



**National Guidance for Streamlined
Forensic Reporting**

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1. Introduction

Streamlined Forensic Reporting (SFR) has been designed to enable investigators, scientists, prosecutors and the defence to comply with the Criminal Procedure Rules (CrimPR) in the interests of justice.

SFR is a revised case management procedure for producing forensic evidence at court, which seeks to reduce unnecessary costs and delay in the Criminal Justice System. The process takes a proportionate approach to forensic evidence through the early preparation of a short report that details the key forensic evidence upon which the prosecution intend to rely.

The primary purpose of robust pre-trial management is to narrow down the real issues, including those of a scientific nature, upon which the jury must decide.

The aim is to achieve early agreement with the defence, ideally at the first hearing, on forensic issues but where this cannot be achieved in the first instance, to identify the contested issues prior to trial.

This document provides practitioners in the Criminal Justice System with National approved guidelines and practical advice on how to progress investigations and prosecutions involving forensic science, fairly and effectively throughout the SFR process. This is aimed to deliver proportional forensic evidence in accordance with the needs of each case.

2. SFR Governance

The National SFR Board was established to implement SFR in England & Wales. The Board continues to provide a steer for national issues and consistency, and the development of SFR into new business areas and evidence types.

The Board has cross-agency input and support from the CPS Operations Directorate and the Office of the Senior Presiding Judge. Included are forensic representatives from various police force areas and Forensic Service Providers (FSPs).

3. SFR Objectives

The SFR objectives are:

- To identify the key issues in the case at the earliest opportunity, and hence ensure forensic evidence is targeted at these issues, and only these issues, as soon as possible. This facilitates compliance with CrimPR 3.2 and 3.3, which set out the court case management requirements.
- To reduce unnecessary costs, bureaucracy and delays associated with forensic evidence where such evidence adds no value to the administration of justice.

4. Criminal Procedure Rules

4.1. Part 1:

Part 1 of the Criminal Procedure Rules set out the overriding objective, which is that “Criminal cases be dealt with justly”. This includes:

- acquitting the innocent and convicting the guilty;
- dealing with the prosecution and the defence fairly;
- recognising the rights of a defendant, particularly those under Article 6 of the European Convention on Human Rights;
- respecting the interests of witnesses, victims and jurors and keeping them informed of the progress of the case;
- dealing with the case efficiently and expeditiously;
- ensuring that appropriate information is available to the court when bail and sentence are considered.

4.2. Part 3.2:

Part 3.2 of The Criminal Procedure Rules sets out the duty of the court to further the overriding objective by actively managing the case, which includes the following:

- the early identification of the real issues;
- actively assisting in the management of the case without being asked (however at every hearing, including at trial, it is the responsibility of the Magistrate(s) or Judge to actively manage the case);
- the early identification of the needs of witnesses;
- achieving certainty as to what must be done, by whom, and when, in particular by the early setting of a timetable for the progress of the case;
- ensuring that evidence, whether disputed or not, is presented in the shortest and clearest way;
- discouraging delay, dealing with as many aspects of the case as possible on the same occasion, and avoiding unnecessary hearings.

4.3. Part 3.3:

Part 3.3 of The Criminal Procedure Rules sets out the duty of all parties to actively assist the court in fulfilling its duty under rule 3.2.

5. SFR Benefits

Effective use of SFR has benefits for all parties involved in the Criminal Justice System, as described below.

- Supports criminal justice initiatives such as Better Case Management, Transforming Summary Justice and Early Guilty Plea Scheme.
- Allows key forensic evidence to be presented in a streamlined format, which is consistent and easy to understand. Ensures that investigators have accurate, concise information sooner, to support investigations, exclude suspects, make arrests and conduct interviews.
- Presents forensic evidence in a format that facilitates early and informed charging decisions, serving of forensic evidence as part of the prosecution case, case management and the early identification of the real issues in the case.
- Provides information in a format which allows the defence to advise clients accordingly, facilitates agreement of the forensic evidence by way of section 10 Criminal Justice Act 1967 admissions where applicable, and ensures the appropriate plea is entered at the first hearing.
- Provides an opportunity for early guilty plea where appropriate, resulting in fewer cases coming to trial unnecessarily, helping to ease the pressure of trial dates and associated costs and supports the concept of entering an early guilty plea in order to maximise sentence discount.
- Reduces the number of cases requiring additional forensic evidence, saving time and costs associated with gathering this evidence and enabling forensic science staff to concentrate on cases where there are real issues of dispute. This thereby reduces delays in obtaining additional forensic evidence in those circumstances where it is needed, thus reaching resolution of cases involving forensic evidence much quicker.
- Compatible with digital transmission within the Criminal Justice System.

6. Judicial Support

The SFR process has had the full support of the Senior Presiding Judge for England and Wales and the senior judiciary since its introduction in 2012.

Further details are available at www.judiciary.uk/publications

7. Approved Forensic Evidence Types

The SFR process is suitable for presenting both evidence of fact and evidence of opinion.

Currently approved evidence types are as follows:

- Crime Scene Investigation (CSI)
- Finger mark identifications (database & case work)
- National DNA Database match reports
- Drugs

- Footwear
- Firearms Classification
- Toxicology
- Digital Forensics – Indecent images of children
- Biology Casework

Consideration will be given to the extended use of SFR to other evidence types. A set of principles has been developed for stakeholders to ensure that, when the SFR process is extended beyond areas recognised as ‘Business as Usual’, it is done in a consistent and controlled manner, minimising any risk to the Criminal Justice System. Extensions are steered by the National SFR Board and should involve the creation of an ‘expert network’ made up of forensic practitioners from both commercial and public sector FSP, where appropriate. Consultation should also include CPS, the Forensic Science Regulator (FSR) and other specialist groups.

The principles for extension are as follows. Providers of forensic services (including Forces) will:

- ensure that any current SFR processes are demonstrably embedded before extending to other forensic evidence types;
- engage with the National SFR Board when considering extension to their scope of SFR, to ensure a nationally coordinated approach is taken, potential risks are recognised and managed and to facilitate the sharing of lessons learned;
- undertake appropriate and effective engagement with stakeholders, involving them in proof of concept activities and understanding their requirements and impact on service delivery;
- produce case examples and SFR products for agreement locally and sharing nationally via the National SFR Board before extending into ‘Business as Usual’, which will then inform the National SFR Guidance document.

The National SFR Board will continue to engage and direct effective communications across all stakeholder groups, ensuring that the progression of new disciplines is supported.

Where providers of forensic services are considering an extension to scope that involves development of an existing forensic discipline (for example extension from simple drugs reporting into the complex drugs arena), they should consult the National SFR Board so that a nationally coordinated and consistent approach can be achieved.

8. MG22A, MG22B (SFR1) and MG22C/D (SFR2) Guidance Workflow

Please see **Appendix A** for the SFR workflow, which describes the responsibilities of role-holders within the Criminal Justice System.

9. The SFR Stage 1 (SFR1) process

The MG22B (SFR1) report is a summary of the forensic evidence and is neither a witness statement nor an expert's report of a type that needs to comply with CrimPR 19.4. However, where applicable, it can be used to inform charging decisions and for court case management hearings as long as the findings have been generated in compliance with the Accreditation of Forensic Service Providers Regulations 2018 that came into force on the 25th March 2019.

If possible and to ensure that the case is prepared for trial without undue delay, the MG22B (SFR1) should be served by the prosecution as part of the Initial Details of the Prosecution Case (IDPC) at the first hearing in the Magistrates Court and/or when serving its case in the Crown Court.

Once the prosecution states its intention to rely on the result of the analysis set out in the MG22B (SFR1), there is a requirement on the Defence to comply with their duties under CrimPR 3.2(a); to identify the issues in the case as early as possible.

There are only two possible responses required of the Defence when it is provided with the MG22B (SFR1):

- i. That the Defence respond within 14 days, or as soon as is reasonably practicable (for example at a case management hearing), by identifying the issues, thus generating production of an MG22C/D (SFR2) by the prosecution team, which should be in section 9 Criminal Justice Act 1967 format;
- ii. That the defence sign (or provide written agreement that they will sign) an admission pursuant to section 10 Criminal Justice Act 1967 to the general effect that the exhibit/s listed were forensically examined and the examination produced the results / opinions described therein.

The MG22B (SFR1) should use clear, succinct language that enables the parties to understand the significance of the findings. If there is more than one type of forensic evidence being used e.g. fingerprints and DNA, a separate MG22B (SFR1) report may be completed for each type of evidence, as well as each defendant. This allows for multiple evidence types/defendants to be agreed / disputed independently.

Where a case has been sent to the Crown Court pursuant to section 51 Crime and Disorder Act 1998, Regulation 2 of the Crime and Disorder Act (Service of Prosecution Evidence) Regulations 2005 provides that copies of documents containing the evidence upon which the charges are based can be included in the bundle. This does not preclude the inclusion of an MG22B (SFR1), the admissibility of which will need to be addressed at the Plea and Trial Preparation Hearing or other first hearing in the Crown Court (in accordance with CrimPR 19.3(2)) when the Defence should be invited to indicate whether they can agree the content of the MG22B (SFR1) by way of section 10 admission.

The MG22B (SFR1) states that, should there be a real issue in relation to the forensic evidence, such that the admission cannot be made, the prosecution should ask that the defence identify the issue at the **earliest possible stage in proceedings**. This requirement upon the Defence does not expect them to identify a technical or scientific issue with the conclusions in the MG22B (SFR1), as it is accepted that at this point they will not have the benefit of their own expert opinion. The requirement is simply that the Defence identifies a reason why the defendant does not accept the conclusions in the MG22B (SFR1), for example:

A defendant in a rape case accepts that the DNA found on the victim is his, but that it has not been deposited as a result of sexual contact. This should generate an MG22C (SFR2) report addressing the issue of DNA transfer and /or persistence rather than the source of the DNA.

Any failure to respond to the MG22B (SFR1) in accordance with CrimPR, will be cited by the Prosecution in any application that is made by the Defence for further reports to be obtained, especially where such an application will result in delay in the proceedings. The admissibility of an MG22B (SFR1) in circumstances where the Defence decline to address the issue or make an application to dismiss is considered in **Appendix B**.

If the prosecution believe it is necessary to clarify a scientific point prior to charge or as part of their case preparation prior to serving evidence upon the defence, this can be produced by way of a further MG22B (SFR1).

10. Requests for Authors of MG22B (SFR1) to give evidence

It is vital to note that the MG22B (SFR1) is not a witness statement; it is a summary of conclusions and may be compiled by a person other than the one who undertook the forensic analysis. As such, the author of an MG22B (SFR1) should not be added to the trial list and/or warned to give evidence at court as a witness unless they are also the author of an MG22C/D (SFR2) or MG11.

In cases where the author of an MG22B (SFR1) has been warned as a trial witness, CPS should be made aware of this error at the earliest opportunity by submitting a ‘**Case Management Risk Form**’:

The current version of the ‘Case Management Risk Form’ can be found at:

<http://www.fcn.police.uk/sfr>

The basis for seeking an admission or early identification of the real issues by the defence:

A substantial body of case law provides support for the requirement for all parties to engage in active case management. For example: *R v Chorley Justices 2006 EWHC 1795*, ‘...the days of ambushing and taking last minute technical points are gone. They are not consistent with the overriding objective of deciding cases justly, acquitting the innocent and convicting the guilty’ and *Balogun v DPP [2010] EWHC 799*, ‘...the spirit or letter of the CrimPR’s is [not] complied with by asserting that the Crown is put to “strict proof...”.’

There are restrictions on a defendant’s ability to assert a positive case if the prosecution are put to proof on forensic or any other issues. And, in an exceptional case, where a party manifestly does not comply with the rules, the prosecution may apply for the SFR to be admitted in the interests of justice under s114 CJA 2003. *R v Ishmael Adams [2007] EWCA Crim 3025*: ‘...otherwise D would escape on purely technical grounds’. This doesn’t reverse the burden of proof: ‘the question is not whether it is for the Crown to prove possession but how the Crown shall be permitted to prove it’.

11. The SFR Stage 2 (SFR2) process

There are two template forms for providing SFR2 evidence; the MG22C is for expert opinion and the MG22D is for non-expert factual information such as continuity or production of photographs.

The MG22C and MG22D (SFR2) reports are used to provide further evidence on identified and/or disputed forensic issues emanating from the MG22B (SFR1) court case management process. SFR2 forensic evidence is provided in a Section 9 format and is more focused and relevant to the specific case issues that have been raised.

Note: The SFR2 report (MG22C/D) is not defined as a full evaluative statement but is specific to dealing with real case issues. Where the evidence is complex or there are multi-disciplinary issues this specific evidence may be more suitable to provide by way of an MG11 statement.

12. Defence engagement

All parties to criminal proceedings, including the defence, must actively assist the court in managing cases under part 3 of the Criminal Procedure Rules (CrimPR). This includes the early identification of the real issues in the case (CrimPR 3.2(2)A). Active assistance includes communication between the defence and the prosecution at the first available opportunity and in any event no later than the beginning of the day of the first hearing (CrimPR 3.3(2)(a)).

At or before the first hearing the defence will receive Initial Details of the Prosecution Case (IDPC) which will include any MG22B (SFR1) then available. CrimPR 19.3(2) requires that the defence respond to any MG22B SFR1 (referred to as a summary of an expert's conclusions in the Rules) by setting out which, if any, of the expert's conclusions are admitted as fact and where not admitted, what are the disputed issues. The Rules do not provide a set form for that response but the case management forms completed by defence, prosecution and court when a not guilty plea is entered contain questions about expert evidence, what can be agreed and what is in dispute. In magistrates' court cases this is the PET form (Preparation for Effective Trial) and in the Crown Court it is the PTPH questionnaire (Pre-Trial Preparation Hearing).

Any issues raised by the Defence do not have to be scientific or technical in nature, but it would assist the process if some context as to the nature of the disagreement were provided. This will allow a more appropriate and targeted response to the issues raised. Please see discipline specific examples.

Where the defence do not identify any specific issue with the forensic evidence, it may be necessary to produce the findings outlined on the MG22B (SFR1) by way of an MG22C/D (SFR2) such that the evidence can be presented at trial.

13. Unrepresented Defendants

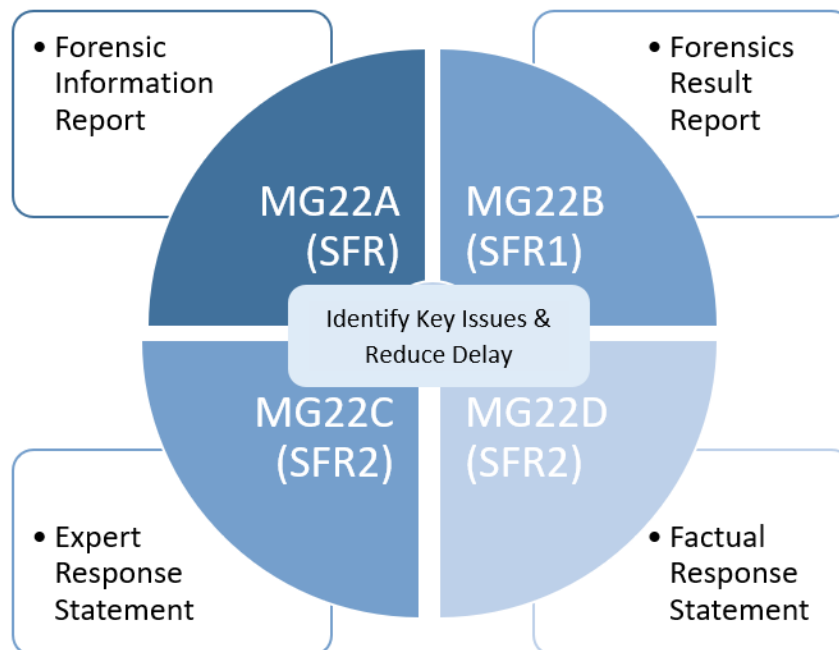
Where unrepresented defendants are participating in the SFR process, care should be taken to ensure they understand what it is they are being asked to agree, or provide a response to. Where appropriate, advice and assistance should be sought from the court or appointed legal representative.

14. SFR Template Forms

Please see **Appendix A** for the 'SFR Process Flowchart'.

The SFR forms and guidance are available to all FSPs via the FCN website at www.fcn.police.uk/sfr

Within the SFR process there are four report / statement types, each having its own MG22 form.



This ensures that forensic reports / statements entering the Criminal Justice System are standardised and easily recognised by judiciary, magistracy and legal representatives.

Users should maintain the MG format as set out in the series of national templates. In general, the body of the report can be configured to suit the evidence type and case. Specific guidance is provided later for each type of form and each forensic discipline.

15. Optional Use of Photographs in SFR

Experience of SFR has shown that crime scene / exhibit photographs embedded within the suite of SFR forms can assist in conveying the scientific findings by adding context and pictorially expressing evidential value, thus greatly assisting the CPS in reaching charging decisions and the courts in managing cases.

The photographs assist the interpretation of why the SFR forensic information is important and relevant. For example, in moveable object cases photography may be used to demonstrate not only the forensic link to the exhibit but also the relationship of the exhibit to the scene. Photographs allow CPS to see the relevance of the evidence in a pictorial way and puts the defence in a more informed position by allowing them to see the relevance of the forensic evidence at the earliest opportunity. This ensures that the appropriate plea can be entered and that the defendant receives the appropriate sentence discount for an early guilty plea.

Crime scene photographs showing the relevance and positioning of the SFR evidence at the crime scene assists in allowing the courts and juries to visualise the forensic evidence and enables that evidence to be presented in a short and clear way.

Photographs can also assist the judge or magistrate to decide on the most appropriate sentence.

16. Disclosure

Note: SFR forms do not deal with disclosure (by way of unused material) responsibilities. Unused material relevant to the investigation must be revealed to the police through completion of the MG6 form, or equivalent.

The disclosure of unused material is governed by the Criminal Procedure and Investigations Act 1996 (CPIA) and by “common-law” disclosure in circumstances where the CPIA does not apply. The obligation to disclose undermining unused material and unused material that may assist the defence under CPIA applies after a not guilty plea has been entered (in magistrates’ court cases) or after a case has been sent to the Crown Court (s.1 CPIA). An MG22B (SFR1) is prepared and served before plea or sending. At that early stage of proceedings the CPIA does not apply but “common-law” disclosure as defined in R v DPP ex parte Lee [1999] 2 All ER 737 does apply. This provides that information that would assist the accused in the preparation of the defence case, including the making of a bail application, must be disclosed by the investigator to the prosecutor, who will immediately disclose it to the defence if they consider it meets the test for disclosure. Examples of what should be disclosed are:

- any previous convictions of the victim or a key witness if that information could reasonably be expected to assist the accused when applying for bail;
- material which might enable an accused to make an early application to stay the proceedings as an abuse of process;
- material which might enable an accused to make representations about trial venue on a lesser charge; or
- material which would enable an accused to prepare for trial which may be significantly less effective if disclosure is delayed (e.g. names of eye witnesses whom the prosecution do not intend to use).

This list is not exhaustive and disclosure prior to the statutory duty under CPIA arising will not exceed the disclosure which would be required under the CPIA.

The investigator or disclosure officer must also reveal to the prosecutor any material that is relevant to sentence (for example, information which might mitigate the seriousness of the offence or assist the accused in laying some blame upon a co-accused or another).

The purpose of an MG22B (SFR1) is to provide a summary of an expert’s conclusions addressing the key issues in a case concisely and accurately. In cases where those preparing the MG22B are aware of further information that might meet the test for common-law disclosure set out above, that information should be communicated to the investigator and by the investigator to the prosecutor using form MG6 (or its equivalent).

17. SFR Forensic Information Report (MG22A)

The template for the MG22A form is available at www.fcn.police.uk/sfr

A Forensic Information Report can be used when there is a request for an initial assessment of scenes or forensic exhibits that may help an enquiry, interview or strategy. The purpose of the MG22A is to communicate:

- prior to any suspect being identified (i.e any intelligence findings or conclusions, for example, the outcome of any one-off speculative searches of the National DNA Database);
- a proposed, agreed or future strategy, including key timescales;
- any scene examination results;
- embedded spreadsheets of summary information in complex, ongoing investigations;
- interim findings (for example to inform an interview strategy) that may previously have been communicated by a letter or short report;
- anything that might have previously been sent via e-mail (e.g. requests for additional information);
- any information that may not be suitable to be presented on an MG22B.

The MG22A is not intended to be used as evidence but will be available for investigating officers to make them aware of information that may be required for disclosure purposes.

Information can be transferred from a Forensic Information Report onto the MG22B (SFR1) if required at a later date.

18. SFR Forensic Result Report (MG22B SFR1)

The template for the MG22B form is available at www.fcn.police.uk/sfr

The MG22B (SFR1) is used to report a forensic result. It is intended to be used as follows:

- It provides forensic information at the earliest opportunity to the investigation and the courts,
- It is a summary of the forensic findings that the Prosecution may seek to rely on at trial,
- It enables a mechanism for early engagement with the defence,
- It requires the Defence to comply with their duties under CrimPR 3.2(a) to identify the issues in the case as early as possible,
- It can also be employed to provide an outline of evidence of fact to the defence.

It is important to note that:

- It is neither a statement nor an expert's report of a type that needs to comply with CrimPR 19.4,
- It cannot be used as evidence other than as agreed fact,

- The person who prepares this report need not be the person whose views are summarised within it or who would provide an additional statement (e.g. involving expert opinion) on the same matter if later required.

The first section of the report ('results') presents the forensic information upon which the prosecution may seek to rely in the shortest and clearest way. The second section of the report ('status') presents an opportunity to provide further detail of those exhibits described in the results section, provide details of exhibits that have been created during the course of the examination, explain the status of other related exhibits and/or provide any further information which may undermine the prosecution case or assist the defence. However, the 'status' section of the report does not deal with disclosure, which remains the responsibility of the investigator / disclosure officer and prosecutor.

19. Expert Response Statement MG22C (SFR2)

The template for the MG22C form is available at www.fcn.police.uk/sfr

The purpose of this statement is:

- for the relevant expert or forensic practitioner to respond to issue(s) raised by the defence;
- to provide the response in a Section 9 format in order that it can be used in court;
- to assist with ensuring that forensic issue(s) are effectively managed before trial.

This template should be used when the author, either in the statement or in testimony at court, will provide evidence of opinion.

The signature on the MG22C does not have to be created by physically signing the statement using ink. Electronic signatures are acceptable, but the signature must be added by, or on the authority of, the person making the statement.

An MG22C must comply with the provisions of Rule 19.4 CrimPR and the relevant sections of Part 19 of the Criminal Practice Directions. This includes a requirement to apply appropriate declarations and duties of revelation that are not included within the template MG22C. A template has been developed that FSPs may wish to adopt as part of their local quality management procedures. This is entitled 'SFR2 Annex' and can be accessed at www.fcn.police.uk/sfr

20. Factual Response Statement MD22D (SFR2)

The template for the MG22D form is available at www.fcn.police.uk/sfr

The purpose of this statement is:

- to respond to non-expert technical / factual matters raised by the defence, such as contextual information and continuity
- to introduce photographs into evidence
- to provide the response in a Section 9 format in order that it can be used in court
- to assist with ensuring forensic issue(s) are effectively managed before trial.

Forensic practitioners, whether expert or not, can use the MG22D to provide ‘statements of fact’, that do not contain any opinion. It is important to recognise what amounts to opinion and ensure that if the statement contains opinion, or if it is likely that opinion evidence will be asked for at court, the MG22C is used, so as to comply with the provisions for production of expert evidence.

The signature on the MG22D does not have to be created by physically signing the statement using ink. Electronic signatures are acceptable, but the signature must be added by, or on the authority of, the person making the statement.

21. Full Evaluative Statements

It should be noted that there may be occasions when a full evaluative statement is the most appropriate format to present the forensic findings. This would be dependent on individual case circumstances and the specific issues that are required to be addressed, but a statement would normally only apply when a more detailed explanation / interpretation of a set of complex forensic findings is necessary; for example, when there are multiple evidence types or evidence relating to multiple defendants that need to be considered as a whole.

22. Abbreviated Statements

For those forensic disciplines where the SFR process has been signed off and agreed by the SFR Board, it is the responsibility of all stakeholders to fully engage with the process. As per Senior Presiding Judge and Forensic Science Regulator guidance, abbreviated statements are not appropriate to be used as part of or in place of the SFR process.

23. Evaluative Evidence

The SFR process is aligned with the ENFSI (European Network of Forensic Science Institutes) Guideline for Evaluative Reporting¹ recommendations. These guidelines build on the AFSP Standards for the formulation of evaluative forensic science opinion².

ENFSI’s objectives include aims to improve and standardise the evaluation of forensic laboratory findings and to improve the quality standards underpinning forensic reports across European forensic science laboratories. The SFR process goes hand-in-hand with these objectives;

- enabling the identification of the key issues of contention at the earliest stage,
- allowing rapid progression to the evaluation phase of those key issues in a streamlined and structured manner,
- providing the stakeholders in the Criminal Justice System with the forensic expert’s considered opinion addressing specifically the issues relevant to the case at the appropriate level, whether that be the source of a questioned material or the manner or mechanism by which it was deposited,

¹ ENFSI Guideline For Evaluative Reporting In Forensic Science; Strengthening the evaluation of forensic results across Europe, Approved Version 3.0

² Standards For The Formulation of Evaluative Forensic Science Expert Opinion, Science & Justice 49 (2009)161-164

- capturing the value of the laboratory findings expressed in a manner that is understandable to a wide range of users.

24. Guidance Specific to Forensic Evidence Types

Currently, there are nine forensic disciplines that have been approved to use the SFR process as the primary mechanism for communicating results and findings. Each of these disciplines is listed below. Examples of completed MG22 forms for these disciplines can be found at www.fcn.police.uk/sfr.

24.1. Crime Scene Investigation - Scene Examination

The use of the SFR process when reporting the results of a scene examination reflects the directions and recommendations made through ISO/IEC 17020 accreditation in adherence with the Forensic Science Regulators Codes of Practice and Conduct, FSR-G-225, ILAC G19 requirements and UKAS RG201 guidance. The information is reported based on the interpretation of the scene examiner and established fact, and should always be made clear when utilising relevant MG22A and MG22D reports within the SFR framework.

24.1.1. Crime Scene Investigation - Forensic Information Report - MG22A

The use of the MG22A may vary between Police Forces depending upon Standard Operating Procedures, IT systems available and other established methods for recording information. However, the information below outlines how the MG22A can be utilised to provide a record of scene examination:

The information presented can include the circumstances of an incident, author's scene examination strategy, risk assessment considerations, initial findings, examination notes, scene images, and exhibits recovered. The completed MG22A provides the Investigating Officer with information to help inform their investigative strategy and summarise relevant information to support disclosure requirements. This report is based on the information available at the time. Where further work or analysis of recovered exhibits is required, this will be produced in subsequent information reports.

Where other documents/systems are used to record details of the scene examination, the MG22A can also be used to provide information that would be considered relevant for CPS disclosure purposes; this could include but is not limited to:

- status of other related exhibits from a scene examination not subject to analysis and therefore not summarised in an additional report,
- staged examination strategy, articulating decisions for non-examination,
- identified risk such as cases of compromised exhibit packaging.

24.1.2. Crime Scene Investigation - Factual Response Statement - MG22D (SFR2)

This document is a statement and can be used when challenged or to provide factual information. It can be used by Crime Scene Investigators for examination and exhibit recovery, production of photographic images/albums or to provide statements of continuity. It can also be used by any other support staff and forensic examiners to provide statements of fact that do not contain any opinion.

24.2. Finger mark identifications (database & case work)

For the purposes of this guidance, the terms ‘fingerprints’ and ‘friction ridge detail’ refer to all ridge detail identifications including fingers, palms and plantar areas.

The use of the SFR process when reporting the results of fingerprint comparisons and identifications reflects the directions and recommendations made through ISO/IEC 17025 accreditation in adherence with the Forensic Science Regulators Codes of Practice and Conduct³, ILAC G19 requirements⁴ and UKAS LAB 13 guidance⁵. The results are formed based on the interpretation and opinion of the examiner and this should always be made clear when utilising any report within the SFR framework.

24.2.1. Finger mark identifications - Forensic Information Report - MG22A

In the context of fingerprints, this should be considered as a report to:

- introduce general information pertaining to a case;
- provide clarification of procedure/definitions or additional information that may assist in the interpretation of the results disclosed within an MG22B (for example, define what is meant by ‘Variance of Opinion’);
- give additional information regarding negative results on certain exhibits;
- provide initial and/or unverified results.

24.2.2. Finger mark identifications - Forensic Result Report - MG22B (SFR1)

The MG22B is used to report a result from the initial analysis / comparison(s) and may report the result of a search against the National Fingerprint Database or a direct comparison with a nominated individual. It allows for defence and prosecution to consider their level of agreement with the findings. It is not in a format admissible as evidence, and depending on Bureaux policy, can be anonymised to avoid courts erroneously calling the producing an examiner as an expert witness.

The information here should be source level only (declaring the results of the analysis only, not the reasoning or foundation of those results). For fingerprint identifications, a nationally agreed format exists which has been created for use within bureaux. It should be ensured that it includes a statement of the unit’s accreditation status and adherence to the Forensic Science Regulator’s Codes of Practice and Conduct. Additionally, it should declare that findings are based on interpretation and opinion (UKAS LAB 13).

Findings relating to more than one suspect should be presented as separate reports allowing each defendant to accept or identify an issue independently.

³ FSR-C-100 Forensic Science Regulators Codes of Practice and Conduct for forensic science providers and practitioners in the Criminal Justice System.

⁴ ILAC-G19:08/2014 Modules in a Forensic Science Process

⁵ UKAS LAB 13 Guidance on the Application of ISO/IEC 17025:2017 Dealing with Expressions of Opinions and Interpretations.

Photographic representations can be included for information purposes only, to illustrate the pertinent findings. If necessary, these can be added as an appendix to the MG22B, provided they are referenced within the results section of the report.

The status section of the report contains information that informs prosecution and defence of the status of other exhibits that were included with the submission. The Forensic Science Regulator defines three further possible outcomes as:

- Exclusion - The opinion that two areas of ridge detail were not made by the same person.
- Insufficient - The opinion that an area of ridge detail is of such poor or low quality as to render any comparison as unreliable or not suitable.
- Inconclusive - The opinion that the level of agreement and/ or disagreement is such that it is not possible either to conclude that the areas of friction ridge detail originate from the same donor, or to exclude the particular individual as a source for the unknown impression.

Should the identification be made on a sample/interim basis, other outcomes such as 'not compared' may be reported (wording will depend upon individual Bureaux practices). If clarity regarding wording or further comparison of the exhibits listed in the status section is required, the relevant Bureaux should be contacted at the earliest opportunity. Failure to do so may pose a judicial risk to your case.

Additional information pertinent to the case may also be added, should it assist in clarifying any results declared within.

24.2.3. **Finger mark identifications - Expert Response Statement - MG22C (SFR2)**

Further to the previous submission of an MG22B, the SFR2 would be used to answer queries from the Court or challenges from Defence that result in non-acceptance of the SFR1. This may include:

- source level clarification (**who** left the ridge detail) e.g. an identification is fundamentally challenged by defence and requires a full declaration of the grounds for declaring it
- activity level clarification (**how** the ridge detail was left) e.g. whether the finger marks could have been made whilst performing a certain action. This may constitute interpretive opinion which would need to be considered in respect of the organisation's accreditation status, and appropriate declarations made, where applicable.

An MG22C should always be seen as the 'next step' in the reporting process before considering the provision of an MG11, however, it is at the discretion of the practitioner to determine if MG22C or MG11 is the most appropriate format.

The name, experience and qualifications of the submitting expert must be declared, along with compliance to ISO/IEC 17025, the FSR Codes of Practice and Conduct, and a statement of the bureau's accreditation status. This last requirement can be added as an annex to the MG22C rather than simply referred to within the body of the report.

The expert completing the MG22C (SFR2) can be expected to be called to attend court to give evidence on the issues contested in the case. As such, the author must ensure that they meet all of their obligations as an expert by means of declaration under Criminal Procedure Rules 19.4I.

24.2.4. Finger mark identifications - Factual Response Statement - MG22D (SFR2)

This statement can be used, when challenged, to provide factual information. It could be used by support staff to provide statements of continuity or by forensic examiners/laboratory staff (including those working in finger mark enhancement laboratories) to provide statements of fact that do not contain any opinion. Although not regularly used by fingerprint staff, it may be of use in rare circumstances.

24.3. National DNA Database match reports

The National DNA Database contains profiles from individuals and crime scenes that have been analysed using either SGM, SGMPlus or DNA17 tests. Upon loading of an unsolved crime scene profile or a profile from a named individual, this can create a match that is then communicated to the Force via a 'match report'. This match report can be converted into either an MG22A or an MG22B by trained personnel within Force Scientific Support Units; the type of form used will be dependent on the nature of the match.

24.3.1. National DNA Database Match - Forensic Information Report - MG22A

The MG22A form can be used to provide forensic information for intelligence purposes, where:

- a potential DNA link has been identified between two (or more) crime scenes, or
- a potential DNA match has been identified between a crime scene and an individual, but the individual has been sampled using a CJ (Criminal Justice) or 'pre-PACE' DNA Sampling kit. In this case, the 8 digit subject barcode will commence with a '95' or below.

In these circumstances, no estimate as to the evidential weight of the DNA match (in the form of a 'Likelihood Ratio' – see below) is provided.

24.3.2. National DNA Database Match - Forensic Result Report - MG22B (SFR1)

The MG22B form can be used to report the results of a DNA match between a crime scene DNA profile and a subject DNA profile, where the subject has been sampled using a PACE DNA Sampling kit. In these cases, the 8 digit barcode of the subject sample will commence with either '96' and above, or '31' and above.

The production of the MG22B is an automated process that does not involve a direct comparison between the crime scene DNA profile and the subject DNA profile. However, the DNA match report will provide information about the test types used, and for crime stains:

- whether the profile is partial (incomplete) or full, and
- whether the profile is single source or mixed. If the profile is mixed, the match report will indicate whether the profile has been classified by the FSP as 'clear and complete' or 'complex'.

This will then inform the author of the MG22B (SFR1) whether a 'Likelihood Ratio' ('LR') can be included within the report to express the evidential weight of the DNA match as an illustrative figure. A Likelihood Ratio is a numerical expression of the weight of evidence and is provided in certain circumstances as a provisional estimate. The LR is dependent on the nature of the DNA profiles, for example, the number of components shared between the two profiles and the

complexity of the crime scene profile. Further details are provided within the DNA Good Practice Manual.

In the case of mixed crime scene DNA profiles, illustrative figures are only provided within the SFR1 report where the FSP has indicated that the profile is a clear, complete, major profile that has been unambiguously derived from the mixture.

In addition, illustrative figures are valid only under clear assumptions regarding propositions. These are:

1. For single source profiles: the defence case is that the DNA profile originated from an individual unrelated to the suspect,
2. For mixed profiles: (a) the match is between a clear and complete major contributor to the profile and the suspect; and (b) the defence case is that that major contributor originated from an individual unrelated to the suspect.

It is vital to note that the MG22B (SFR1) for DNA match reports is compiled by a member of trained personnel within a Force Scientific Support Unit based on information provided in the report issued by the National DNA Database. The author of the MG22B (SFR1) is not the scientist who undertook the DNA analysis within a FSP and, as such, this individual should not be added to the trial list and/or warned to give evidence at court as a witness.

Should the DNA results be challenged at the SFR1 stage, this should be addressed using an SFR2, which should be provided by the FSP responsible for generation of the crime scene DNA profile. This will then follow the SFR principles described in the 'Biology Casework' section below.

24.4. Drugs

The use of the SFR process for reporting the results of drugs casework has been in place since 2013. Whilst the majority of these reports will be factual, reporting the identifications, weights and purities of substances, opinion-based work encompassing the estimation of yields for cannabis plants and comparisons of both substances and packaging materials are also reported using the MG22B (SFR1). The accreditation status of all the analytical work carried out is clearly marked, as are the areas in which opinions are being expressed, with the contents of all reports being peer reviewed prior to being issued.

The MG22D (SFR2) form can be used, typically to provide additional detail on the construction and packaging layers of drugs items, which will feed into the examination of packaging materials for fingerprint and DNA recovery/examination.

24.5. Footwear

The use of the SFR process for footwear was agreed by a footwear expert network and was implemented in 2014.

The SFR process can be applied to the reporting of footwear information, intelligence and evidence at each of the three key stages of footwear analysis, in line with the College of Policing licensed training, namely Coding, Screening and Evidential Reporting.

For all levels of footwear examination undertaken, the activity should only be undertaken by staff who have received appropriate training and have been deemed competent; the level of

training and competence must not be overstepped. The extent and limitations of the examination or comparison conducted should be clearly stated in the SFR without diluting the value of the information.

24.5.1. Footwear – Forensic Information Report - MG22A

The MG22A should be used for all stated facts regarding the identification of a pattern and for intelligence, including potential linking of scenes with other scenes or footwear. Any work that is not peer reviewed should be reported as intelligence on the MG22A; the MG22A may be used as an initial report to support charging decisions or to inform a decision of whether to submit scene marks and footwear for further, more detailed examination and comparison. An initial visual assessment of exhibits, such as that which may be carried out without removing the footwear from the bag should be considered as intelligence and reported using the MG22A. Exclusions can also be reported on an MG22A; consideration should be made as to whether the circumstances of the case and the nature of the exclusion would warrant the use of an MG22B and whether or not a peer review is required for the exclusion. It should be noted that peer review of exclusions is required for accreditation to ISO/IEC 17025:2017.

It is anticipated that only one MG22A will routinely be produced in a case, so for example if a visual examination is initially undertaken which suggests that a more detailed comparison is required, it may be prudent to delay the production of the MG22A until after the more detailed comparison has been completed.

24.5.2. Footwear – Forensic Result Report - MG22B (SFR1)

The MG22B can be used to report comparison findings; this can be for any degree of scrutiny from an initial visual screen to a full evidential examination. Findings relating to more than one suspect should be presented as separate reports, allowing each defendant to independently accept or identify an issue,.

Any findings or opinions reported on the MG22B must be peer reviewed prior to issue of the report; if this is not possible, the findings should be reported on an MG22A.

Photographic representations can be included for information purposes only, to illustrate the pertinent findings; if necessary, these can be added as an appendix to the MG22B, provided they are referenced within the Results/Findings section of the report.

It is recommended that any activity level conclusion which has taken into account any or all exhibits examined in the case should be put in a separate paragraph to the conclusion relating to the footwear match information. This not only ensures clarity for the reader, but also allows for the match conclusion to be admitted as fact whilst allowing the interpretation of those findings to be subject to challenge.

The Evidence Type Supporting/Technical Information Section can be used to:

- Provide additional information regarding the examinations undertaken. For example, if relevant, the frequency with which a particular pattern has been encountered can be referenced in the Results/Findings section, but the details of any databases or reference collections used should be listed in the Evidence Type Supporting/Technical Information section.

The Status Section can be used to:

- Provide details of exhibits that have been created during the course of the examination(s) – fibre tapings, DNA swabs etc;
- Inform prosecution and defence of the status of other exhibits that were included with the submission. It may be that certain exhibits have not been examined at that stage, or that tests have been carried out with a negative or neutral outcome. It is designed to give a balanced view of related evidence type information;
- Detail any discrepancies, for example, compromised or inappropriate packaging, discrepancies in the spelling of a suspect or complainant name etc.

24.5.3. Footwear – Expert Response Statement - MG22C (SFR2)

The expert completing the MG22C (SFR2) can be called to attend court to give evidence on the issues contested in the case. As such, the author must ensure that they meet all of their obligations as an expert and include any non-compliance against the Forensic Science Regulator’s Code of Practice and Conduct.

24.5.4. Footwear – Factual Response Statement - MG22D (SFR2)

This statement can be used, when challenged, to provide factual information. It could be used by support staff to provide statements of continuity or by forensic examiners to provide statements of fact that do not contain any opinion.

24.6. Firearms Classification

Casework experience has highlighted the need for a flexible approach to the use of SFR in firearms classification cases, because defendants are often unable to agree the contents of an MG22B (SFR1) owing to the technical nature of firearms legislation, or where the case involves large numbers of exhibits falling under various parts of the Firearms Act 1968 (“the 1968 Act”). For these reasons, firearms scientists will sometimes need to negotiate the use of MG22B and C (SFR 1 & 2)/MG11s with the OIC in order to address the issues in full from the outset.

Ideally, the MG22B (SFR1) should be accepted by the Defence or, if genuine issues are identified, such issues should be addressed via an MG22C (SFR2) or MG11. However, firearms examinations (including test-firing) typically take place after all trace evidence examinations have been completed, meaning that often the normal MG22B (SFR1) response times will have already expired when the firearms examinations take place. Hence, the MG22C (SFR2)/MG11 format may be required to address an urgent requirement for information in an evidential form, in situations where the normal SFR timescale has expired or where the trial date is imminent. Much of this will be dictated by individual FSPs as demand and capacity can vary greatly.

In addition, some Police customers require the MG11 format as a matter of course. Typically, this includes reports linked to fatal shootings (such as crime scene reconstruction and the results of post-mortem examinations), non-fatal shooting scene reconstruction, laboratory-based gunshot damage examinations and cases investigated by the counter terrorism teams.

What follows is a list of firearms evidence types by preferred report type, although it should be emphasised that the approach to SFR will vary between individual FSPs.

24.6.1. Firearms Classification – Forensic Information Report - MG22A

This format will be used in the following situations:

- Non-evidential, pre-charge assessment of items for charging purposes only; a so-called '**remand report**'. The remand report is a preliminary assessment, the findings of which are subject to a full evidential examination at a later date. The author of a remand report should **NOT** be warned for court based on that document, as they will not necessarily be responsible for the main evidential work in that case. Please note that the various FSPs may refer to such reports differently.
- Firearm/ammunition recovery cases and so-called 'shots-fired' cases **where no suspect is attached**. If a suspect is later identified (normally through the results of trace evidence examination), the report can be 'converted' to an MG22B (SFR1) or MG11 as appropriate.
- Typically, the results of Open Case File (OCF) checks are presented in MG22A format and, where needed for evidential purposes, in MG22C (SFR2)/MG11 format.

24.6.2. Firearms Classification – Forensic Result Report - MG22B (SFR1)

Where a suspect is attached, the following evidence types will be reported in MG22B (SFR1) format as the issues are generally less contentious and can be set out briefly. However, the scientist will assess each case and where necessary liaise with the OIC as to the best format.

The author of the MG22B (SFR1) will be responsible for addressing any issues via an MG22C (SFR2)/MG11 and should be warned for Court if the case proceeds to trial.

The following list is by no means exhaustive but is representative of the most commonly encountered evidence types:

- Weapons using propellant-based cartridges where antiquity, function and lethality are not an issue;
- Electric shock devices (ESDs) and noxious sprays. This could include 'disguised' ESDs with photographs added to the SFR for context;
- Air weapons, converted blank/gas-firing guns and reactivated weapons where experience would suggest that the issue of 'lethality', per s. 57(1)(a) of the 1968 Act, is unlikely to be disputed;
- Imitation firearms such as very low powered air guns, 'air soft' guns and blank-firing guns;
- Unfired 'live' ammunition.

Typically, the following evidence types will be reported in MG22B (SFR1) format. However, where the case is likely to be contentious or is otherwise potentially complex, the scientist may use their discretion and discuss the report format options with the Officer in the case (OIC):

- Guns that require range of fire, mechanical function testing and/or accidental discharge testing;
- Firearms where 'antiquity' (s. 58(2) of the 1968 Act) is likely to be in issue;
- Air guns, converted blank/gas-firing guns and reactivated weapons where experience would suggest that issues surrounding 'lethality', per s. 57(1)(a) of the 1968 Act, are likely to arise. Despite attempts to define 'lethal barreled weapon' in s. 126 of the Policing and Crime Act 2017, it is submitted that the statutory 'lethal' muzzle energy threshold of 1 joule is not supported by known air gun injury/lethality data. The issue is well-known amongst the defence expert community;
- Imitation firearms deemed 'readily convertible' into a firearm by virtue of s. 1 of the Firearms Act 1982;
- Forward-venting blank/gas/signal guns which might fall under s. 5(1)(b) of the 1968 Act;
- Still and video image interpretation (identify a firearm or discharge of a firearm etc.);
- Serial number restoration.

24.6.3. Firearms Classification – Expert Response Statement - MG22C (SFR2)

Where timescales allow for it, any issues raised by the Defence in response to the MG22B (SFR1) should be clearly identified within the recommended timescales and will be addressed in a MG22C (SFR2) report. In firearms cases, it is reasonable to expect the author of the MG22B (SFR1) report to carry out the MG22C (SFR2) response and appear at trial if necessary.

As stated above, some FSPs will need to adapt their approach owing to internal supply chain issues.

With regard to recovered firearms reported in either MG22B (SFR1) or MG22C (SFR2)/MG11 format, where test-fired samples from the gun are linked with fired ammunition items held on the OCF, the results will be produced in a separate MG22A. This is a long-established procedure intended to avoid evidential issues at trial and to separate the laboratory's evidential and intelligence roles. The MG22A can be converted into an MG22C (SFR2) or MG11 if the OCF result is to be introduced as evidence.

24.7. Toxicology

Reporting complex toxicology results in the SFR process may be challenging however with concise interpretation of the results this is able to sit well within the SFR process. In order to do this, it is sometimes necessary to extend the body of the interpretation so that the reader can have a full understanding of what the results may mean and to exclude any ambiguity.

Whilst the majority of Toxicology casework will fit in well with the SFR process, should the expert/author of the SFR feel that the case may be open to misinterpretation if reported in an SFR format, for example, if the findings are particularly complex or if the interpretation or conclusion requires detailed explanations in order to be well understood, then the MG11 format should be considered as an alternative.

24.7.1. Toxicology – Forensic Information Report - MG22A

The MG22A can be used to report preliminary results before all toxicology testing is complete. In line with guidance from the United Kingdom and Ireland Association of Forensic Toxicologists (UKIAFT), in certain urgent cases it may be necessary to produce a preliminary report. This report should contain confirmed results, although unconfirmed results that are subject to verification may be reported, provided a clear disclosure outlining their status accompanies such results.

The report should also include a statement that testing is incomplete, and where appropriate, that subsequent results may affect the final report and its interpretation.

24.7.2. Toxicology – Forensic Result Report - MG22B (SFR1)

The MG22B can be used to report results from the analysis of one or more exhibits and to provide expert interpretation based on the results and case information available at the time of writing. The level of interpretation provided should be of sufficient detail to avoid any misunderstanding or misinterpretation of the value of the laboratory findings by the reader. Findings relating to more than one suspect should be presented as separate reports, allowing each defendant to accept, or identify an issue, independently.

Results/Findings Section can be used to:

- List the exhibits that were examined or analysed.
- Present the results of the examination or analyses with a separate sub-section for each exhibit.
- Make clear where results have been reported as estimated values.
- Make clear the units used for each value.
- Make clear where drugs have been detected in their 'free' and/or 'conjugated' form, if applicable.
- For Casework Toxicology cases only - State the date (and time) the exhibits were produced, taken or seized.
- For Road Traffic cases only - Denote which Section(s) of the Road Traffic Act the results are applicable to.
- For Road Traffic cases only – Make clear whether results are above or below per se alcohol or drug limits.

Conclusions Section can be used to:

- Provide interpretation of the presence or absence of substances pertinent to the case and any inference that may be drawn from the detected concentrations, in the context of the available case information.
- Provide an opinion, in the form of conclusions that were drawn from the results in conjunction with the case information.

Supporting/Technical Information Section can be used to:

- Detail any discrepancies, for example, compromised or inappropriate packaging, discrepancies in the spelling of a suspect or complainant name etc.
- Provide additional information regarding the analyses undertaken, to include a list of the substances tested for (for each exhibit).
- State the limitation of the analyses conducted and why an analysis was not conducted.
- State if the exhibit was used up in the analyses i.e. none remains for the defence to use if required.
- For Casework Toxicology cases only – Make clear the time to which the results relate (e.g. time of the incident, time of sampling, time of death etc.).
- For Casework Toxicology cases only – State the factors that may affect the interpretation of the results (e.g. post-mortem redistribution, time interval etc.)
- For Casework Toxicology cases only – Expand on reasoning for opinion or conclusion (e.g. state the case details and information provided to make an inference.)
- For Casework Toxicology cases only – Define non-routine exhibits and make clear their characteristics which may affect interpretation (e.g. vitreous, muscle, brain etc.)
- For Road Traffic cases only – If any Section 5 / 5A results have been included in the report, include a declaration regarding the appropriate deduction made from the raw analytical results.

Status Section can be used to:

- Inform prosecution and defence of the status of other exhibits that were included with the submission. It is often the case that certain exhibits have not been examined or analysed at the stage of reporting.
- Provide details of sub-exhibits that have been created during the course of the examination(s) – e.g. noxious liquid sub-samples.

24.7.3. Toxicology – Expert Response Statement - MG22C (SFR2)

The expert completing the MG22C (SFR2) can be expected to be called to attend court to give evidence on the issues contested or those that require clarification in the case. As such, the author must ensure that they meet all of their obligations as an expert, include any non-compliance against the Forensic Science Regulator’s Code of Practice and Conduct, and that the MG22C SFR2 adheres to Criminal Procedure Rule 19.4.

24.7.4. Toxicology – Factual Response Statement - MG22D (SFR2)

This statement can be used, when challenged, to provide factual information. It could be used by support staff to provide statements of continuity, or by forensic examiners to provide statements of fact that do not contain any opinion.

24.8. Digital Forensics - Indecent and Prohibited Images of Children (IIOC)

As with other forensic disciplines, it is recognised that not all Digital reporting is suitable for the SFR framework, due to challenges of complexity and the dynamic changes within digital forensics.

The SFR process for Digital IIOC casework is aligned with the current national CPS guidance⁶ in relation to when to use the streamlined approach when prosecuting IIOC offences.

24.8.1. Digital IIOC – Forensic Result Report - MG22B (SFR1)

The MG22B (SFR1) for Digital IIOC casework can be used to report factual results based on the case information available at the time of writing. In complex IIOC investigations or technical reporting of IIOC, the use of MG11 or local technical reporting policies and procedures would apply.

The national CPS guidance when to use this streamlined approach to low-risk offenders may only be used when the following two factors have been applied:

1. The IIOC suspect is assessed by investigators to pose a low risk in relation to children. The assessment is carried out using the KIRAT (Kent Internet Risk Assessment Tool).
2. The investigation is limited to offences relating to the possession, distribution or production (in the limited sense) of IIOC. The scope of the investigation may be determined by what is found on the initial searches of devices, other evidence obtained or intelligence.

All relevant digital storage devices have been subject to 'triage' by the Child Abuse Image Database (CAID). Note that the triage process may not identify a device that contained only first-generation images of contact abuse.

Each MG22B (SFR1) IIOC digital should include the following in relation to content:

- Include a table of content giving the total number of CAID recognised images in each category using ALL software across ALL devices interrogated - individual tables can be added for each exhibit/item within the report,
- Each count should have an 'explanation' of what the count represents, for example: This count represents the total number of Category A still and moving images found on Exhibits JDW/1, and JDW/2
- In accordance with national CPS guidance select three representative image examples from each category and include a sufficient-detailed description of each in the SFR1. These descriptions should include any factor relevant to sentence, for example: (1) the apparent age of the victim, (2) whether there is discernible pain or suffering, and (3) whether the child appears intoxicated or drugged. Where possible the image reference number should be included to allow for any cross-referencing, or to view the selected image should there be any point taken by the defence about the officer's descriptions,
- Ensure that the most important aggravating and mitigating features with potential application to more than one offence or class of offences,

⁶ <https://www.cps.gov.uk/legal-guidance/indecent-and-prohibited-images-children>

- Guidance around terminology, processes used, referring to sampled images, certain file types can be included in the ‘Evidence Type Supporting/Technical information’ of the report. It is important to note that the MG22B (SFR1) is a factual report, not opinion based, and should allow prosecutors to make charging decisions based on the results of the initial CAID analysis.

It has been acknowledged by the SFR National Board that individual forces will structure their report content in accordance to their local policies and procedures and the MG22B (SFR1) for Digital IIOC casework template allows for this. The template has ‘fixed’ content, which should not be changed to ensure that a national standardised approach is adopted. The MG22B (SFR1) guidance with examples shows different layouts of the report content and how a Streamlined Forensic Report (SFR1) can considerably reduce the timescales of technical reports and how the streamlined approach should meet the high volume of suspects being investigated by the police in IIOC offences.

24.9. Biology Casework

Reporting evaluative biology casework has brought a new set of challenges to the SFR process; conveying the true strength of a complex set of scientific tests, each test with its own limitations and caveats, in the context of each case and at the most appropriate level in a simple yet accurate way, without being left open to misinterpretation by the reader. There is also the challenge of how certain biological tests might impinge upon or compromise other tests, necessitating continued high quality Case Assessment and Interpretation (‘CAI’), taking the needs of each individual case into account at the earliest opportunity to ensure the most appropriate tests are carried out at key stages in the case.

It is recognised that not all Biology Casework will fit into the SFR process, for example multiple suspect cases or some complex murder cases. The FSP, in consultation with the authorising Police Force, will have discretion to determine the most appropriate output for each case, on a case-by-case basis, bearing in mind their obligation to assist the courts to actively manage the case in the most streamlined and cost-effective way.

Should the expert feel that the case may be open to misinterpretation if reported in an SFR format, for example if the findings are particularly complex or if the interpretation or conclusion requires detailed explanations in order to be well understood, then an MG11 statement should be considered as an alternative.

24.9.1. Biology Casework – Forensic Information Report - MG22A

The findings and / or opinions presented in the MG22A can include the author’s interpretation of the findings and are based on the information available at the time. Further work and / or evaluation may be performed in context with additional findings or accounts and be produced in subsequent information reports.

24.9.2. Biology Casework – Forensic Result Report - MG22B (SFR1)

The MG22B can be used to report a result from the initial analysis / comparison and/or to provide expert opinion in the form of either an investigative or an evaluative conclusion, based on the case information available at the time of writing. The overall conclusion should be at the level that the expert deems most appropriate to the case (i.e. whether that be source or activity level), to avoid any misunderstanding or misinterpretation of the value of the laboratory findings by the

reader. Findings relating to more than one suspect should be presented as separate reports, allowing each defendant to accept, or identify an issue, independently.

The report will *not* contain significant amounts of technical or supporting information, or detailed explanations / rationale concerning how the conclusion was formed. General technical information is provided as a set of agreed national (discipline specific) technical notes that the author may reference within the results section. For example, if different DNA profiling systems have been used in the case, this can be disclosed within the status section of the report and a reference made to the relevant content within the supporting technical information.

The national technical notes for biology casework can be found at www.fcn.police.uk/sfr

Photographic representations can be included for information purposes only, to illustrate the pertinent findings. If these are necessary, they can be added as an appendix to the MG22B, provided they are referenced within the results section of the report.

It is recommended that any activity level conclusion, which has taken into account any, or all exhibits examined in the case, should be put in a separate paragraph within the results section to the source or sub-source level conclusion(s) (i.e. the DNA match information). This not only ensures clarity for the reader, but allows for a source level conclusion to be admitted as fact, and the interpretation of those findings to be challenged.

The status section can be used to:

- Provide additional information regarding the examinations undertaken. For example, if relevant, the nature of a reaction to a presumptive chemical test (i.e. strong or weak) and/ or brief details of any DNA mixtures, i.e. the likelihood ratio/strength of the DNA match should be reported in the results section, but the presence of non-matching DNA in the mixture can be detailed in the status section. If any findings limit or undermine the prosecution case, or assist the defence, they should be listed in the status section (for example inclusion of a caveat to state that it is not possible to determine when any DNA detected has been deposited);
- Provide details of exhibits that have been created during the course of the examination(s) – fibre tapings, DNA swabs etc;
- Inform prosecution and defence of the status of other exhibits that were included with the submission. It may be that certain exhibits have not been examined at that stage, or that tests have been carried out with a negative or neutral outcome. It is designed to give a balanced view of related evidence type information. It may also include results considered in developing the forensic strategy or information used in forming the overall section one conclusion;
- Detail any discrepancies, for example, compromised or inappropriate packaging, discrepancies in the spelling of a suspect or complainant name etc.

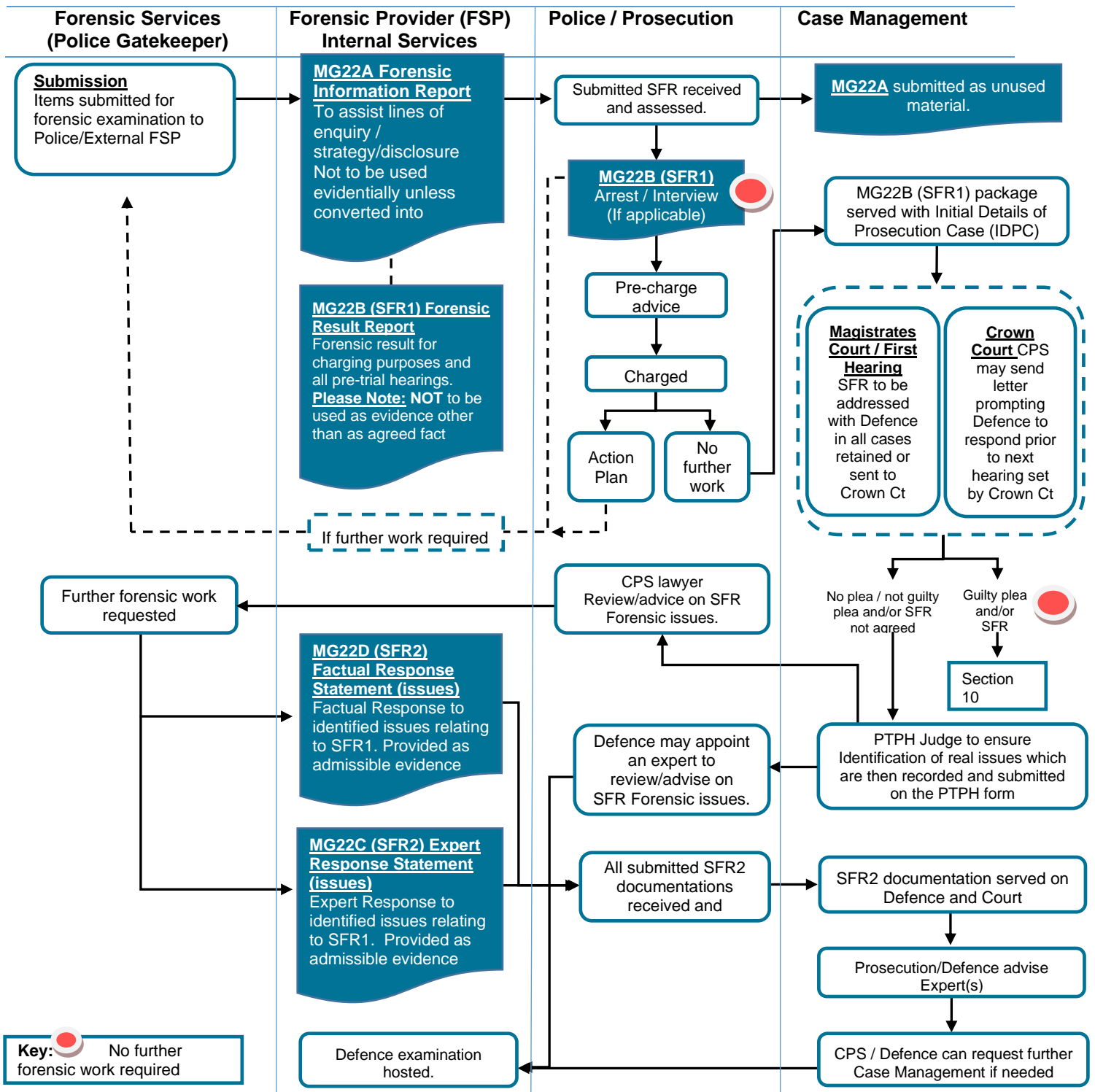
24.9.3. **Biology Casework – Expert Response Statement - MG22C (SFR2)**

The expert completing the MG22C (SFR2) can be expected to be called to attend court to give evidence on the issues contested in the case. As such, the author must ensure that they meet all of their obligations as an expert and include any non-compliance against the Forensic Science Regulator's Code of Practice and Conduct.

24.9.4. **Biology Casework – Factual Response Statement - MG22D (SFR2)**

This statement can be used, when challenged, to provide factual information. It could be used by support staff to provide statements of continuity, or by forensic examiners to provide statements of fact that do not contain any opinion.

25. Appendix A – SFR Workflow



IMPORTANT: The MG22B SFR1 Forensic Result Report is a tool for enabling compliance with **Criminal Procedure Rules 3.2 and 3.3** by either eliciting an admission from the defence in relation to the content of the Report (Criminal Justice Act 1967, s10) or causing them to identify an issue concerning that content thereby initiating the completion of an SFR2 Response Statement MG22C or MG22D. The SFR2 response is provided by the most appropriate person to address the specified issue.

26. Appendix B

Further Guidance for CPS – Failure to respond to Streamlined Forensic Reports and admissibility at dismissal proceedings.

If the content and conclusions of an MG22B (SFR1) are accepted, it ought to be agreed by way of a formal admission pursuant to section 10 Criminal Justice Act 1967.

This note sets out a prosecution argument that a Streamlined Forensic Report (“SFR1”) relied upon by the prosecution is admissible evidence in an application to dismiss (pursuant to schedule 3, paragraph 2 Crime and Disorder Act 1988) in circumstances where its content has yet to be agreed (pursuant to section 10 Criminal Justice Act 1967).

There is no requirement that an MG22B (SFR1) setting out the conclusions of an expert should comply with all of the formal requirements of Rule 19 of the Criminal Procedure Rules as it is a summary of expert evidence served by the prosecution with the intention of introducing it as admitted fact – see CrimPR 19.3(1).

Criminal Justice Act 2003

In criminal proceedings, hearsay is admissible if:

- Any provision of Part 2, Chapter 11 of the CJA 2003 or any other statutory provision makes it admissible (section 114(1)(a) CJA 2003);
- Any rule of law preserved by section 118 CJA 2003 makes it admissible (section 114(1)(b) CJA 2003);
- All parties to the proceedings agree to it being admissible (section 114(1)(c) CJA 2003);
or
- The court is satisfied that it is in the interests of justice for it to be admissible (section 114(1)(d) CJA 2003).

Section 114(1)(c) – agreement of the parties

Where an MG22B (SFR1) has been submitted as prosecution evidence, with an explicit notice of intent to rely upon the evidence in this form, in the absence of the *early identification* of a *real issue* in relation to the forensic evidence, the prosecution would ordinarily submit that all parties to the proceedings agree to it being admissible.

Archbold 2019, 11-3c:

“For the purposes of subsection (1)(c), “agreement” does not require a contract law analysis of offer and acceptance, nor does it require some formal recording of the position by the court, nor does it necessarily require express agreement; rather, where hearsay is relied on by a party, the court is entitled to infer, in the absence of objection by another party, that there is no objection to its admissibility, and thus that there is agreement to its admissibility; such inference, however, should not be drawn automatically or in all circumstances; in particular, it would be difficult, and in most cases impossible, to draw such an inference if the defendant were unrepresented: *Emlyn Williams t/a Williams of Porthmadog v. Vehicle and Operator Services Agency*, 172 J.P. 328, DC.

Section 114(1)(d) – interests of justice

Further or alternatively, where no issue has been identified (or no issue which goes to the forensic evidence), it may be submitted, that it is in the interests of justice for the MG22B (SFR1) to be admitted.

The interests of justice, it is submitted, must include an application of the criteria set out in the overriding objective of the Criminal Procedure Rules. The admission of evidence which does not go to a real issue in the case is wholly consistent with:

- acquitting the innocent and convicting the guilty;
- dealing with the prosecution and the defence fairly;
- dealing with the case efficiently and expeditiously.

In deciding whether it is in the interests of justice to admit hearsay evidence, the court must have regard to the following factors (and to any others it considers relevant)—

- a) how much probative value the statement has (assuming it to be true) in relation to a matter in issue in the proceedings, or how valuable it is for the understanding of other evidence in the case;
- b) what other evidence has been, or can be, given on the matter or evidence mentioned in paragraph (a);
- c) how important the matter or evidence mentioned in paragraph (a) is in the context of the case as a whole;
- d) the circumstances in which the statement was made;
- e) how reliable the maker of the statement appears to be;
- f) how reliable the evidence of the making of the statement appears to be;
- g) whether oral evidence of the matter stated can be given and, if not, why it cannot;
- h) the amount of difficulty involved in challenging the statement;
- i) the extent to which that difficulty would be likely to prejudice the party facing it.

The central submission in an application to admit the MG22B (SFR1) as hearsay is that, in the absence of the early identification of a real issue in proceedings which goes to the forensic evidence, little or no prejudice is caused to the defendant and the prosecution ought to be permitted to adduce an important piece of probative prosecution evidence.

Unlike section 114(1)(c) and section 117, the admission of hearsay pursuant to section 114(1)(d) requires a notice of intention to adduce such evidence. At this preliminary stage, and in the absence of an identified real issue in the proceedings, the court may be invited to dispense with the requirement for notice to introduce hearsay evidence, pursuant to Rule 20.5(1)(c).

Section 117 – business records

The statements contained in the report would be admissible evidence if given in oral evidence in the proceedings; the report was created by a person in the course of their occupation who may reasonably be supposed to have had personal knowledge of the matters dealt with, and (having regard to the length of time since that person supplied the information and the nature of their occupation) they cannot reasonably be expected to have any recollection of the matters dealt with in the statement.

26.1. Dismissal applications

Where a notice of dismissal is submitted, upon receipt of the documents served as part of the prosecution case, which ought to include SFR, if the court is invited to consider whether, in order to:

- acquit the innocent and convict the guilty;
- deal with the prosecution and the defence fairly;
- deal with the case efficiently and expeditiously

it ought to exercise its powers of case management and seek the early identification of the real issues in the case.

Schedule 3, paragraph 2 of the Crime and Disorder Act 1998 provides at subsection (2):

“The judge shall dismiss a charge (and accordingly quash any count relating to it in any indictment preferred against the applicant) which is the subject of any such application if it appears to him that the evidence against the applicant would not be sufficient for [him to be properly convicted].

Given that Regulation 2 of the 2005 Regulations allows for service of **documents** containing the evidence upon the prosecution wishes to rely, it is submitted that an SFR can be submitted at the application to dismiss stage and the court is unlikely to make a determination as to admissibility, especially in circumstances where the Defence has not responded to a summary served pursuant to CrimPR 19.3(1).

The prosecution would therefore say that the admission of an MG22B (SFR1) report pursuant to section 114(1)(c), 114(1)(d) or 117 Criminal Justice Act 2003 is evidence in proceedings before a Crown Court considering an application to dismiss.

27. Supporting Documentation

List of all supporting documentation referred to within this document:

Document name	Document reference)
MG22A	SFR MG22A July 2020
MG22B	SFR MG22B July 2020
MG22C	SFR MG22C July 2020
MG22D	SFR MG22D July 2020
SFR Annex	SFR2 Annex July 2020
Case Management Risk Form	SFR Case Management Risk Form July 2020
Supplementary Technical Notes for Biology Casework SFR	FCN-SP-MGT-GUI-0004