

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 (CJS). 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 CJS 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.

1.1 Acronyms and Definitions

Acronym	Terminology
AFSP	Association of Forensic Service Providers
BEIS	The Department for Business and Industrial Strategy
BLC	Blue Light Commercial
CAI	Case Assessment and Interpretation
CJA	Criminal Justice Act
CJS	Criminal Justice System
CJU	Criminal Justice Unit
CMO	Chief Medical Officer
CPIA	Criminal Procedures and Investigations Act
CPD	Criminal Practice Directions
CPS	Crown Prosecution Service
CrimPR	Criminal Procedure Rules
CSI	Crime Scene Investigation
DNA	Deoxyribonucleic Acid
DPP	Director of Public Prosecutions
EMSOU-FS	East Midlands Special Operations Unit – Forensic Services

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Acronym	Terminology
ENFSI	European Network of Forensic Science Institutes
ESD	Electrical Shock Device
EWCA	England and Wales Court of Appeal
EWHC	High Court of England and Wales
FCN	Forensic Capability Network
FSP	Forensic Service Providers
FSR	Forensic Science Regulator
GP	General Practitioner
IDPC	Initial Details of the Prosecution Case
IIOC	Indecent and Prohibited Images of Children
ILAC	International Laboratory Accreditation Cooperation
LR	Likelihood Ratio
MG(22)	Manual of Guidance
MT	Medical Transcriber
NHS	National Health Service
OCF	Open Case File
OIC	Officer in the Case
OM	Operations Manager
PACE	Police and Criminal Evidence Act
PET	Preparation for Effective Trial
PTPH	Pre-Trial Preparation Hearing
SFR	Streamlined Forensic Reporting
SGM	Second Generation Multiplex
SGMPlus	Second Generation Multiplex Plus
UKAS	United Kingdom Accreditation Service
UKIAFT	United Kingdom and Ireland Association of Forensic Toxicologists

Definitions	
Shall	indicates a requirement
Should	indicates a recommendation

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Definitions	
May	indicates a permission
Can	indicates a possibility or a capability
SGM	A DNA test that targets 6 areas of DNA plus a gender marker
SGMPlus	A DNA test that 10 areas of DNA plus a gender marker
DNA17	A DNA test that targets 17 areas of DNA plus a gender marker
The Codes	FSR's Codes of Practice and Conduct

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 Crown Prosecution Service (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 CrimPR 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.

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4.2 Part 3.2:

Part 3.2 of CrimPR 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 CrimPR 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 CJS, 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 CJS.

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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.

The latest letter of support provided by The Rt Hon Lady Justice Thirlwall on 11 September 2020, can be viewed on the Forensic Capability Network (FCN) website:

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

[Text Deleted]

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 [Text Deleted]
- Biology Casework
- Questioned Documents
- Medical
- Fire Investigation

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.

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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 through <https://www.fcn.police.uk/contact-us> 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 CJS.

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. [Text Deleted]

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

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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 D](#).

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

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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 **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 IDPC which will include any MG22B (SFR1) 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 (Preparation for Effective Trial) form and in the Crown Court it is the PTPH (Pre-Trial Preparation Hearing) questionnaire.

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(s) 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.

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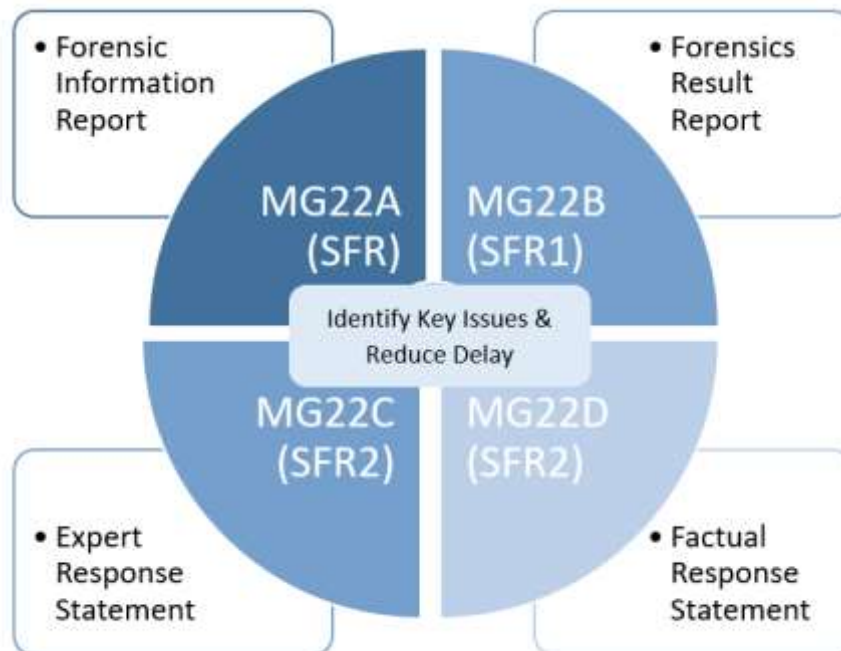
14 SFR Template Forms

Please see [Appendix A](#) for the 'SFR Process Flowchart'.

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

In order to promote national consistency, these templates have been designed to accommodate multiple evidence types. **Users should maintain the [Text Deleted] format as set out in the series of national templates.** This ensures that forensic reports/statements entering the CJS are standardised and easily recognised by police officers and staff, judiciary, magistracy and legal representatives. Whilst the body of the report can be configured to suit the evidence type and case, local amendments to headers/footers and overall structure should not be made as these are standardised and document-controlled forms. Should there be a requirement to change any of these forms for operational reasons, a proposal should be made to the National SFR Board via the appropriate representative through the FCN website <https://www.fcn.police.uk/contact-us>.

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



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

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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

Disclosure is not an adjunct to an investigation. It is the investigation, and there is a requirement for all parties to consider their obligations at the earliest stage. In 2020, the Attorney General's Guidelines on Disclosure, the Criminal Procedure and Investigations Act (CPIA), Code of Practice, Director's Guidance on Charging and the National File Standard were updated. This may mean that slight changes are required to the SFR process and/or templates in order to fully comply with current guidelines; this is under consideration and any changes will be communicated by way of a subsequent briefing note, if necessary.

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

The disclosure of unused material is governed by the [Text Deleted] 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 eyewitnesses 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).

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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.

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It is good practice and crucial to provide training and awareness of the SFR process to case builders and other support staff involved in court case management procedures to ensure understanding and avoid introducing unnecessary delays to the process.

This is to prevent individuals being incorrectly warned to attend court on production of an MG22B (SFR1). However, some forensic disciplines/organisations have adopted an approach whereby the MG22B (SFR1) does not include the name of the author in the 'Report provided by' section, and merely states the forensic unit or author's role within the organisation. Historically, this was introduced to prevent the author of an MG22B (SFR1) being warned to attend court. Identifying the person authorising the report is a requirement of ISO/IEC 17025 in clause 7.8.2.1). However, in accordance with clause 7.8.1.3, results can be reported in a simplified way when agreed with the customer. All information that is not reported shall still be readily available. 'Evidence of this agreement with all customers is likely to be required to satisfy UKAS assessment. 'Customers' should include all criminal justice stakeholders.

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.

18.1 Opinions and Interpretations

In some cases, the findings expressed in the MG22B (SFR1) will contain opinions and interpretations. In these instances, it may be applicable to include a declaration to explain this. The below is an example but this may vary slightly depending on the evidence type. If the findings are of a factual nature, there is no requirement to include such a declaration.

Opinions and Interpretations Declaration

The findings expressed in this Streamlined Forensic Report are matters of opinion, not statements of fact. However, evaluation of forensic evidence such as this is supported by study and experience, applying specialist knowledge and skills to forge reliable opinions and interpretations, which are subjected to peer review (as defined within the organisation's Quality Management System) before final reporting. The decision-making process may be supported and evidenced through the use of working notes.

If there is a range of expert opinion on the matter in question, the report should state where in the range the expert's own opinion lies¹. In addition, if the laboratory's accreditation does not cover opinions and interpretations, this must be declared (see [section 24](#) for more details).

19 Expert Response Statement MG22C (SFR2)

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

¹ FSR-G-200 Forensic Science Regulator Expert Report Guidance

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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.

19.1 SFR2 Annex Templates

An MG22C must comply with the provisions of Rule 19.4 CrimPR and the relevant sections of Part 19 of the Criminal Practice Directions (CPD). This includes a requirement to apply appropriate declarations and duties of revelation that are not included within the template MG22C. A series of additional templates have been developed for this purpose, and FSPs may wish to adopt these as part of their local quality management procedures. The templates can be accessed at www.fcn.police.uk/sfr.

19.1.1 SFR2 Annex A Expert Witness Declaration

Annex A is an expert's declaration to the court that they recognise and will act in accordance with their duty to the court overriding any obligation to the instructing party in the case in accordance with CrimPr Rule 19. This annex must be provided where the declaration has not been included within the expert's statement. Included within the Annex A is the Forensic Examination Record which must always be included where an expert has based an opinion or inference on a representation of fact or opinion made by another person. The Forensic Examination Record will detail their name, their relevant qualifications and any applicable accreditation status. By signing Annex A the expert certifies that the person had personal knowledge of the matters stated in that representation.

19.1.2 SFR2 Annex B Mitigation Table

Annex B is a mitigation table that should be used where mitigation must be provided to accompany the accreditation declaration made within the statement. See [Section 24.1.3](#) for guidance on when this should be provided.

19.1.3 SFR2 Annex C Expert Witness Self Certification

Annex C is a self-certificate that an expert should submit to the prosecution confirming that they are aware of their responsibilities as an expert witness to reveal to the prosecution team any information that might undermine their evidence or assist the defence.

19.1.4 SFR2 Annex D Disclosure Schedule

Annex D is a disclosure schedule submitted to the prosecution identifying material in possession of the expert. The schedule should confirm the description of all non-sensitive material relevant to the case, material that has not been examined and the location of this material. This Schedule is produced in addition to the MG6C supplied by the Disclosure Officer.

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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 Reporting² recommendations. These guidelines build on the Association of Forensic Service Providers (AFSP) Standards for the formulation of evaluative forensic science opinion³.

² ENFSI Guideline For Evaluative Reporting In Forensic Science; Strengthening the evaluation of forensic results across Europe, Approved Version 3.0

³ Standards For The Formulation of Evaluative Forensic Science Expert Opinion, Science & Justice 49 (2009)161-164

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

24 Reference to Accreditation

The guidance provided in this section is aimed at achieving compliance with Issue 5 of the Forensic Science Regulator Codes of Practice and Conduct (the Codes). A subsequent Briefing Note and update to this document will be provided to aid compliance with Issue 7 of the Codes once the FCN has finalised consultation with the FSR and UKAS.

24.1 Background

24.1.1 Recent Issues of FSR Codes and CPS Gateway Guidance

Issue 4 of the Codes introduced the requirement to disclose in statements/reports intended for use as evidence, compliance, or non-compliance, with the Code of Conduct. This requirement was carried through to Issue 5 of the Codes (clause 28.2.1). Issue 5 of the Codes includes a further requirement that reflects the CPS Gateway Guidance in relation to directly referencing accreditation.

Clause 28.3.1 b i of Issue 5 of the Codes states ‘The SFR1 is a summary of the evidence served to determine whether there is any agreement of the evidence, or to ascertain whether there are any issues in dispute. It is deliberately not presented in an admissible format as it is not intended to be presented at trial other than as agreed fact, and although it does not need to comply with CrimPR 19.4 or CPD V 19B, **it does require a statement of whether the forensic unit is accredited.**’ Clearly, in order to comply with this requirement, the SFR1 will need to state whether the unit is accredited.

The CPS Gateway Guidance (relating to Statutory Instrument 1276 of 2018) goes further, adding that ‘**all statements** and streamlined forensic reports (SFR1 and SFR2) should state whether the organisation or laboratory concerned is accredited, whether the forensic evidence relates to DNA and fingerprint evidence or other forensic disciplines’.

24.1.2 How to Comply

Use of the approved templates, described in [Sections 17 – 20](#) of this document and available on the FCN website, will help to ensure compliance with the above requirements. In addition, United Kingdom Accreditation Service (UKAS), International Laboratory Accreditation Cooperation (ILAC) and The Department for Business and Industrial Strategy (BEIS) provide further detail for how to reference accreditation. These requirements are documented in UKAS LAB 1, ILAC-P8 and BEIS – Accreditation Logos and Symbols. These documents must also be complied with when referencing accreditation and are available by searching on the [UKAS](#), [ILAC](#) and [.Gov](#) websites.

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What is less clear but remains a requirement stated within UKAS LAB 1 in clause 4.2 is ‘When reports or certificates incorporating reference to UKAS accreditation contain results from both accredited and non-accredited tests and/or sampling, the non-accredited work shall be clearly identified as ‘Not UKAS accredited’. A subsequent note in UKAS LAB 1 suggests ‘Laboratories may choose their own form of marking or indication (e.g. an asterisk or use of distinctive typeface) to be used in conjunction with this statement, provided it is clear which tests are not accredited’. This requirement is mirrored in ILAC-P8 in clause 7.1 b.

To comply with these requirements, when referencing accreditation, the author of the SFR is required to make it clear within the SFR itself, any results that are not accredited. In addition, UKAS LAB 1 also states in clause 6.1 ‘if opinions and/or interpretations are included in a report or certificate incorporating reference to UKAS accreditation, and if the laboratory’s accreditation does not cover these activities, the following disclaimer shall be incorporated: Opinions and interpretations expressed herein are outside the scope of our UKAS Accreditation’.

Non-compliance or incorrect references to accreditation will likely result in UKAS requesting the statement/report to be reissued with accurate references. Further to SFR, these requirements also relate to any statement/report where there is reference to accreditation.

24.1.3 Declaring Accreditation Status in the SFR

This guidance provides a standardised mechanism for identifying results that are and are not accredited. However, it remains the responsibility of each accredited entity to ensure they comply with the requirements of ISO/IEC 17025, ISO/IEC 17020, the Codes and UKAS.

24.1.3.1 MG22A

No declaration of accreditation status or compliance with the Codes are required at this stage.

24.1.3.2 MG22B (SFR1)

The practitioner should select from the following series of options to make the appropriate declaration of accreditation status. The SFR1 does not require a declaration of compliance with the FSR Code of Conduct. The options are:

If none of the results contained within the SFR are accredited:

There should be no reference at all to accreditation within the report and the declaration section should be deleted in its entirety. There is no requirement to explicitly state the results are not accredited.

If all results used are accredited, the following declaration shall be used:

[Insert your accredited entity] is a UKAS accredited [testing laboratory/inspection body] No ****

If the report contains a combination of accredited and non-accredited methods, the following declaration shall be used:

[Insert your accredited entity] is a UKAS accredited [testing laboratory/inspection body] No ****.

There should also be the following included in the declaration section:

* Not UKAS accredited

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Any results that are not accredited should be accompanied with an * to highlight they are not UKAS accredited.

Where results are being reported by a collaboration, the organisation should consider referring to the accredited entity, for example 'EMSOU-FS (Chief Constable of Derbyshire Constabulary) is a UKAS accredited testing laboratory No 7683'. The issuing force on the SFR needs to be traceable to the accreditation.

24.1.3.3 MG22C and MG22D (SFR2) templates

In addition to the options for declaration of accreditation status detailed above for SFR1, the SFR2 templates contains a series of options from which a practitioner can select, to make the appropriate declaration of their compliance, or non-compliance, with the FSR Code of Conduct. The Code of Conduct requires compliance with the quality standards set out by the Regulator in the Statement of Standards and Accreditation Requirements. The options are described below.

Declaration 1

To be used when:

- The organisation is ISO accredited for the reported method/results and the FSR Code of Practice and Conduct is included within the scope of accreditation, or
- The FSR deadline for the reported method/result has not yet passed. This applies whether or not the organisation holds any accreditation (including to the FSR Code of Practice and Conduct).

There is no need to provide an Annex B of mitigations.

I confirm that, to the best of my knowledge and belief, I have acted in accordance with the Code of Conduct published by the Forensic Science Regulator [insert Issue].

Declaration 2

To be used when the organisation's accreditation includes the Codes, and ALL the methods used have been validated according to the organisation's Quality Management System but is not yet accredited due to the method/result being deemed an infrequently used method or a new method.

An Annex B should be generated to accompany the SFR2.

I confirm that, to the best of my knowledge and belief, I have acted in accordance with the Code of Conduct published by the Forensic Science Regulator [insert Issue] for infrequently used methods or new methods. As this method is not within the schedule of accreditation, I have included details of the steps taken to comply with the specific requirements to control risk in Annex B.

Declaration 3

To be used when the organisation's accreditation includes the Codes, but one or more of the methods used/results contained within the report is not yet accredited and the FSR deadline for accreditation of that method/result(s) has passed.

An Annex B should be generated to accompany the SFR2.

I confirm that, to the best of my knowledge and belief, I have acted in accordance with the Code of Conduct published by the Forensic Science Regulator [insert Issue] in all aspects that relate to my personal conduct. However, my organisation is not yet compliant with the required standard [ISO/IEC 17025/ISO/IEC 17020] for [insert specific result/method in enough detail that

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it will be clear to the reader which result this relates]. I have included details of the steps taken to mitigate the risks associated with this aspect of non-compliance in Annex B.

Declaration 4

To be used when the organisation’s accreditation does NOT include the Codes and one or more of the methods used/results contained within the report is not yet accredited and the FSR deadline for accreditation of that method/result(s) has passed.

An Annex B should be generated to accompany the SFR2.

I have not fully complied with the Code of Conduct published by the Forensic Science Regulator [insert Issue]. The nature of this non-compliance, to the best of my knowledge and belief, is that I am not/my organisation is not (delete as applicable) yet compliant with clause [insert clause from the Code of Conduct 1-13] and the required standard [ISO/IEC 17025/ISO/IEC 17020] for [insert specific result/method in enough detail that it will be clear to the reader which result this relates]. I have included details of the steps taken to mitigate the risks associated with this aspect of non-compliance in Annex B.

24.1.3.4 SFR2 Annex B

The previous version of the SFR MG22C and MG22D template forms (July 2020) included a mitigation table. However, in the vast majority of cases, there is no requirement to include a table to describe how risks have been mitigated, and hence it has now been created as a separate annex, as described in the FSR Code of Conduct (section 3.1.5). Producing an annex dealing with issues arising from partial or non-compliance allows the complex issue to be dealt with in the statement/report and could allow forensic units to produce standard lines to take for certain methods. Some mitigation categories have been included within the template; however, this is not an exhaustive list and the ‘other’ category should be used where applicable.

24.1.3.5 Sequential Examinations

There is no requirement for one organisation to make any reference to the accreditation status of another organisation, even when the SFR being generated uses, or takes into consideration, the findings of earlier analysis by another organisation. This is based on the assumption that each organisation is responsible for providing some form of outcomes report that meets their obligations in terms of declaring accreditation status.

However, where sequential processes are carried out by different forensic units within the same organisation, it is recognised that providing full transparency over the accreditation status of each unit/method would introduce an additional level of complexity and in some cases severely impact efficiency of existing processes. Further guidance and clarification is being sought on this matter, however, in the interim, organisations may wish to consider how they can ensure that the accreditation status of each of the methods used in a sequential process is declared. This may be achieved by the production of multiple SFRs (one from each forensic unit) or combined into one. An example would be a fingerprint that has been developed by a Forensic Enhancement Laboratory and is then subject to a comparison within a Fingerprint Bureau.

25 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

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25.1 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 Codes⁴, FSR-G-225⁵, ILAC G19 requirements⁶ and UKAS RG 201 guidance⁷. The information is reported based on the evaluation of the scene examiner and established fact and should always be made clear when utilising relevant MG22A and MG22D reports within the SFR framework.

25.1.1 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 and/or SFR1s.

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.

25.1.2 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 CSI 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.

25.2 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

⁴ FSR-C-100 Forensic Science Regulators Codes of Practice and Conduct for forensic science providers and practitioners in the Criminal Justice System.

⁵ FSR-G-225 Forensic Science Regulator's Non-Expert Technical Statement Guidance

⁶ ILAC-G19:08/2014 Modules in a Forensic Science Process

⁷ UKAS RG 201 Accreditation of Bodies Carrying Out Scene of Crime Examination.

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accreditation in adherence with the Codes⁸, ILAC G19 requirements⁹ and UKAS LAB 13 guidance¹⁰. 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.

25.2.1 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.

25.2.2 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 Codes. 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.

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 FSR 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.

⁸ FSR-C-100 Forensic Science Regulators Codes of Practice and Conduct for forensic science providers and practitioners in the Criminal Justice System.

⁹ ILAC-G19:08/2014 Modules in a Forensic Science Process

¹⁰ UKAS LAB 13 Guidance on the Application of ISO/IEC 17025:2017 Dealing with Expressions of Opinions and Interpretations.

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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.

25.2.3 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 Codes, 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 19.4.

25.2.4 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.

25.3 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.

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25.3.1 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' (LR) – see below) is provided.

25.3.2 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 'LR' can be included within the report to express the evidential weight of the DNA match as an illustrative figure. A LR 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 an 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.

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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.

25.4 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.

25.5 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.

25.5.1 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.

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25.5.2 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.

25.5.3 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 Codes.

25.5.4 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.

25.6 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

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(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 **Officer in Case (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.

25.6.1 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.

25.6.2 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;

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- 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 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 barrelled 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.

25.6.3 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.

25.7 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

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requires detailed explanations in order to be well understood, then the MG11 format should be considered as an alternative.

25.7.1 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.

25.7.2 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.

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- 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.

25.7.3 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 Codes, and that the MG22C SFR2 adheres to CrimPR 19.4.

25.7.4 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.

25.8 Digital Forensics

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

25.8.1 Use of the SFR process for Child Sexual Abuse Material (CSAM)

The SFR process for Digital IIOC (now commonly referred to as CSAM) casework is aligned with the current national CPS guidance¹¹ in relation to when to use the streamlined approach when prosecuting IIOC offences.

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

¹¹ <https://www.cps.gov.uk/legal-guidance/indecent-and-prohibited-images-children>

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The national CPS guidance states that the streamlined approach can only be used when the following three factors apply:

1. The CSAM/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 relation to the possession, distribution or production (in the limited sense) of CSAM/IIOC. The scope of the investigation may be determined by what is found on the initial searches of devices, other evidence obtained or intelligence;
3. 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) relating to CSAM/IIOC digital casework should include the following in relation to content:

- A table of content giving the total number of CAID12 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 following the particulars, 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 MG22B (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;
- 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 and should allow prosecutors to make charging decisions based on the results of the initial CAID analysis.

It has been acknowledged that individual forces will structure their report content in accordance to their local policies and procedures; the MG22B (SFR1) for Digital CSAM/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. Adoption of the MG22B (SFR1) reporting process can considerably reduce the timescales for production of technical reports and, in combination with the streamlined approach, should meet the high volume of suspects being investigated by the police in CSAM/IIOC offences.

¹² There may be images which have not been recognised by CAID but which may nevertheless be CSAM/IIOC

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25.8.2 Use of the SFR Process for digital casework other than CSAM

The SFR process for digital casework is currently being employed by numerous Forces/Providers in England and Wales for a range of offences, however, there is a requirement for the CPS to provide further clarification in relation to the approved scope and alignment with the current national CPS guidance. Until such time as this is received, Forces/Suppliers should continue to report in accordance with local procedures.

25.9 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.

25.9.1 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.

25.9.2 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.

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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.

25.9.3 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 Codes.

25.9.4 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.

25.10 Questioned Documents

The use of the SFR process for reporting the results of Questioned Documents casework has been in place since 2014.

Many of the cases reported will be handwriting or signature comparison cases.

Whilst most Questioned Documents cases will fit in well with the SFR process, some may not be suitable for this type of reporting. For example, if the expert considers that the restrictions of an SFR

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report mean that it could be open to misinterpretation then the MG11 (Full Evaluative Statement) format should be considered as an alternative. This will usually be where a case is particularly complex or otherwise requires a more detailed explanation. As an example, handwriting cases with multiple suspects may be unsuitable for the SFR reporting procedure.

Where evaluative opinion levels are expressed, the three different FSPs in this discipline may use slightly different expressions of support. Therefore, where such opinions are expressed in an SFR (MG22B or C), the expert will normally indicate the scale of opinion levels used by that FSP within the “Evidence Type Supporting/Technical Information” section.

25.11 Medical

A new national framework has been established jointly between policing and the National Health Service (NHS) which allows investigators to access comprehensive medical evidence reports of injuries sustained by victims of crime from healthcare professionals via the production of an SFR1.

The service is provided by SFR Medical, a company founded in 2018 by NHS Emergency Medicine and Intensive Care consultant and Toxicologist Dr Johann Grundlingh. The company has piloted the service with Surrey Police since 2019 and Thames Valley Police since April 2020 with great success. The national framework also builds on a pilot scheme by the Metropolitan Police Service who developed the use of streamlined forensic reporting for medical evidence in partnership with the NHS. The main impact is that investigations are progressed much more quickly, and cases are being promptly presented to the CPS for a charging decision.

The framework is managed by the FCN; Forces can now procure their own contracts with SFR Medical using the framework, which was agreed between FCN, the NHS Shared Business Services, SFR Medical and Softcat PLC.

SFR Medical’s service offers the following benefits:

- Allows multiple medical specialties to be incorporated into a single report, leading to greater chronological clarity and easier interpretation, thus requiring fewer medical court attendances;
- Permits integration with all potential sources of medical evidence in a Force’s catchment area (e.g. NHS hospitals, GP practices, private health institutions, ambulance services, etc.);
- Provides integration of images, body maps, and 3D reconstructed images of wounds.

Police force procurement teams can download the framework guidance document and the SFR Medical service level agreement (contract) documents from Blue Light Procurement Database and follow their usual contract approval process within force to create their own call-off contract. SFR Medical operate as a sub-contractor to Softcat PLC.

A ‘Framework Guidance’ document is available at www.fcn.police.uk/sfr

This includes detailed process maps specific to the production of medical SFRs at Stage 1 and Stage 2; these should be used to supplement the general SFR workflow provided in [Appendix A](#) below. A specific Medical SFR Process Flow is included at [Appendix C](#)

For more information about SFR Medical, visit www.sfrmedical.com or email contact@sfrmedical.com.

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25.12 Fire Investigation

It is important to adhere to the Codes, ILAC G19 requirements and UKAS RG201, whether reporting results using the SFR process or by a statement.

The information reported is based on the interpretation of the Fire Investigator and established fact and should always be made clear when utilising relevant MG22A, MG22B and MG22C reports within the SFR framework.

The process followed for reporting is for deliberate fires and only when a Tier 2 Fire Investigator is deployed. Tier 1 reports continue to be at a local FRS level and the outcome of Tier 1 investigations are recorded in the national FRS's - Incident Recording System (IRS). This process has not been approved for Coronial cases which should still be reported via an MG11.

The following forms are applicable for the Fire Investigation SFR Process:

- a) MG22A – Forensic Information Report (Fire Investigation)
- b) MG22B – Forensic Result Report (Fire Investigation)
- c) Disclosure Schedule (locally produced)
- d) MG22C – Expert Response (Fire Investigation)
- e) MG22A – Forensic Information Report (Fire Investigation Dog)
- f) MG22A – Forensic Information Report (External Agencies Report)

25.12.1 MG22A – Forensic Information Report

The information below outlines how the MG22A can be utilised under set headings to provide a record of the scene examination:

- a) Background
- b) Description of damage
- c) Area of Origin (seat of fire)
- d) Determination
- e) Impact of fire
- f) Other details

NOTE: This report is routinely submitted within 48 hours from the conclusion of the scene examination or within 24 hours for cases where there is a suspect. If the scene examination continues over several days, an interim MG22A can be submitted and subsequent additional information added on an additional MG22A as the scene examination progresses to conclusion. The MG22A should be peer reviewed prior to release or stated otherwise in the report.

The same format of MG22A can be utilised to report the findings of a scene examination to **external agencies** such as insurance companies but in these circumstances, all personal or police data such as crime numbers, etc, should be omitted. This standardises the reporting mechanism and is efficient as it contains the same information as the Police/Criminal Justice use of the MG22A.

When there has been attendance at the scene by a **Fire Investigation Dog**, the information below should be provided as a record of the scene examination:

- a) Background
- b) Description of area searched

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- c) Findings
- d) Other details

An MG22A should be completed each time the dog is deployed and regardless of a negative or positive indication. No MG22B will be required to be produced for the use of Fire Investigation Dogs.

25.12.2 MG22B – Forensic Result Report

The MG22B is only produced when there is a suspect identified for the offence, or in other rare cases where an MG22B (SFR1) will assist with enquiries. A Disclosure Schedule is required to be submitted at the MG22B stage (SFR1) as per local requirements and can be submitted using local or national disclosure forms.

The information below outlines how the MG22B can be utilised under set headings to provide key information:

- a) Area of origin (seat of fire)
- b) Determination (explanation of most probable cause)
- c) Conclusion

The delivery date for the MG22B is agreed between the OIC/CJU and the Fire Investigator subject to local Service Level Agreements.

25.12.3 MG22C – Expert Response

The information contained on the MG22C is set out to address any specific challenge raised by the defence that relates to information provided on the MG22B in relation to the fire investigator's examination of the scene. Any challenges that relate to the findings of other personnel or experts attending the scene and/or recovering evidence should be directed to the appropriate FSP or forensic staff member.

The Expert Witness needs to refer to or be cognisant of the FSR Guidance – Expert Report Guidance FSR-G 200.

See [Appendix B](#) for process flow for Fire Investigation

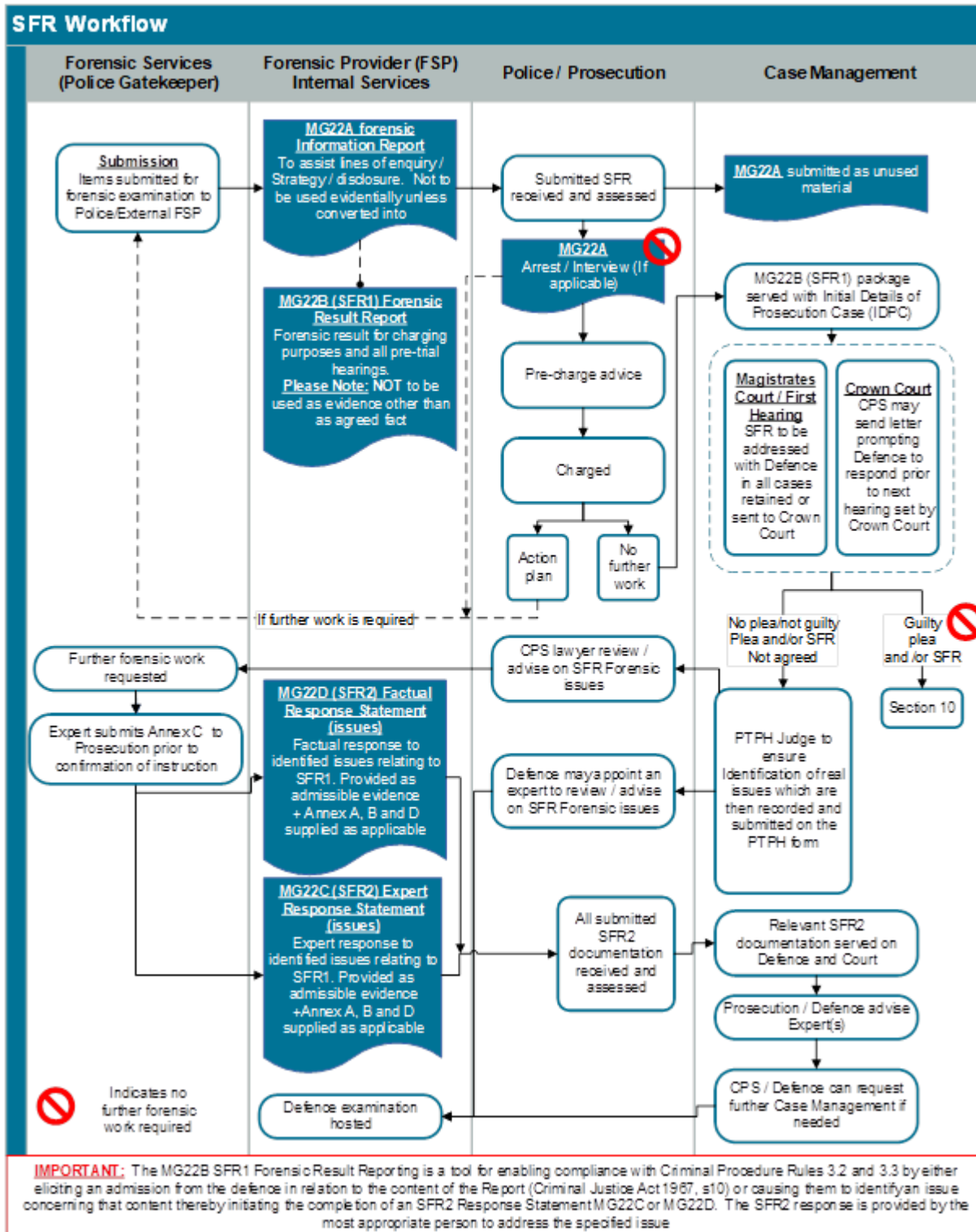
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26 Appendix A – SFR Workflow



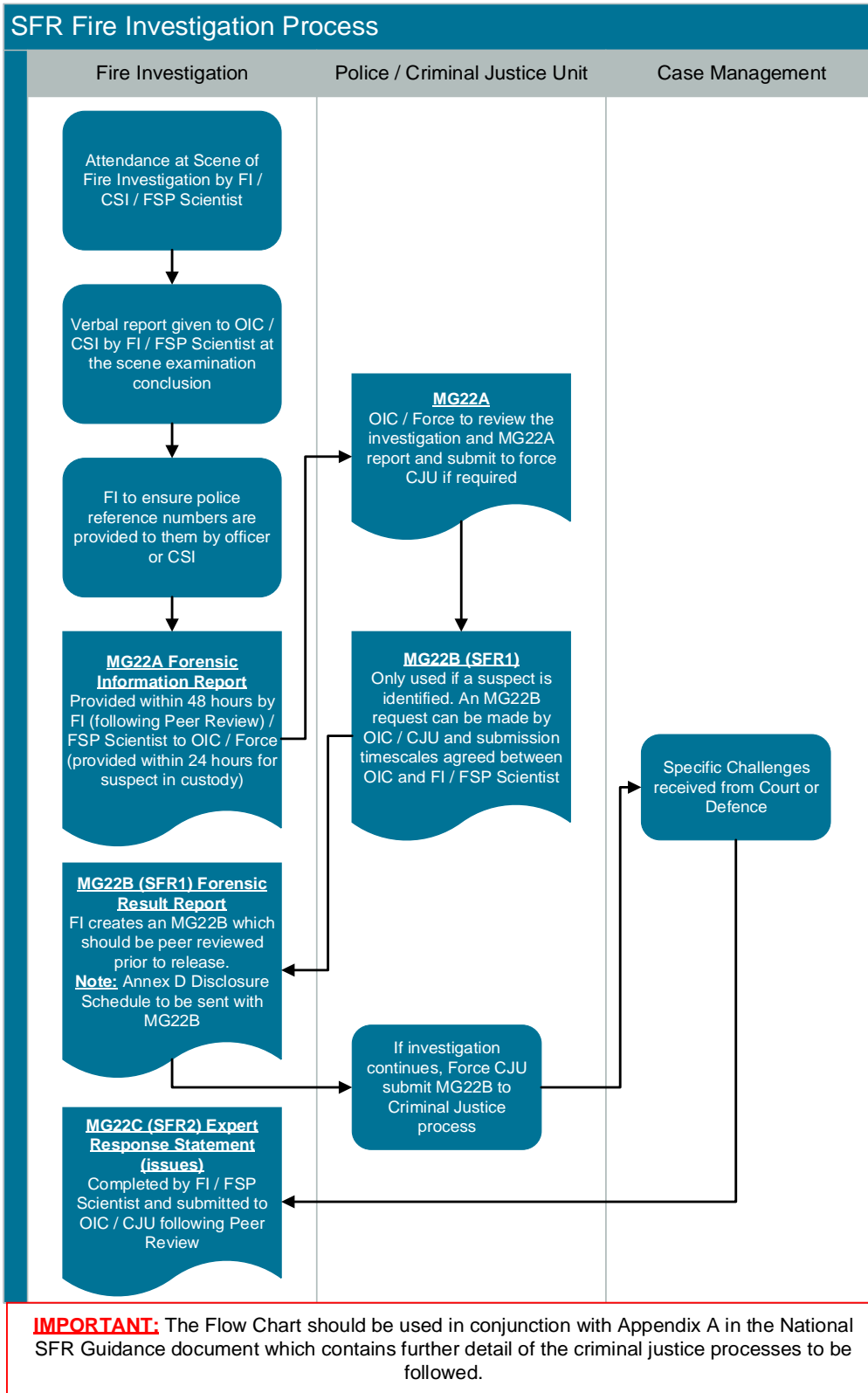
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27 Appendix B - SFR Process for Fire Investigation



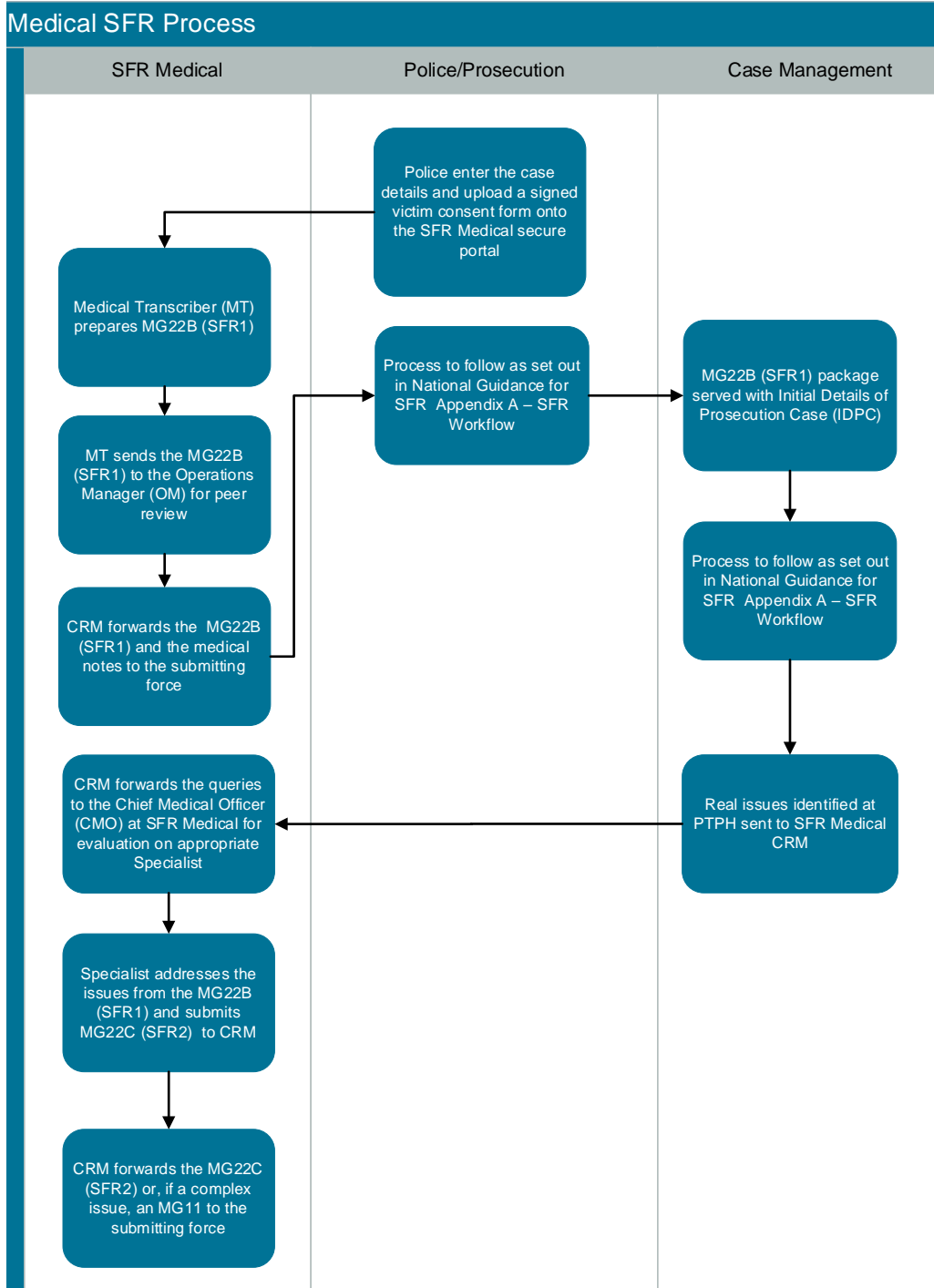
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28 Appendix C - SFR Process for Medical



IMPORTANT: The Flow Chart should be used in conjunction with Appendix A in the National SFR Guidance document which contains further detail of the criminal justice processes to be followed

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29 Appendix D - Admissibility of MG22B (SFR1)

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 (CJA) 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 CrimPR 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.

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The interests of justice, it is submitted, must include an application of the criteria set out in the overriding objective of the CrimPR. 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.

29.1 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

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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.

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30 Supporting Documentation

List of all supporting documentation referred to within this document:

Document name	Document reference)
MG22A	SFR MG22A Jan 2021
MG22B	SFR MG22B Jan 2021
MG22C	SFR MG22C Jan 2021
MG22D	SFR MG22D Jan 2021
SFR Annex A	SFR2 Expert Witness Declaration Jan 2021
SFR Annex B	SFR2 Mitigation Table Jan 2021
SFR Annex C	SFR2 Expert Witness Self-Certification Jan 2021
SFR Annex D	SFR2 Disclosure Schedule Jan 2021
Case Management Risk Form	SFR Case Management Risk Form Feb 2021
Supplementary Technical Notes for Biology Casework SFR	FCN-SP-MGT-GUI-0004

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