIO Internal Audit Unit, Final Report, November 2008.



laboratory, and was primarily based on different circumstances applying in England and Wales (e.g. multiple customers). The subsequent decision and communication to drop Trading Fund did create some uncertainty within the Agency and the PSNI.

2.7 The future development of the Agency, including its preparation for greater competition, is dependent on a supportive and challenging Department, in the shape of the NIO. Inspectors have been told that the Department has recently become more supportive of the laboratory and this is demonstrated through its approval and funding of new posts, as well as ongoing assistance in areas such as corporate governance, relationships with the PSNI, and planning/funding for the new laboratory. The draft Framework Document provides a range of measures to support FSNI in its future development (e.g. flexibilities in staffing and additional funding when required). But there is also a need for the Department to provide constructive challenge to the Agency to ensure both the best use of public funds and visible improvement in service delivery. This type of challenge has been weak in the past due to the indirect involvement of the Department in many operational management aspects of the business.<sup>9</sup>

2.8 Meetings with management from other state-run laboratories (i.e. Scotland, Finland and Ireland) showed their desire to have regular and informed discussions with their sponsoring and funding departments/ministries. This was

considered an essential element to gaining political and administrative input to their strategic development, and meeting the changing needs of their respective criminal justice systems/customers. The NIO has, and continues to be interested in forensic science and Ministers are keen to see the development of an improved service. Regular formal and informal discussions take place between the Minister/NIO and FSNI. This can now be strengthened and more focused on developing a clearer sense of strategic direction, which will facilitate the Agency in moving forward.

### Leadership

2.9 The role of Chief Executive is a key driver for change, especially when supported by a committed leadership structure at board level. The Chief Executive has stuck with the key issues (e.g. the need for a Business Development Director) and the foundations for genuine change are coming into place. The big challenge for the organisation is to instil and promote this type of leadership throughout the organisation. The evidence from meetings with staff and stakeholders as well as supporting documentation is that a significant majority of staff are in support of the change process. A minority are still sceptical of this process of change, particularly when it is perceived as been 'top-down' and 'top-heavy'.

2.10 Resistance to change is a natural phenomenon among many staff, particularly when previous projects have failed to deliver against stated

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<sup>9</sup> Neither the Minister for Criminal Justice or the Department (NIO) have any input to FSNI casework.





objectives (e.g. Trading Fund and its Modernisation Programme). It is also not un-common in scientific laboratories to have differences of opinion and approach between managers and scientists. Inspectors are confident that the Chief Executive and the Board can help alleviate these concerns, given the right support and assistance from the NIO. The implementation of the Communication Strategy 2008-11 (in draft at time of this inspection) is a key means of achieving broader buy-in to the Agency's goals.

### Openness and transparency

- 2.11 The view of Inspectors is that FSNI has become a more open and transparent organisation since the previous inspection and follow-up review. There is evidence of more open discussions within the Agency and a positive challenge culture was mentioned by some staff. The early implementation of the Communication Strategy is critical in this respect. The Communication Strategy acknowledges the need for 'effective two-way communications at all levels throughout FSNI' which should be delivered in a visible, regular, timely and understandable way.
- 2.12 External openness and transparency has been demonstrated through increased interaction with customers and key stakeholders. The main weakness has been in relation to communication with the general

public though its Annual Report and Business Plans. The most recent Annual Report (published in July 2008) gives a good overview of the progress and challenges of the laboratory, but its section on performance against targets lacks clarity. The most recently published Business Plan relates to the 2007-08 financial year. Inspectors were told that the Business Plan for 2009-10 was agreed in early 2009 and will be published at the beginning of the financial year.<sup>10</sup>

- 2.13 The expansion of DNA profiling and the corresponding creation of large DNA databases on individuals have raised human rights concerns in many countries. While legislative solutions are being used to determine what profiles are collected and stored on these databases<sup>11</sup>, there is also a need to ensure that all stored data is subject to proper governance arrangements. These should be transparent and impartial. The established practice is that these DNA databases are located in forensic science laboratories. FSNI is the holder of the Northern Ireland DNA database, which holds around 80,000 profiles. Inspectors are assured that proper governance arrangements are under consideration and the Agency and the PSNI are in discussion on stewardship. It is likely that the NI database will continue to be stand-alone to facilitate local searches as well as compatibility with both the UK and the proposed Ireland DNA database.

<sup>10</sup> It has since been confirmed that the Minister approved the 2009-10 Business Plan on 9 April 2009.

<sup>11</sup> The European Court of Human Rights (Marper case) ruled in December 2008 that the UK Government had infringed human rights by retaining the DNA details of all those collected (i.e. those without convictions). The Home Secretary intends to address this issue through the publication of a White Paper later in 2009.

## Strategic planning

### Strategy

- 3.1 Uncertainties and confusion around the strategic direction of the Agency has been a root cause of many of its problems for the past decade and formed an important part of the original CJI report in 2005. Little has changed in the intervening period as Inspectors have not seen any evidence of a criminal justice strategy or broader approach to forensic science. The notable exception is the draft strategy prepared by the Agency itself which makes the case for maintaining and developing a local forensic science service in Northern Ireland. This was provided to the NIO in September 2007 but there had been no definitive feedback to the Agency at the time of this inspection. It is recommended that **the NIO, in partnership with the main criminal justice agencies, should develop a bespoke criminal justice strategy for forensic science which meets their needs and provides a road map for the future development of FSNI. This should include an organisational model for the Agency.**
- 3.2 Inspectors consider that the Chief Executive has made a valuable starting contribution to charting the future strategic direction of the laboratory. The issues covered in *'The case for maintaining and developing a local forensic science service in Northern Ireland'* are well presented. But any assessment of the broader value of the service to the system requires a consideration of other options (e.g. acquiring forensic science services from other providers and/or doing more of this work within the police). This should be incorporated into the proposed forensic science strategy. It will also need to take account of future crime trends including the role of forensic scientists at crime scenes, the balance between serious and volume crime, and access to more specialist scientific techniques and/or skills. One specialist discipline relates to explosives, which was considered to be world class in the laboratory during 'the Troubles' but has now declined due to lack of demand. A forensic strategy should articulate the role and funding of FSNI in relation to the maintenance of a strategic explosives capacity and should



consider how sufficient reserve capacity can be maintained into the future, across the core disciplines of FSNI.

## Business Planning

- 3.3 Business planning within the Agency is underpinned by a standard business planning methodology known as the *Balanced Scorecard*. The Agency has developed a Strategy Map for 2008-11 which outlines its revised mission, vision and corporate goal. Its stated mission is *'to provide effective impartial forensic science to support justice'*. The vision is *'to be recognised as the provider of forensic science with the reputation for excellence, quality and timely delivery'*. The corporate goal is *'to achieve self-sustainability through investing in people, facilities and systems in support of our vision, by 2011'*. These revised statements are an improvement on what was in use at the time of the last review. Inspectors support ongoing efforts to improve the corporate goals and targets of the Agency in the context of its clearer mission and vision statements. This could be strengthened through a broader and more inclusive self-assessment process.<sup>12</sup>
- 3.4 The main gap or risk to the Agency is that this business planning process is largely internalised with a lack of substantial input from other criminal justice agencies. The PSNI as the main customer, the Public

Prosecution Service (PPS) and the Northern Ireland Courts Service (NICtS) as key users of the service, will all support the vision of an impartial service founded on quality and timely delivery. But there are likely to be a range of views in terms of how this can be best delivered to meet the specific needs of their organisations and the criminal justice system as a whole.

- 3.5 The issue that best demonstrates this lack of a criminal justice system approach is the planning and design of a new laboratory. The business case for building a new laboratory is well presented in the Business Plan and it is recognised that the current premises are increasingly unfit for purpose. The key issue centres on the size and scope of the laboratory – the Agency is planning on the basis of a similar range of services as currently delivered to the PSNI and others. A recently commissioned report<sup>13</sup> for the Strategic Investment Board (SIB) states that *'we have seen no evidence that PSNI have been involved in preparing the specification for the new accommodation'*.<sup>14</sup> It goes on to caution that *'without this customer perspective there is a risk that the specification is biased towards the practitioners' technical requirements rather than reflecting how the PSNI plan to use forensic science in the future'*. Achieving PSNI input into the planning and design of the new accommodation should be a priority for both organisations.

12 FSNI management conducted an organisational self-assessment as part of this inspection, though it was limited in scope due to time restrictions. FSNI management did indicate a desire to follow a similar format for future business planning activities.

13 Review of FSNI New Accommodation Project, Summary of Findings, Key Forensic Services Limited, 2008.

14 This finding is disputed by the Chief Executive of FSNI who has stated that PSNI is represented on the New Accommodation Project and their projected demand has been factored into the sizing and scope of the new laboratory.



3.6 The business planning process has been the subject of some criticisms by the NIO internal audit unit which has provided 'limited assurance' in areas such as corporate governance and risk management. It stated that Corporate and Business Plans were *'both well behind schedule and been delayed numerous times'*. There is however evidence of a much faster creation of the Business Plan for the next financial year (2009-10). This was undermining accountability and transparency as NIO approval at the end of the relevant financial year had limited scope to challenge the laboratory. The FSNI self assessment report to CJI stated that *'a Business Plan is in place'* and it was later confirmed that the 2009-10 version would be approved and published at the beginning of the financial year.

### **Cross border co-operation**

3.7 The onset of commercial competition within forensic science has changed the dynamic between forensic science laboratories/providers. FSNI has established commercial links with the main providers in England and Wales through its brokering arrangements (i.e. sending exhibits to other laboratories in response to a lack of local capacity). Relationships with state-run laboratories in Scotland and the Republic of Ireland are not commercially focused. They are based on bilateral and regular meetings of the Association of Forensic Science Providers (of UK and Ireland) and its specialist working groups. There is also sharing of ideas and best practice through common

membership of the European Network of Forensic Science Institutes (ENFSI), in which FSNI participates actively at senior level and through the many specialist working groups. The state-run laboratories do have some common challenges and opportunities which can be addressed through existing structures. For example, there is an opportunity for the respective criminal justice jurisdictions to take a more joint approach to the delivery of forensic science and consider areas of mutual benefit. The fact that all three jurisdictions are currently in the planning stages of building new forensic science laboratories would point towards the realisation of common benefits.

3.8 The UK and the Republic of Ireland (RoI) Governments reached agreement in 2005 on co-operation in criminal justice matters within the framework of the British Irish Intergovernmental Conference. This includes the scope for, and development of plans to achieve, more effective co-ordination on criminal justice matters between the two jurisdictions in areas such as the respective forensic units. The NIO has been positive in trying to facilitate increased co-operation and meeting the commitment of both Governments and a number of joint meetings have taken place involving the NIO, PSNI and FSNI, as well as their equivalents in the Republic of Ireland. The FSNI Executive Board minutes of October 2008 refer to a request from the NIO for FSNI to consider what areas of forensic science could be shared with the RoI.



- 3.9 Inspectors recommend that **FSNI should seek to develop, in conjunction with other laboratories (e.g. the Republic of Ireland and Scotland) a plan to facilitate increased collaboration including the exchange of staff on secondment.** Inspectors recognise the resource constraints faced by each of the laboratories and would suggest that a short cost-benefit analysis of each initiative should be developed. Opportunities to develop shared services and centres of expertise should be considered as part of a wider criminal justice strategy for forensic science.

## CHAPTER 4:

# Customer focus



4.1 FSNI in its Annual Report distinguishes between its key paying customers and its stakeholders. It has Service Level Agreements (SLA) with its main customers and delivery targets (principally in relation to turnaround times) are agreed on an annual basis. There are no formal protocols or agreements with non-paying users or stakeholders. This is an issue which should be considered following agreement on a forensic science strategy. Inspectors would support more formal partnership arrangements when roles and responsibilities have been clarified.

### PSNI

4.2 The PSNI is the dominant customer for FSNI accounting for over 90% of its income in recent years. But it is more than a conventional commercial relationship as both organisations are partners in the delivery of a criminal justice service. The SLA between both organisations recognises the unusual situation of having one dominant customer and one main supplier in that it provides for exclusive arrangements. For example, the SLA states that FSNI *'will not contract for work in any particular case which would deny the PSNI the opportunity of scientific representation by FSNI.'* The benefits

of dealing with one police organisation and one prosecution service – as opposed to 43 police and Crown Prosecution Service (CPS) areas in England and Wales or 26 police and 15 prosecution authorities in the Netherlands – should be a big advantage in terms of customer relations.

4.3 The Agency has strengthened its strategic relationship with the PSNI since the last CJI inspection. A Forensic Strategy Group is chaired by the Deputy Chief Constable (DCC) which also includes the Assistant Chief Constables (ACC) for Crime and Criminal Justice as well as the Scientific Support Manager (SSM). The Chief Executive and several Executive Directors and a Non-Executive Director represent the FSNI. The NIO is represented by the Director of Criminal Justice and the Deputy Director responsible for Criminal Justice Services Division. Practical operational issues for Senior Investigating Officers (SIOs) and scientists are discussed at an SIO forum and operational officers have referred to the valuable service provided at crime scenes by lead scientists in particular. Regular performance meetings are also taking place between the SSM and FSNI management.



4.4 A senior officer in the PSNI has confirmed the benefits of having a local service provider which can deliver a bespoke service to the police and the criminal justice system, but accepts that broader value for money considerations will be a key determinant for the future procurement of forensic science. The PSNI has committed via a Memorandum of Understanding (MoU) with FSNI to *'source its forensic science requirements from FSNI in all areas where FSNI demonstrates its ability to meet PSNI's requirements.'* These requirements include the delivery of high quality, timely and cost competitive services. It does state that it is free to use other suppliers where there is an overall advantage to PSNI and the criminal justice system in so doing. This commitment is open-ended in that no specific date is included in the MoU though it is interpreted by the Agency as not earlier than 2011 when FSNI is expected to be a service provider under the next National Policing Improvement Agency's (NPIA) National Forensic Procurement Framework Agreement. This is likely to be the start of a fully competitive marketplace for forensic science in Northern Ireland. The possibility that FSNI will lose some or all of its current services to other providers is the biggest risk for the Agency and this is demonstrated by its elevation on the Agency's own risk register.

4.5 Open competition also provides opportunities for FSNI and the criminal justice system. There is little doubt that the advent of competition

has acted as a stimulus to address some of the inefficiencies and cultural problems associated with a near monopolistic supplier. This is most evident in relation to turnaround times for DNA which has been significantly reduced in recent years. The current turnaround time of less than two weeks is much closer to the commercial laboratories in England and Wales than their state-run counterparts (six to seven weeks is more common in many state-run laboratories).

4.6 Demonstrating this level of improvement as well as being able to compare costs and timeliness against other providers is critical to customer satisfaction. There are two competing assumptions in FSNI and PSNI – the Agency feels that it provides its services at below cost (hence the subsidy from NIO) while the PSNI believes it is paying too much compared to police forces in England and Wales. A main part of the solution rests with FSNI being able to cost its own services and then provide pricing details of its services and products that allows direct comparisons with the products and services of other providers.

4.7 CJI Inspectors were assured by the previous management that this would be a priority and that an activity-based cost system (sometimes referred to as hard charging) would be implemented as part of its modernisation programme. This has not happened and only limited costings were available at the time of this inspection<sup>15</sup>. The current

<sup>15</sup> A good example of its potential was the recent analysis of mobile phone data products against three competitors which showed that FSNI were cheaper for the same service. This facilitated the PSNI in taking a decision on whether the service could be delivered in-house or purchased externally.



management of FSNI has assured Inspectors that the introduction of activity-based costings is a top priority and that it will be implemented through the new IT and business change programme known as Perseus, and dovetailed with the introduction of the Association of Chief Police Officers (ACPO) product definitions. The Chief Executive has confirmed that some aspects of the project can be delivered as 'quick wins' before Perseus is fully operational. One 'quick win', a Time Recording project, has already been implemented, which is an essential prerequisite to both costs analysis and capacity planning. In view of the importance of this issue, Inspectors recommend that **the approval and implementation of the Perseus IT Programme should be expedited with priority accorded to the production of a full activity based cost system and work flow management system.** The full realisation of its benefits has the potential to significantly improve how forensic science is used by the police and undertaken by the laboratory.

4.8 Whilst communication at strategic level with the PSNI has improved, there continues to be an information gap between the needs of the PSNI and the capacity of the laboratory which in turn has negatively impacted on the delivery of the service. The joint SLA is the main mechanism to match police needs to the capacity of the laboratory, but this has routinely failed to estimate the requirements of the police and the capacity of the laboratory.

4.9 The source of the problem is not the SLA as such, but the context in which the SLA is discussed and agreed. A good SLA is one which represents the needs of the customer and sets achievable delivery targets for the laboratory. This SLA is weak on both points. The needs of the police have been prone to change significantly against their original predictions with submissions in some areas exceeding agreed thresholds by over 30%. New areas of forensic science need are sometimes only communicated to the laboratory when the service is actually required. At the same time, the laboratory has sometimes failed to anticipate developments which affect service delivery. In the past year, this has included the loss of staff in key areas and problems associated with the brokering of DNA work to other laboratories. Inspectors advise that the SLA should be agreed and signed at the beginning of the financial year (e.g. SLA 2008-2009 agreed and signed in September 2008). A delayed SLA is questionable in terms of planning (e.g. no ability for PSNI to request additional funding for new services).

4.10 The overall police budget for external forensic science is set at the beginning of the financial year and has not been subject to significant change. The main changes relate to demand for particular services and/or new services. The number and type of submissions are channelled through a police submissions unit which monitors demand against targets. This has led to a more robust approach to submissions within the PSNI though this has not addressed the problem of over-submissions. The



root of the problem is related to the lack of financial accountability at district/operational level. A CJI/HMIC inspection report on Scientific Support Services in the PSNI has recommended that the PSNI should *'identify policies and processes to achieve greater accountability in terms of submissions, control and finances.'*<sup>16</sup> This in turn, is dependent on FSNI providing appropriate pricing of its products and services as recommended in this and other CJI reports.

- 4.11 Continuing to improve customer relations through improved communications and the delivery of a quality and timely service is a key objective of FSNI and this is demonstrated through the recent appointment of a Business Development Director and Customer Account Manager. There is also a need for the Agency to further develop its capacity to better react to the specific needs of the police and the criminal justice system. Whilst performance in dealing with high priority cases has been good – there were some PSNI criticisms in relation to the laboratory's response to high priority arson cases last year – more routine cases have sometimes suffered. Many of these more routine cases are commonly referred to as volume crime (e.g. burglary) and are a key concern and priority for PSNI District Command Units (DCUs). Inspectors support the efforts of the Agency to better understand and respond to these specific needs and would advise that these issues are included in the existing SLA rather

than developing new SLAs with each DCU Commander.

- 4.12 The CJI/HMIC inspection report on Scientific Support Services in the PSNI recommended that *'the PSNI, in co-operation with FSNI, should develop and deliver a bespoke forensic science training package.'*<sup>17</sup> Inspectors are aware that FSNI has participated in joint forensic training and this is included in the current SLA. This is a role where the Agency can continue to provide a specialist input to the training of new recruits and refresher training for longer service officers. A good example of this type of role is evident in Finland where the laboratory (which is separate from the police) provides training to operational officers in all regional crime scene units (25) as well as doing six or seven training courses of one to two weeks each in the Finnish police college.

#### **SPD**

- 4.13 The State Pathologist's Department (SPD) accounted for 3.5% of income in 2006-07. After a long delay, a SLA between FSNI and the State Pathologist was signed in early 2009. A recurring problem is that the SPD is dissatisfied with the delivery times for toxicology reports. There is an acceptance from the laboratory that performance has slipped due mainly to staff shortages and an Action Plan is currently in place. The solution for FSNI has been to expand its capacity and outsource or broker work to other providers. It is noted that new Toxicology Reporting Officers have

<sup>16</sup> CJI/HMIC inspection of Scientific Support Services within the PSNI, 2005

<sup>17</sup> CJI/HMIC inspection of Scientific Support Services within the PSNI, 2005



now been recruited by FSNI. The additional cost of brokering is borne by the NIO (who also fund the SPD). Part of the problem is the under-estimation of demand vis-à-vis capacity – the laboratory has stated that there was an over submission of 35% by SPD. The SLA is unlikely to solve this problem as it can only reflect anticipated demand and likely capacity of the laboratory. A more comprehensive solution rests with better planning and understanding of the customer's needs, which should involve more detailed discussions with forensic pathologists and the NIO.

## PPS

- 4.14 The PPS is a relatively small customer of FSNI (1.5% of income in 2006-07) but a major user of its services in its decision making and prosecution of cases. The relationship has been good, though largely informal and removed from normal commercial discussions. The issue of disclosure – providing access to reports and other materials to third parties – is undertaken through the PSNI Disclosure Unit and the service is charged to the PSNI.
- 4.15 An important issue for FSNI in moving forward is to ensure that the needs of the PPS are reflected in the type of service that it delivers to the criminal justice system. A key element of this service is that it should be independent and impartial. There is a corresponding onus on the PPS to better understand how its requirements can impact on overall service delivery in FSNI. PPS requirements for forensic science

evidence and reports should be proportional to the nature of the case and the importance of the forensic evidence. A number of FSNI staff referred to a 'risk adverse' approach to forensic science evidence which led to requests for *all* tests to be carried out on evidence even though this was not always necessary in the judgement of scientists.

- 4.16 This 'belt and braces' approach to forensic science evidence may facilitate decision making and the presentation of evidence on a specific case, but it will also have implications for how the laboratory can use its resources for all other cases. The use of staged reports (as proposed under the ACPO product list) may help to reduce unnecessary workload and it is already happening for electronics cases. It is for these reasons that the PPS should have a more direct input to the future development of forensic science.
- 4.17 The Agency, as part of its Omagh Response Plan, has committed to raising awareness of forensic science within the PPS and this is taking the form of forensic awareness workshops to over 150 prosecutors and PPS staff. This has taken place from January to March 2009. One of the outcomes of this training should be a greater appreciation of the needs and capacities of both organisations, as well as enhanced understanding within the PPS of the capabilities and limitations of forensic science.

## NICtS

- 4.18 The NICtS accounted for just 0.3% of income in 2006-07. The courts are



however the end users of the forensic science service and rely on scientists to present independent evidence (in person and as a part of the case report). The importance of this function is demonstrated in the decision of FSNI (implemented in January 2008) to split its Operations Directorate and create a Directorate of Reporting Services, as an internal customer to a Directorate of Laboratory Services.

- 4.19 The preparation of evidence in report format and its presentation to the courts is the end part of the service to the criminal justice system. This part of the process will be covered in the next chapter. The main issue in terms of a user perspective is whether a more streamlined service could better meet the needs of the courts and the criminal justice system.
- 4.20 The current practice in relation to court reporting is that scientists are called to present evidence in support of their written report. This is established practice in adversarial justice systems and contrasts with the practice in many other European countries where presentation of evidence in court is rare (e.g. scientists in Finland only gave 20-30 court presentations against a total of 17-18,000 reports in 2008).
- 4.21 Data on court attendance in Northern Ireland in 2007 shows that forensic scientists were in attendance at court for 1,357 hours (653 in the magistrates' courts and 704 in Crown Court). A total of 80% or 519 hours in attendance at magistrates' courts

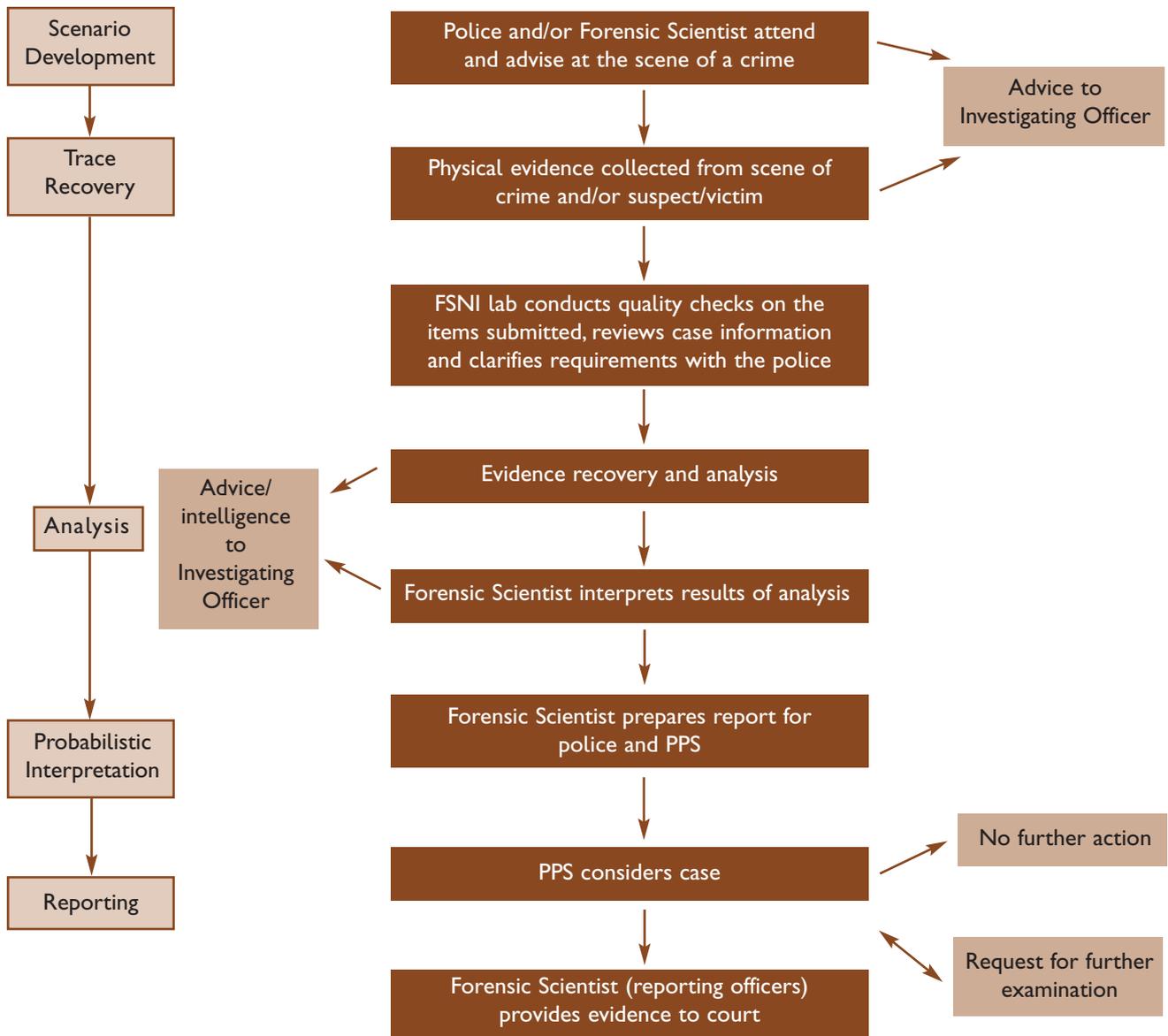
did not result in evidence being given – the equivalent figure for the Crown Court is 360 hours or 51% of time spent in court. Preliminary data for 2008 points towards a reduction in time spent in the courts and a greater proportion of time resulting in evidence being presented.

- 4.22 Inspectors regard the presentation of scientific evidence in court as a core part of the criminal justice process and recognise that the learning element of cross examination is crucial to scientific rigour. It also provides an opportunity for forensic science laboratories to offer a bespoke local service to meet the specific needs of the courts. For example, the Scottish laboratories are keen to develop crime scene re-construction to meet the needs of their courts. But there is also a responsibility on the courts to improve the overall delivery of the service including making best use of available FSNI resources. There is no doubt that time spent at court (when not presenting evidence or where a presence is not clearly necessary for the case) impacts on other work at crime scenes or in the laboratory.
- 4.23 It is recommended that **FSNI, in conjunction with the PPS and NICtS should agree a strategy to determine their forensic science needs at court and implement a plan to reduce unnecessary FSNI Reporting Officers' time spent in court.** The proposal from the Chief Executive to nominate a Court Liaison Officer (as part of an existing post) is a good starting point.

## CHAPTER 5:

# Service delivery

### Key stages in collecting and analysing forensic evidence





## Quality Standards

- 5.1 A key component of effective service delivery is the presence of high quality standards and practices. It is these quality standards which provide assurance in relation to impartiality, excellence and timely delivery. Weak quality standards on the other hand can undermine confidence in forensic science and raise concerns about its contribution to criminal justice. The issue has taken on a greater sense of urgency within the global forensic science community with the publication of the National Research Council report in the USA<sup>18</sup>. The appointment of a Forensic Science Regulator for England and Wales with a remit to set and monitor quality standards is a significant development and it is positive to note the engagement of the FSNI and the PSNI.<sup>19</sup>
- 5.2 A single coherent 'standards framework' that covers all forensic science actions from supply of equipment, crime scene investigations, handling of exhibits, analysis, interpretation and reporting (statements) has been produced by the Forensic Science Regulator. The important issue of timeliness (i.e. turnaround times for products and services) is not included in the 'standards framework' as these issues will be covered in the respective SLAs between providers and their customers. The FSNI Chief Executive is a member of the Regulator's Forensic Science Advisory Council
- and FSNI staff members also participate fully in the various working sub-groups of the Forensic Science Advisory Council.
- 5.3 The Forensic Science Regulator is keen to incorporate the accreditation of providers, the competencies of staff who undertake the collection, analysis and presentation of evidence and the validation of methods (procedures or techniques) under the proposed 'standards framework'. The actual monitoring of these standards will rest with independent accreditation bodies in the case of providers and processes and with the providers themselves, in terms of staff competencies. Some concerns have been expressed concerning the independence and impartiality of the latter and this will need further consideration by FSNI in terms of implementation.
- 5.4 The UKAS is the sole national accreditation body approved by Government to assess organisations that provide certification, testing and calibration services. Most of the activities of FSNI are now accredited to ISO 17025: 2005. The Agency's scope of accreditation is now one of the widest in Europe. There has been a concerted effort to address the weaknesses which led to suspension of accreditation at the time of the first CJI inspection, and this is reflected in its lowering as a risk in the Agency's risk register. The most recent UKAS inspection in July 2008 concluded that scientific excellence

<sup>18</sup> Strengthening forensic science in the United States: a path forward, National Research Council of the National Academies, 2009.

<sup>19</sup> While the formal remit of the Forensic Science Regulator extends only to England and Wales both the NIO and devolved administration in Scotland have agreed that their respective forensic science services will comply with the Regulator's advice and standards, thus ensuring consistency across the United Kingdom.



was demonstrated across all areas inspected. This will be further reinforced with the appointment of a Director of Quality in early 2009 with the objective to extend UKAS accreditation to the entire range of services<sup>20</sup>.

- 5.5 In light of the direct involvement and support of FSNI in the ongoing work of the Forensic Science Regulator, Inspectors recommend that **FSNI should continue to work closely with the Forensic Science Regulator to align its approach to the proposed 'standards framework' and ensure its implementation in Northern Ireland.** It is expected that adherence to a 'standards framework' will address some of the key concerns in the judgement of the Omagh bomb trial including the collection, packaging, handling, storage and disposal of exhibits.

### Omagh Response Plan

- 5.6 The specific issues of the Omagh bomb trial judgement have been addressed directly by the Agency through the preparation and implementation of a Response Plan. This followed a review of its processes and procedures in place at the time of the Omagh bomb, and the subsequent review of processes and procedures as they relate to the Omagh bomb judgement. The implementation of the actions is the responsibility of the Director of Reporting Services.

- 5.7 The most recent update (January 2009) from FSNI states that a range of actions are taking place in relation to external communication (raising awareness of the use of forensic science), quality improvement, the capacity of the agency, case management, contamination control, submission of items and code of ethics. All of these actions are considered standard approaches to dealing with the specific development needs of the organisation. Inspectors recommend that **FSNI should prepare a final summary report on the implementation of the Omagh Response Plan which should be made available to all the key stakeholders. Any outstanding actions should be mainstreamed into the overall performance improvement arrangements of the organisation.**

### Effective and Efficient Processes

- 5.8 A challenge for many forensic science laboratories is to structurally change their traditional silo-based approach to scientific analysis and reporting in favour of a more flexible and cross-disciplinary arrangement. This is a complex issue which requires on-going effort and support. The approach of management has been to re-organise the laboratory into two distinctive sections - laboratory and reporting services. Laboratory services includes an Evidence Recovery Unit (ERU), Analytical Services and DNA while Reporting Services is a stand alone section.

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<sup>20</sup> The areas without accreditation at present are explosives, drugs, mobile phones and paint & glass – the latter two areas are likely to be submitted for accreditation in 2009.



Reducing the number of actual scientific disciplines is more problematic (recently lowered to 12 from 14 at the last inspection) as the specific skills and competencies of scientists need to be balanced against a requirement to be more flexible and cross-skilled. Management has confirmed that there is an intention to multi-skill scientists to at least two disciplines each.

- 5.9 Structural re-alignment is one means of delivering change and enhancing productivity. But it must also be accompanied by cultural change at all levels within the organisation. The traditional approach in many forensic science laboratories was to achieve customer satisfaction (and scientific assurance) through doing everything requested by the customer – even when customers may have had limited forensic science knowledge and were not paying directly for the particular product or service. Scientists in particular were in a position to moderate these needs but often reluctant to intervene once an exhibit was already in the laboratory. There was also a reluctance to reduce the workload around a specific case in view of a possible cross-examination in court. The consequence of this approach was increased time spent on cases and an overall backlog of casework.
- 5.10 Inspectors acknowledge that enhanced productivity, including quality and faster turn-around times, requires actions in a number of areas. There are however some important benefits to be achieved by improved processes linked to cultural change. Inspectors are in agreement with the

Chief Executive and Director of Laboratory Services that identified weaknesses can be addressed through a more strategic review of internal processes. It is recommended that **the Agency should continue to identify opportunities to increase the quality and through-put of casework. Lessons learned and best practice identified should be mainstreamed into wider process improvements.** The concept of a forensic strategy for individual cases – where decisions are taken on what tests are conducted, to what depth and in which sequence – is supported by Inspectors. The ACPO alignment of the product range, with its concept of staged deliverables, will assist in this, as will the workflow elements of Perseus.

### Systems Support

- 5.11 FSNI has made a considerable investment in new and enhanced Information Technology (IT) since the last inspection. The modernisation programme, which was funded by the NIO and originally linked to the transition to Trading Fund status, led to an additional IT investment of £632,000 from a total spend of £1.7 million. The largest project was the planning and implementation of a casework management system to enable FSNI to produce management information as well as access to the criminal justice Causeway IT network. It was envisaged by the then management that the Casebook Information Management System would have enabled 'hard charging' to be introduced by the laboratory in 2005. Other large IT projects focused on external e-mail/internet



access technology and the development of a new finance system.

5.12 The largest and most important IT project at the time of this inspection relates to the Perseus Programme. An Outline Business Case has been submitted to the NIO for approval and it has also been subject to a Gateway Review which has led to a decrease in projected programme costs. The FSNI Executive Board have recorded the delay to the approval of the Perseus Business Case as 'unacceptable'. Inspectors were told by FSNI management that much of the anticipated business process improvements are reliant on the implementation of this programme. This includes exhibit tracking, time inputs, work flow, status reports and control of staff competencies.

5.13 Some 'quick wins' are proceeding as a precursor to Perseus (i.e. roll-out of barcode tracking in harmony with PSNI and the introduction of staff time recording). The linking of the two barcode systems, whilst not a single system, is a big improvement and should deliver significant benefits in terms of tracking exhibits and establishing continuity of evidence from one user to another. The Netherlands laboratory has an advanced form of tracking incorporated into the design of their accommodation and is an important source of advice for FSNI in this regard.

5.14 The first CJI inspection of FSNI in 2005 recommended work with key stakeholders *'to determine what databases are required, where they should be located and how access can*

*be managed'*. A similar recommendation was made to the PSNI in a separate inspection of Scientific Support Services also carried out in 2005. The follow-up inspection of FSNI in 2007 found little evidence of co-ordination and co-operation in either organisation. Inspectors are aware that discussions have taken place with the PSNI in relation to crime databases and progress has been made, particularly in relation to the governance of the DNA database. There is however little evidence of tangible collaboration in terms of shared resources, development of new databases and linkages between existing databases. A more specific recommendation is therefore required that **all crime databases held by FSNI, which are compatible with those held by the PSNI, should be subject to a shared services plan. The linking of the footwear databases in both organisations should be a priority.** Collaboration on new databases should be considered.



## CHAPTER 6:

# Use of resources



### Human Resources

- 6.1 Approximately 200 staff are employed in FSNI, of whom around two thirds are scientists. This represents about a 15% increase in overall staff numbers since the original CJI inspection in 2005, although much of this increase has only been realised in the latter part of 2008-09. They are NI civil servants seconded to the NIO and employed on NIO terms and conditions. The Chief Executive, in consultation with the NIO and the Department of Finance and Personnel (DFP), has some flexibilities and delegated authority to make variations to staff terms and conditions to take account of the developing needs of the Agency.
- 6.2 One of the main problems faced by the Agency is the perceived lack of control over its recruitment. Senior management have made a strong case that it is increasingly difficult to meet changing customer requirements and address the new challenges of competition when tied to a lengthy civil service recruitment process. In addition, security clearance continues to be a major problem with delays of two or three months not uncommon. A similar level of security clearance can be done in about a week for the Finnish Forensic Science laboratory. This has contributed to a heavy reliance on temporary staff and the resulting loss of experience. Senior management have also referred to the mobility arrangements in the civil service which leads to some staff reluctantly being posted to the Agency and others reluctantly leaving due to promotion opportunities. It is evident to Inspectors that certain aspects of the recruitment and promotion arrangements of the civil service are not well suited to performance improvement, and the more commercial approach of the Agency, and could place it at a disadvantage to other providers. It is recommended that **the Chief Executive, in conjunction with the NIO, should review the draft Framework Document to ensure that it helps deliver the corporate objectives of the Agency and address the challenges of a competitive marketplace.**
- 6.3 The lack of progress on implementing adequate succession planning for management and scientific staff was identified as a major risk to FSNI in the previous inspection and review. These risks have materialised as there was little transfer of experience and skills from previous managers. A



succession strategy and implementation plan has been put in place in the past year. In addition, the loss of expertise within some scientific disciplines (e.g. explosives) has not been adequately filled. Some retired staff are engaged as consultants to fill these gaps, but these are temporary arrangements. The challenge for the Agency at present is to move forward and ensure that current expertise and skills are retained within the laboratory.

- 6.4 The level of job satisfaction and morale is generally positive, based on meetings with a range of staff and results from various internal staff surveys. Many scientists in particular have made their career within the laboratory and overall sick absence levels of 3% are below the NI civil service average. A large number of staff are positive towards the new management and the change agenda, and are open to flexible working arrangements. Career development, including opportunities for training, is considered important and largely covered by existing NIO courses. Many staff attend national and international specialist conferences and working groups. More specialist training can be procured directly by the Agency, who have created the post of Training Manager within the HR section. Opportunities to further develop skills and competencies (e.g. secondments and visits to other laboratories) would be welcome by many staff.
- 6.5 The biggest challenge for FSNI and its senior management is embedding change across the organisation with

participation of staff from across the different grades. It is evident that a significant minority of staff (mainly scientists with longer term service in roles such as reporting officers) are sceptical of the current change agenda. This is understandable considering the past failings to deliver projected change and benefits, and also considering the lack of any formal recognition of the role played by forensic science during the years of conflict. They resent the reduction, as they see it, of their professional specialisms to mere commodities in a commercial market and point out that their primary responsibility is to the (non-paying) courts. This view can be at odds with the need for faster turnaround times, though it can be at least partly allayed by a more formal recognition of the often pivotal role that forensic science plays in criminal cases.

- 6.6 Overcoming resistance is a key responsibility of management, though external support can facilitate a changing of attitudes. FSNI is not unique in this regard – indeed there is a tension between the roles of scientists and management in most forensic science laboratories. The challenge is to manage this tension. The self assessment document refers to reluctance or lack of confidence in some staff at management grades to acknowledge and act upon the managerial imperatives that they have such as customer focus, efficiency improvements etc. rather than simply the scientific or operational. Inspectors would add that many scientists are not, nor wish to become managers, and wider scientific opportunities outside of



management should be explored where appropriate. Staff with an interest and aptitude for management should be identified and relevant career paths developed.

- 6.7 Research and development in forensic science has been historically under-developed despite its evident benefits for the detection and investigation of crime. Inspectors found a keen interest among scientists and this needs to be balanced against current customer requirements. The balance is skewed at present in that the SLA with the PSNI states that FSNI will invest up to 5% of total *available time* in research and development. In practice, this means that little time is spent on research and development. It may not be feasible at this stage to expect significant additional funding from the police – though they are likely to be the main beneficiaries. It is recommended that **FSNI should increase its resource allocation to research and development and seek additional funding from the NIO.**

- 6.8 Research and development is an essential part of most forensic science laboratories, including those operating in a more commercial marketplace. The benefits should outweigh the costs when projects are chosen as part of the broader objectives of the Agency and in line with customer requirements. A recent review<sup>21</sup> of research activity in forensic science found that most development has been focused on

analysis processes (within laboratories) with little examination of the early stages (scenario development; trace recovery) and the final stages (probabilistic interpretation; reporting). The approach taken by the Finnish and Dutch laboratories are examples of good practice and should be explored in more detail. As an example, the Finnish laboratory has established a portfolio group which selects projects on the basis of its corporate objectives. In 2008, 33 projects were supported of which 18 were new. A total of 7.5% of the operating budget was allocated to research and development (includes salaries). They have a target of 10% though this can be modified in areas of the laboratory with a heavy workload.

### Financial Resources

- 6.9 The total budget of FSNI for 2008-09 is £10.9 million of which £9.3 million was provided by customers (£8.4 million by the PSNI) – an additional £340,000 was provided to deal with deferred case reviews as part of the Historical Enquiries Team (HET). Other customers contribute about £600,000 (£400k from SPD and £200k from PPS and NICtS). The shortfall (expected to be about £1.5 million) is covered by the NIO. A smaller laboratory in Finland (125 staff including 63 scientists) has a budget of €11 million. The Netherlands Forensic Institute has 520 staff and a budget of €72 million.

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21 Based on discussions with Professor Jim Fraser of the University of Strathclyde and Marcel van der Steen of the Netherlands Forensic Institute.



**Table 1 FSNI budget**

£000's					
FSNI funding	2004-05	2005-06	2006-07	2007-08	2008-09
Customer income	7,369	8,182	8,429	9,090	9,373
NIO Resource	1,217	1,446	1,437	1,927	1,535
Total	8,586	9,628	9,866	11,017	10,908
NIO Capital	381	371	1,260	1,524	1,343

6.10 The sole corporate goal of the Agency is 'to achieve self-sustainability, through investing in people, facilities and systems in support of our vision, by 2011'. This is to be done within a net running cost regime which allows the Agency to increase expenditure in year, provided it is matched by in year receipts. Failure to deliver the target is the joint highest risk in the Agency's risk register. The main problem with the net funding model is that unspent funds cannot be re-invested and any administrative savings cannot be utilised in the following year despite the operation of a front line service. The Chief Executive is of the view that end year flexibility and retention of receipts are a requirement in improving overall service delivery.

6.11 After salaries, the main items of expenditure relate to some large IT projects and consultancy assignments. The largest IT project is Perseus which is expected to cost £3 million. A review of total modernisation costs undertaken by the laboratory put the

figure at £1,737,474 as of January 2008. This included almost half a million on three interim Directors' salaries (£476,751), all of whom had left the Agency by the end of 2006. The project manager for the Casebook Information Management System cost £150,000. This programme has been renamed governance and remaining funds are allocated to current initiatives.

### Accommodation

6.12 The issue of appropriate accommodation for the forensic science laboratory has been a recurring problem since its Belfast premises was destroyed in a bomb attack in 1992. It was then re-located to 'temporary' premises in Carrickfergus. The Criminal Justice Review in 2000 reported that the location 'on a site that is closely associated with the police, is unfortunate and detracts from the perceived independence of the Agency from the police' and recommended 'an alternative site'.



6.13 If a new laboratory is not built, it is the view of management that the condition of the existing premises will require extensive renovations. Recent power cuts due to necessary upgrade work by the PSNI landlords in relation to the overall Carrickfergus site have led to loss of productivity, with the laboratory closed on a number of occasions. The Agency's risk register notes '*current accommodation and facilities become inadequate for future delivery standards required for customers, staff and stakeholders*' as a high risk. Less tangible costs of the existing building include the poor working conditions (limited daylight, cramped conditions) with its negative impact on staff.

6.14 Inspectors support the decision to build a new laboratory on the basis that the existing building and location does not meet the needs of a modern laboratory. A new laboratory would also represent a critical investment in the future delivery of forensic science in Northern Ireland. It is understood that funding of £25m was provided in the 2007 Comprehensive Spending Review (CSR) to cover the initial stages of design and construction. It is anticipated that the total cost is likely to be circa £50m and additional funding will be sought in the next CSR. A significant amount of resources, including much staff time and effort, have already been used in early planning and design of the building.

6.15 It is recommended that **the planning and design of a new forensic science laboratory should be aligned to the proposed criminal justice forensic science strategy.** The stated needs and projected requirements of the criminal justice system should form the basis of its planning. Greater certainties, which a strategy could provide, the impetus to expedite this project as a priority for the criminal justice system.

6.16 The Strategic Investment Board (SIB) has commissioned an independent assessment of the work done to date and its fitness for purpose. This report is a useful reference point as it helps to balance the needs of the laboratory against capacities of similar laboratories. While FSNI insists that it wants to build a facility which is a 'snug' fit, the authors of the report did suggest some important modifications. FSNI is operating on the basis that it will be '*delivering the full range of services currently offered*'. While this may be the case, other options may need to be considered in light of the proposed forensic science strategy and the future needs of the police in particular. For example, the possibility for a more 'shared services' approach with similar laboratories may need to be taken into account in its design.



## CHAPTER 7:

# Managing performance



- 7.1 There are a range of ways to measure performance ranging from corporate and customer targets to feedback from users and stakeholders. Public organisations attempt to catch these issues through the setting of targets as published in strategic and business plans. Progress is generally reported in the Annual Report. The problems faced by FSNI in recent years have meant that some of its key processes in this regard have been weak. These issues have been picked up by a number of recent NIO internal audit reports where limited assurance could only be provided in areas such as corporate governance and risk management. There is however some evidence of recent progress in this regard which should have a bearing on future internal audit reports and assessments.
- 7.2 The main weakness in terms of managing performance is rooted in the lack of a clear strategic vision for the organisation which has created uncertainty in business planning and the setting of targets. Providing a roadmap for the Agency is an opportunity to focus on some development areas including the need for SMART targets and management information systems which provide the means of measuring performance.
- 7.3 Reducing the time it takes to turn around forensic casework and reports is essential to achieve the criminal justice target to reduce avoidable delay in the processing of criminal cases. One of the main causes of delay was late or incomplete police files which were sent to the PPS for a decision on prosecution – ‘waiting on forensic evidence’ was stated as a cause of the problem in a number of these files. This can be partly attributed to the inadequate management information systems with the main criminal justice organisations meaning that FSNI does not have information on when bail hearings are taking place or when a forensic report is actually required. The latter is a critical information deficit and needs to be addressed before more meaningful timeliness targets are set. The SLA with PSNI has set a timeliness target to issue 98% of reports within 100 days with the remaining 2% issued within 140 days. About 70% of reports were issued in 100 days in December 2008.
- 7.4 Substantial progress on timeliness, primarily in relation to DNA, was made at the time of the first inspection. The CJI report in 2005 reported that turnaround times for DNA had fallen from an average of



150 days to around 20 days. This was the result of major process re-engineering and substantial additional resources dedicated to this project. Progress in the intervening period has been more modest and difficult to assess. This is due to different targets being used and a practice of changing target times to reflect changes in the capacity of the laboratory.

- 7.5 Performance figures provided to Inspectors showed that DNA turnaround times had significantly deteriorated in early 2008 but that steady improvement was occurring in response to a DNA improvement plan. There were two separate targets for DNA at the end of 2008: to turnaround 98% of Criminal Justice (CJ) samples and 95% of Crime Database (CD) samples in 12 and 15 days respectively. This was achieved and it was planned to reduce the target to 10 days in early 2009. The changing targets reflected the improvements from one month to the next. It would however be much more transparent and comparable to have an average turnaround time for all DNA cases, which could be further categorised depending on management and customer needs. The turnaround times for DNA at the time of the inspection were approaching the times of private providers in England and Wales and compared favourably with other state-run laboratories.
- 7.6 As stated earlier, performance on drugs and toxicology cases deteriorated in 2008 which required specific performance improvement plans. Just 20% of drugs cases were meeting the target times in

December 2008 – the target was 60%. Likewise just over 20% of toxicology cases were achieving the target at the end of 2008, even as the overall target was lowered to 60%. These problems were caused by a loss of experienced staff in the laboratory, which was compounded by over-submissions, particularly on toxicology.

- 7.7 The laboratory continues to provide an excellent service in relation to high priority cases. A target to do 95% of urgent requests for results from PSNI within 72 hours was fully achieved and surpassed, reaching 100% for Priority One cases. For example, all 350 electronic unit cases (mobile phones) in 2008 (up until November) were provided with a written report within 24 hours of PSNI requesting a case to be prioritised. Performance in other areas was on target i.e. to issue reports in all other cases in line with targets set in the SLAs with PSNI. This target is currently 60%.
- 7.8 FSNI has a separate backlog reduction target to eliminate 50% of backlog by March 2009 (defined as a case already having missed its target date). This was on target at the time of the inspection, though more recent data at the end of 2008 points towards a significant slippage in this regard.
- 7.9 The complexity and changing nature of the targets is further reinforced by poor presentation and analysis. Performance reports presented to the MAB and to the PSNI are difficult to interpret. This makes any assessment of performance more



complex. Charting and understanding performance is difficult for all users. Part of the problem in relation to DNA was the fact that a significant deterioration in performance was missed by FSNI management and only picked up by the PSNI after some close examination. It is recommended that **FSNI should, in conjunction with its customers, develop a clear set of performance indicators. A more concise and user friendly performance report is required.** Inspectors understand that FSNI had commissioned external consultants to re-design the SLA with the PSNI. No findings were made available to Inspectors at the time of the inspection. It was later confirmed that 2009-10 would be a transition year before proposed changes take effect in 2010-11.



## CHAPTER 8:

# Future challenges



- 8.1 FSNI is entering a period of major change, due to a combination of external developments (e.g. open competition in England and Wales, intensifying emphasis on quality standards) and factors more specific to Northern Ireland (e.g. expenditure pressures in the PSNI, devolution of criminal justice, concerns following the Omagh bomb trial, and renewed risks from dissidents). Inspectors consider that now is the time for the criminal justice system to re-evaluate the contribution of FSNI and consider how best to deliver a forensic science service in the future. The planning and design of a new laboratory should be a key part of this exercise.
- 8.2 There are a number of scenarios which need to be considered in terms of the type of service which is likely to develop. The preferred scenario for FSNI is that it will continue to develop its commercial expertise and change agenda and be ready to compete with other providers. This could involve participation as a service provider in the next National Policing Improvement Agency's (NPIA) National Forensic Procurement Framework Agreement (tender process to commence in 2011). This would align Northern Ireland and the PSNI with current practice in England and Wales. Other providers could compete with FSNI in Northern Ireland and FSNI in turn could tender for services with police forces in England and Wales. A decision to participate in a competitive forensic science procurement tender exercise would be based on an assumption that FSNI would retain most or all of its existing services to the PSNI and could be in a position to win work from other customers outside Northern Ireland. This would have the benefit of reducing its dependence on one dominant customer, which has confirmed that the budget for external forensic science will be tight in the future.
- 8.3 The participation of FSNI in the next Framework Agreement is not certain at this stage as its readiness depends on progress with its change programme, including the successful introduction of IT enhancements such as Perseus. The Agency and PSNI have also linked this readiness to the successful completion of a new laboratory, which is likely to extend the timeframe beyond the next Framework Agreement.
- 8.4 A second scenario is that FSNI continues its path towards



commercialisation but its capacity to compete with other providers is undermined by lack of progress or deterioration in areas such as quality, price, and timeliness – turnaround times are likely to be a key factor in the procurement process. In this situation, the Agency could lose significant parts of its existing business to other providers – a loss of the current DNA work could undermine the viability of the whole laboratory as it constitutes the majority of work and current income.

- 8.5 It would be essential that all costs associated with a particular service should be incorporated into any tender process – not just the direct costs for the PSNI. This would include costs of travel, accommodation etc. for activities such as attendance at crime scenes, disclosure and presentation of evidence at court.
- 8.6 A third scenario is that FSNI is deemed not ready to participate in a more commercial marketplace and does not participate in the tender process under the NPIA Framework Agreement. This could be caused by lack of progress with current change and modernisation projects including an inability to meet PSNI requirements such as faster turnaround times for reports. Two options would be available to the criminal justice system and the police in particular. They are: to continue with the current arrangements of a near monopoly provider; or to seek to procure a significantly larger proportion of services from other providers. The first option would raise concerns for the police in terms

of value for money considerations and would in some respects, be a reward for failure. The second option would provide a broader range of providers but would almost certainly, make the existing laboratory unviable. The implications would be more severe if a new laboratory was in the process of construction at this time. The decision to abandon the Trading Fund project in 2005 was based on the risks associated with this type of scenario becoming a reality.

- 8.7 Increased collaboration with laboratories in Scotland and the Republic of Ireland could offer a means to improve the levels of productivity and service to the respective criminal justice systems. The development of 'shared services' or 'centres of expertise' could allow economies of scale and meet a broader range of needs within the relevant jurisdictions.

Section



# FSNI Action Plan



## FSNI Action Plan

Recommendation	Lead Responsibility	Response	Timeframe
<p>The NIO, in partnership with the main criminal justice agencies, should develop a bespoke criminal justice strategy for forensic science which meets their needs and provides a road map for the future development of FSNI. This should include an organisational model for the Agency (<i>paragraph 3.1</i>)</p>	<p><b>NIO</b></p>	<p>Agreed. The NIO will take the lead, under the aegis of the Criminal Justice Board, developing on existing forensic strategy meetings between the NIO, FSNI and the PSNI.</p> <p>FSNI strongly agree with this recommendation, as an appropriately resourced and configured local forensic science service, is an essential element in the overall end-to-end Criminal Justice process. We also feel that, given the developing scientific, technical, logistical and administrative complexities of forensic science, it is essential that all relevant customers and stakeholders are closely involved in ensuring that the service remains strategically fit for purpose.</p> <p>FSNI and the NIO consider that the FSNI Business Strategy (which is currently at advance draft stage), and which includes analyses of customer needs and market developments, provides a good foundation from which to develop the overall strategic approach to the provision and utilisation of forensic science by the overall Northern Ireland criminal justice system.</p>	<p>New overall strategy to be in place by March 2010.</p>



Recommendation	Lead Responsibility	Response	Timeframe
<p>FSNI should seek to develop, in conjunction with other laboratories (e.g. Republic of Ireland and Scotland) a plan to facilitate increased collaboration including the exchange of staff on secondment (<i>paragraph 3.9</i>).</p>	<p><b>FSNI</b></p>	<p>FSNI fully agree with the recommendation, but would point out that collaboration between FSNI and Rol's Forensic Science Laboratory (FSL) and Scotland's Scottish Forensic Science Service (SFSS) is and has been for many years both active and productive, not only bilaterally (and in the case of Ireland under the North-South working groups), but also under the aegis of the Association of Forensic Science Providers of UK &amp; Ireland (AFSP) and the European Network of Forensic Science Institutes (ENFSI). Both these organisations involve regular high level and operational level direct contact across a wide range of forensic disciplines, often involving mutual visits to other laboratories. There is also an active seminar and conference programme nationally and internationally at which best practice is shared.</p> <p>In addition, the Heads of FSNI, FSL and SFSS are all members of the Regulator's Advisory Council (FSAC) and meet regularly under that aegis.</p> <p>With regard to shared services, the possibilities have been discussed with both FSL and SFSS and are considered to be limited, given the integrated, core nature of virtually all the activities of all three laboratories and the need for local responsiveness. The issue of reserve capacity is also relevant here in that centralisation of one specialism in one laboratory would jeopardise strategic resilience. FSL and FSNI have agreed to establish a mutual support MoU with regard to resilience in Business Continuity Planning.</p>	<p>On-going.</p>





Recommendation	Lead Responsibility	Response	Timeframe
<p>The approval and implementation of the Perseus IT Programme should be expedited with priority accorded to the production of a full activity based cost system and work flow management system (<i>paragraph 4.7</i>).</p>	<p><b>NIO/FSNI</b></p>	<p>Agreed. The Department, the Agency and the PSNI are working in close co-operation to implement the Perseus programme, with both the NIO and PSNI represented on the Perseus Programme Board. Note that the Perseus programme is more than just an IT system – while the IT element is vital, it underpins an overall business change management initiative being led by the Chief Executive and supported by the Department.</p> <p>The Agency completely agrees with this recommendation and wishes to see approval of the Outline Business Case (OBC) as soon as possible. Meanwhile many steps have been taken by the Agency in advance of the approval, including putting an interim programme manager in place, setting up the Programme Board and Governance Structures and implementing ‘quick wins’, i.e. interim technical solutions required as foundations for Perseus.</p>	<p>The estimated completion date for the Perseus programme is early/mid 2011-12.</p>



Recommendation	Lead Responsibility	Response	Timeframe
<p>FSNI, in conjunction with the PPS and NICtS should agree a strategy to determine their forensic science needs at court and implement a plan to reduce unnecessary FSNI Reporting Officers' time spent in court (<i>paragraph 4.23</i>).</p>	<p><b>FSNI</b></p>	<p>Agreed. Whilst some of the information needed for this requires the next phase of Causeway to be implemented, the Agency has initiated manual processes to improve the flow of specific information relating to Court Appearances with regard to individual criminal cases. The new post of Customer Account Manager, within the Business Development Directorate is already involved in improving the flow of court and case-specific information. The Agency has also rolled out a time recording system across all staff which allows tracking of time spent on various work aspects, including Court Appearance. Agreement in principle has been reached with the PPS for the Agency to charge appropriately for its Reporting Officers' time at Court, as is the case in England and Wales.</p>	<p>On-going.</p>





Recommendation	Lead Responsibility	Response	Timeframe
<p>FSNI should continue to work closely with the Forensic Science Regulator to align its approach to the proposed 'standards framework' and ensure its implementation in Northern Ireland (<i>paragraph 5.5</i>).</p>	<p><b>FSNI</b></p>	<p>Agreed. The Agency works very closely with the Regulator, with the Chief Executive Officer (CEO) of FSNI being a Forensic Science Advisory Council (FSAC) member and the Quality Director and Quality Manager participating fully in Regulator-led workshops and activities and in responses to consultations on the standards. There is also substantial work being undertaken under the aegis of the Association of Forensic Science Providers of the UK &amp; Ireland (AFSP's) programme on Expert Witness Standards, which, with the Regulator's endorsement, will be rolled out across the major forensic providers who are members of AFSP and represent more than 90% of forensic provision in UK and the Republic of Ireland.</p>	<p>On-going.</p>
<p>FSNI should prepare a final summary report on the implementation of the Omagh Response Plan which should be made available to all the key stakeholders. Any outstanding actions should be mainstreamed into the overall performance improvement arrangements of the organisation (<i>paragraph 5.7</i>).</p>	<p><b>FSNI</b></p>	<p>Agreed.</p>	<p>June 2009.</p>



Recommendation	Lead Responsibility	Response	Timeframe
<p>The Agency should continue to identify opportunities to increase the quality and through-put of casework. Lessons learned and best practice identified should be mainstreamed into wider process improvements (<i>paragraph 5.10</i>).</p>	<p><b>FSNI</b></p>	<p>Agreed. The Agency's Quality Management System (QMS) which supports the accreditation of the Agency under ISO17025:2005 includes regular internal auditing, root cause analysis and procedural improvements as a matter of course. In addition, specific improvement projects are in place in several areas and are monitored by a Quality Improvement Implementation Team (QIIT) supervised by a sub-committee of the Executive Board, the Quality Improvement Programme Board (QIPB). Staff shortages, which have been a major drag on through-put levels, have been much improved due to recent promotions, recruitments and training. In advance of Perseus, manual Case Prioritisation tools have been developed and the responses to all customer/ stakeholder complaints are dealt with personally by the Quality Director.</p>	<p>On-going.</p>
<p>All crime databases held by FSNI, which are compatible with those held by the PSNI, should be subject to a shared services plan. The linking of the footwear databases in both organisations should be a priority (<i>paragraph 5.14</i>).</p>	<p><b>FSNI</b></p>	<p>Agreed. The PSNI and FSNI have agreed to investigate how this recommendation may be implemented.</p>	<p>Plan should be agreed by August 2009.</p>





Recommendation	Lead Responsibility	Response	Timeframe
<p>The Chief Executive, in conjunction with the NIO, should review the draft Framework Document to ensure that it helps deliver the corporate objectives of the Agency and address the challenges of a competitive marketplace (<i>paragraph 6.2</i>).</p>	<p><b>NIO/FSNI</b></p>	<p>Agreed. An interim Framework Agreement has been agreed with the Department although future modification will be required in relation to revenue carryover, etc. Following ratification by the Minister of the Forensic Strategy, the Framework Agreement will be reviewed.</p>	<p>Autumn 2009.</p>
<p>FSNI should increase its resource allocation to research and development and seek additional funding from the NIO (<i>paragraph 6.7</i>).</p>	<p><b>FSNI</b></p>	<p>Agreed in principle – however under the present resource climate the NIO has signalled that there can be no guarantee that additional resources can be made available.</p>	<p>Will depend on the availability of resources.</p>
<p>The planning and design of a new forensic science laboratory should be aligned to the proposed criminal justice forensic science strategy (<i>paragraph 6.15</i>).</p>	<p><b>NIO/FSNI</b></p>	<p>Agreed. This will be taken forward as an integral part of the proposed new accommodation project. Substantial work has already been conducted (and externally quality checked) in relation to core activities, demand projections, specification and space. However the Criminal Justice Forensic Science strategy (CJFS) should be agreed in sufficient detail as soon as possible, in order to avoid protracted delays in the approval of the Outline Business Case for the new accommodation, with the associated risks to the Agency's future operations and, in the present resource climate, to the finances of the new accommodation project (NAP).</p>	<p>The estimated completion date for the NAP is autumn 2012.</p>



Recommendation	Lead Responsibility	Response	Timeframe
<p>FSNI should, in conjunction with its customers, develop a clear set of performance indicators. A more concise and user friendly performance report is required (<i>paragraph 7.9</i>).</p>	<p><b>FSNI</b></p>	<p>The Business Plan for 2009-10 includes indicators which have been developed and improved on previous plans but are, unavoidably, not yet ideal. A major project is underway in conjunction with PSNI to redefine the entire forensic science product range to national Association of Chief Police Officers (ACPO) guidelines. This will introduce common definitions, work packages, interim reports, etc. In parallel, an exhibit submission control project is underway as well as a complete revision of the entire Service Level Agreement (SLA) structure (both in close co-operation with PSNI). After these integrated projects have completed, it will be possible to redesign much more precise and meaningful performance indicators and report on them to the customer, on a monthly basis. These projects are all priorities for FSNI's newly established Business Development Directorate.</p>	<p>Work on developing more robust indicators is already in hand and progressive improvements will be introduced over the next two years. The work should be fully completed by the start of the financial year 2012-13.</p>





Section



# Appendices



## Appendix 1: Methodology

The inspection commenced in October 2008. There were two broad aims of the inspection:

- to assess progress since the previous full inspection in 2005 and follow-up inspection in 2007; and
- to assess the quality of the FSNI Omagh Action Plan and review its implementation as requested by the Minister.

The objectives of the inspection were to:

- review progress since the previous CJI inspection/follow-up review including:
  - effectiveness of governance and internal management structure;
  - relationship with the NIO;
  - relationships with key customers and stakeholders;
  - internal processes including business planning, management of property, use of human resources, quality improvement, financial planning and provision of staff training; and
  - new accommodation.
- determine the contribution of FSNI to the criminal justice system by looking at:
  - specialist input to investigations and analysis;
  - service to criminal justice agencies and defence; and
  - delivery of evidence to the courts.
- assess progress against the FSNI Action Plan in response to the judicial findings of the Omagh bomb case/investigation such as:
  - the quality of the science; and
  - the capacity to learn lessons and implement best practice.

The inspection was carried out in five phases:

1. Preparation
2. Self Assessment
3. Hypotheses formation
4. Fieldwork
5. Feedback and refinement

### 1. Preparation

The preparation stage involved:

- identification of external specialist support to CJI;
- review of existing documentation and gaps;
- conducting exploratory meetings with key NIO and FSNI staff; and
- finalising Terms of Reference and their dissemination.



## **2. Self Assessment**

In line with standard practice for single agency inspections, FSNI was asked to conduct a self assessment along the lines of the CJI core matrix. The assistance of CJI Inspectors was made available to FSNI. This involved a half day training and information session.

## **3. Hypotheses formation**

The hypothesis testing phase of the review took place after the initial set of meetings with the stakeholders and when the relevant documentation including the self assessment had been reviewed.

## **4. Fieldwork**

Fieldwork was carried out in November which involved interviews and focus groups as well as reviews of procedures and systems. A summary of the main findings was presented to the Chief Executive at the conclusion of the main fieldwork within the Agency.

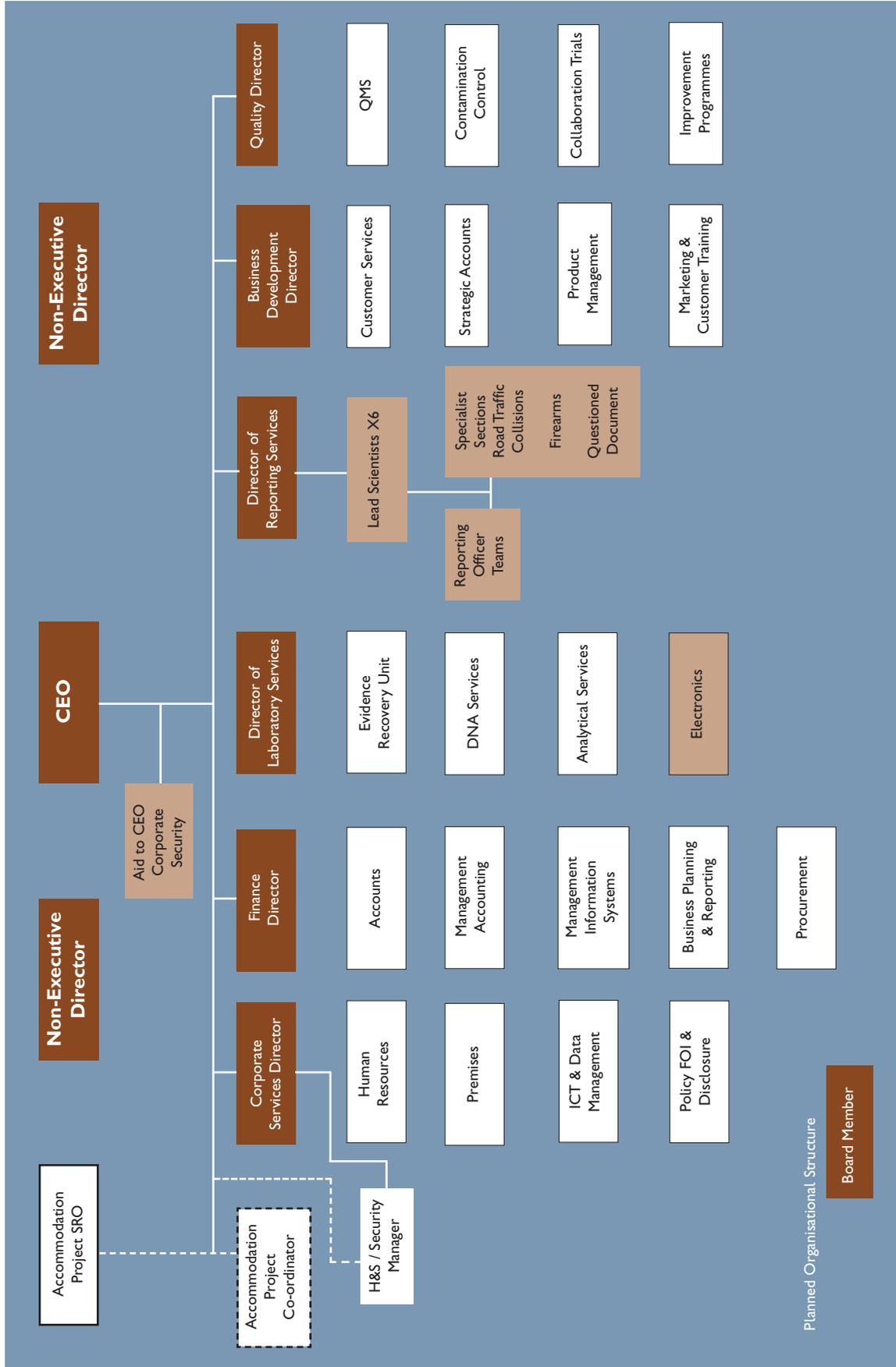
The lead Inspectors made visits to laboratories in Scotland, Ireland, Finland and the Netherlands for the purpose of benchmarking and identification of best practice. A discussion with the UK Forensic Science Regulator also took place.

## **5. Feedback and refinement**

Following the drafting of the inspection report, a formal presentation was made to FSNI's Board of Directors which provided a final opportunity to discuss the draft findings and recommendations. A final draft was then sent to the Agency for a factual accuracy check. The final draft report was then forwarded to the PSNI and the NIO for a final accuracy check. The report was sent to the NIO Minister in early May 2009.



## Appendix 2: Management structure







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