

National Guidance for Streamlined Forensic Reporting

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Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
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Please always refer to the FCN Quality Management System for latest versions

Table of Contents

1	Introduction	7
1.1	Acronyms and Definitions	7
2	SFR Governance	9
3	SFR Objectives	10
4	Criminal Procedure Rules	10
5	SFR Benefits	11
6	Judicial Support	11
7	Approved Forensic Evidence Types	12
8	MG22A Forensic Information Report	13
9	The SFR Stage 1 (SFR1) Process	13
10	Requests for Authors of MG22B (SFR1) to Give Evidence	15
11	The SFR Stage 2 (SFR2) Process	15
12	Defence Engagement	16
13	Unrepresented Defendants	16
14	SFR Template Forms	17
15	Optional Use of Photographs in SFR	18
16	Disclosure	18
17	SFR Forensic Information Report (MG22A)	19
18	SFR Forensic Result Report (MG22B SFR1)	20
18.1	Opinions and Interpretations	21
19	Expert Response Statement MG22C (SFR2)	21
19.1	SFR2 Annex Templates	22
19.1.1	SFR2 Annex A Expert Witness Declaration.....	22
19.1.2	SFR2 Annex B Mitigation Table.....	22
19.1.3	SFR2 Annex C Expert Witness Self Certification	22
19.1.4	SFR2 Annex D Disclosure Schedule	22
20	Factual Response Statement MD22D (SFR2)	22
21	Full Statements	23
22	Abbreviated Statements	23
23	Evaluative Evidence	23
24	Reference to Accreditation	24

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

Please always refer to the FCN Quality Management System for latest versions

25	Guidance Specific to Forensic Evidence Types	24
25.1	Crime Scene Investigation - Scene Examination	24
25.1.1	Crime Scene Investigation - Forensic Information Report - MG22A	25
25.1.2	Crime Scene Investigation - Factual Response Statement - MG22D (SFR2)	25
25.2	Mark Enhancement – Laboratory (FDU/FEL)	25
25.2.1	Mark Enhancement - Forensic Information Report - MG22A	25
25.2.2	Mark Enhancement - Factual Response Statement - MG22D (SFR2)	26
25.3	Friction Ridge Detail Comparison	26
25.3.1	Friction Ridge Detail Comparison - Forensic Information Report - MG22A	26
25.3.2	Friction Ridge Detail Comparison - Forensic Result Report - MG22B (SFR1)	27
25.3.3	Friction Ridge Detail Comparison - Expert Response Statement - MG22C (SFR2)	28
25.3.4	Friction Ridge Detail Comparison - Factual Response Statement - MG22D (SFR2)	28
25.4	National DNA Database Match Reports	28
25.4.1	National DNA Database Match - Forensic Information Report - MG22A	28
25.4.2	National DNA Database Match - Forensic Result Report - MG22B (SFR1)	29
25.5	Drugs	30
25.5.1	Drugs – Forensic Result Report - MG22B (SFR1)	30
25.5.2	Drugs – Factual Response Statement - MG22D (SFR2)	30
25.6	Footwear	31
25.6.1	Footwear – Forensic Information Report - MG22A	31
25.6.2	Footwear – Forensic Result Report - MG22B (SFR1)	31
25.6.3	Footwear – Expert Response Statement - MG22C (SFR2)	32
25.6.4	Footwear – Factual Response Statement - MG22D (SFR2)	32
25.7	Firearms	32
25.7.1	Firearms – Forensic Information Report - MG22A	33
25.7.2	Firearms – Forensic Result Report - MG22B (SFR1)	33
25.7.3	Firearms – Expert Response Statement - MG22C (SFR2)	34
25.7.4	Firearms – Factual Response Statement - MG22D (SFR2)	35
25.7.5	Firearms – Full Statement – MG11	35
25.8	Toxicology	35
25.8.1	Toxicology – Forensic Information Report - MG22A	35
25.8.2	Toxicology – Forensic Result Report - MG22B (SFR1)	35
25.8.3	Toxicology – SFR2 Requests	37
25.8.4	Toxicology – Expert Response Statement - MG22C (SFR2)	37

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

25.8.5	Toxicology – Factual Response Statement - MG22D (SFR2)	37
25.9	Digital Forensics	38
25.9.1	Use of the SFR Process for Child Sexual Abuse Material (CSAM)	38
25.9.2	Use of the SFR Process for Digital Casework Other Than CSAM	39
25.10	Biology Casework	39
25.10.1	Biology Casework – Forensic Information Report - MG22A	40
25.10.2	Biology Casework – Forensic Result Report - MG22B (SFR1)	40
25.10.3	Biology Casework – Expert Response Statement - MG22C (SFR2)	41
25.10.4	Biology Casework – Factual Response Statement - MG22D (SFR2)	41
25.11	Questioned Documents	41
25.11.1	Questioned Documents – Forensic Information Report - MG22A	41
25.11.2	Questioned Documents – Forensic Results Report - MG22B (SFR1)	42
25.11.3	Questioned Documents – Expert Response Statement - MG22C (SFR2)	43
25.11.4	Questioned Documents – Factual Response Statement - MG22D (SFR2)	43
25.12	Medical SFR Services	43
25.12.1	Medical – Medical Transcription Report - MG22B (SFR1)	44
25.12.2	Medical – Expert Response - MG22C and Professional Response - MG22D (SFR2)	44
25.12.3	Medical – Expert Response - MG22C (SFR2)	44
25.12.4	Professional Response - MG22D (SFR2)	45
25.12.5	Hearsay Evidence	45
25.13	Fire Investigation	45
25.13.1	Fire Investigation - Forensic Information Report - MG22A	46
25.13.2	Fire Investigation - Forensic Result Report - MG22B (SFR2)	46
25.13.3	Fire Investigation - Expert Response - MG22C (SFR2)	47
25.14	Lachrymatory Substances	47
25.14.1	Lachrymatory Substances - Forensic Information Report - MG22A	47
25.14.2	Lachrymatory Substances – Forensic Result Report – MG22B (SFR1)	47
25.14.3	Lachrymatory Substances - Expert Response Statement - MG22C (SFR2)	48
25.14.4	Lachrymatory Substances - Factual Response Statement - MG22D (SFR2)	48
25.15	Noxious and Unknown Substances	48
25.15.1	Noxious and Unknown Substances - Forensic Information Report - MG22A	49
25.15.2	Noxious and Unknown Substances - Forensic Result Report - MG22B (SFR1)	49
25.15.3	Noxious and Unknown Substances - Expert Response Statement - MG22C (SFR2)	50
25.15.4	Noxious and Unknown Substances - Factual Response Statement - MG22D (SFR2)	50

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

25.16	EDIT	50
	25.16.1 EDIT - Forensic Result Report - MG22B (SFR1)	50
26	Supporting Documentation	51
27	References	52
28	Appendix A National SFR Board Governance Structure	54
29	Appendix B – SFR Workflow	55
30	Appendix C - SFR Process for Fire Investigation	56
31	Appendix D - SFR Process for Medical	57
32	Appendix E - Admissibility of MG22B (SFR1)	58
32.1	Dismissal Applications	60

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

Please always refer to the FCN Quality Management System for latest versions

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
CAI	Case Assessment and Interpretation
CAID	Child Abuse Image Database
CJA	Criminal Justice Act
CJS	Criminal Justice System
CJU	Criminal Justice Unit
CPIA	Criminal Procedures and Investigations Act
CPD	Criminal Practice Directions
CPS	Crown Prosecution Service
CrimPR	Criminal Procedure Rules
CSAM	Child Sexual Abuse Material
CSI	Crime Scene Investigation
DNA	Deoxyribonucleic Acid
DPP	Director of Public Prosecutions
DTK	Drug Testing Kit
DTD	Drug Testing Device

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

Please always refer to the FCN Quality Management System for latest versions

Acronym	Terminology
EDIT	Evidential Drug Identification Testing
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
FDU	Fingerprint Development Unit
FEL	Fingerprint Examination Laboratory
FI	Fire Investigator
FINDS	The Forensic Information Databases Service
FMAT	Forensic Medical Advice Team
FSP	Forensic Service Providers
FSR	Forensic Science Regulator
GMC	General Medical Council
IDPC	Initial Details of the Prosecution Case
IEC	International Electrotechnical Commission
IIOC	Indecent and Prohibited Images of Children
ILAC	International Laboratory Accreditation Cooperation
IRS	Incident Recording System
ISO	International Organization for Standardization
KIRAT	Kent Internet Risk Assessment Tool
LR	Likelihood Ratio
MG(22)	Manual of Guidance
MSDS	Material Safety Data Sheet
NCA	National Crime Agency
OCF	Open Case File
OIC	Officer in the Case
PACE	Police and Criminal Evidence Act
PET	Preparation for Effective Trial
PTPH	Pre-Trial Preparation Hearing

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

Please always refer to the FCN Quality Management System for latest versions

Acronym	Terminology
SCD	Suspected controlled drug
SFR	Streamlined Forensic Reporting
SGM	Second Generation Multiplex - A DNA test that targets 6 areas of DNA plus a gender marker
SGMPlus	Second Generation Multiplex Plus - A DNA test that 10 areas of DNA plus a gender marker
UKAS	United Kingdom Accreditation Service
UKIAFT	United Kingdom and Ireland Association of Forensic Toxicologists

Definitions	
Can	indicates a possibility or a capability
DNA17	A DNA test that targets 17 areas of DNA plus a gender marker
Friction Ridge Detail	Sometimes referred to as Fingerprints, the detail used for identification purposes, found on the fingers, palms and soles of the feet
May	indicates a permission
Shall	indicates a requirement
Should	indicates a recommendation
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 is representation from each of the Policing Regions, Forensic Service Providers, CPS, FINDS, the Judicial Office and the Legal Aid Agency and reports into the NPCC Forensic Portfolio Board

The Board is chaired by and has additional representation from the FCN Forensic Science Development Directorate, representatives from the Quality & Performance Directorate and FCN Support Services will attend as required.

In addition, each forensic discipline utilising the SFR process shall have an expert network with an appointed lead attending the Board; new expert networks will be established as part of the Extension to Scope principles.

The Governance Structure and Board membership is detailed in [Appendix A](#)

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

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

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.

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.

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

- 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.

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.

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.

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

Please always refer to the FCN Quality Management System for latest versions

The latest letter of support provided by **The Rt Hon. Lord Justice Edis on 03 November 2022**, can be viewed on the Forensic Capability Network (FCN) website:

<https://www.fcn.police.uk/what-we-do/sfr>

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 \(CSI\)](#)
[Mark Enhancement - Laboratory](#)
[Friction Ridge Detail Comparison](#)
[National DNA Database match reports](#)
[Drugs](#)
[Footwear](#)
[Firearms Classification](#)
[Toxicology](#)
[Digital Forensics](#)
[Biology Casework](#)
[Questioned Documents](#)
[Medical](#)
[Fire Investigation](#)
[Lachrymatory Substances](#)
[Noxious and Unknown Substances](#)
[EDIT](#)

The National SFR Board do not endorse the use of SFR outside of the above specified list of approved disciplines. In addition, organisations should ensure that practitioners are competent and authorised to produce SFR Reports. Authorisation, following on from any training, should be based on objective criteria and assessment, and supported by evidence. It should also follow any internal policies and procedures documented within your own Quality Management Systems.

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.

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

- Produce case examples and SFR products for agreement locally and sharing nationally via the National SFR Board before extending into 'Business as Usual', which will then inform the National SFR Guidance document.

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

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

8 MG22A Forensic Information Report

MG22A Template

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, strategy or charging decision. It can also be used to detail ongoing or planned work.

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.

All wholly negative or neutral outcomes should be reported using the MG22A, 'Forensic Information Report'. Where the SFR process has been adopted, no other report format or document should be used in these cases. However, an MG22B can be used to report the negative or neutral aspects of a case (on the 'status' page) which has some positive findings reported on the front page. If a package of work provides no information on which the prosecution will seek to rely, then the MG22A should be used.

9 The SFR Stage 1 (SFR1) Process

MG22B Template

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.

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):

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

- i. That the Defence respond within 10 working 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., friction ridge detail comparison 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.

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) (e.g., 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.

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

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

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

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

If, following the production of an MG22A or MG22B, the prosecution requests further points of clarification, amendments, or additional work before presenting the findings to the defence, this should usually be responded to using an additional MG22A or MG22B. This will allow for the

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

process to be followed; any further information supplied can be considered alongside the original findings and submitted to the defence for their agreement (or otherwise) in line with the SFR Principles. However, it is accepted that there will be occasions where it is appropriate to respond to these matters on an MG22C or D, for example:

- When a defence statement has been issued, and the prosecution are requesting the opinion of, and a response from, the organisation who has produced the MG22A/B.
- At the direction of the judge.
- When the timescales to trial leave insufficient time for the standard procedures to be followed.

In these circumstances, an MG11 may be more appropriate rather than SFR2.

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’**:

Case Management Risk Forms for Experts and Non-Experts can be found at:

<https://www.fcn.police.uk/sfr-forms>

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

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

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

11 The SFR Stage 2 (SFR2) Process

MG22C and MG22D Templates

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

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 statement but is specific to dealing with real case issues. The MG22C is designed to elucidate evaluative evidence specific to the individual circumstances of the case. However, if 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 but the prosecution wish to emphasise the probative value of the scientific findings by having the evidence presented to the jury by the expert witness attending the trial in person, it WILL 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.

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

14 SFR Template Forms

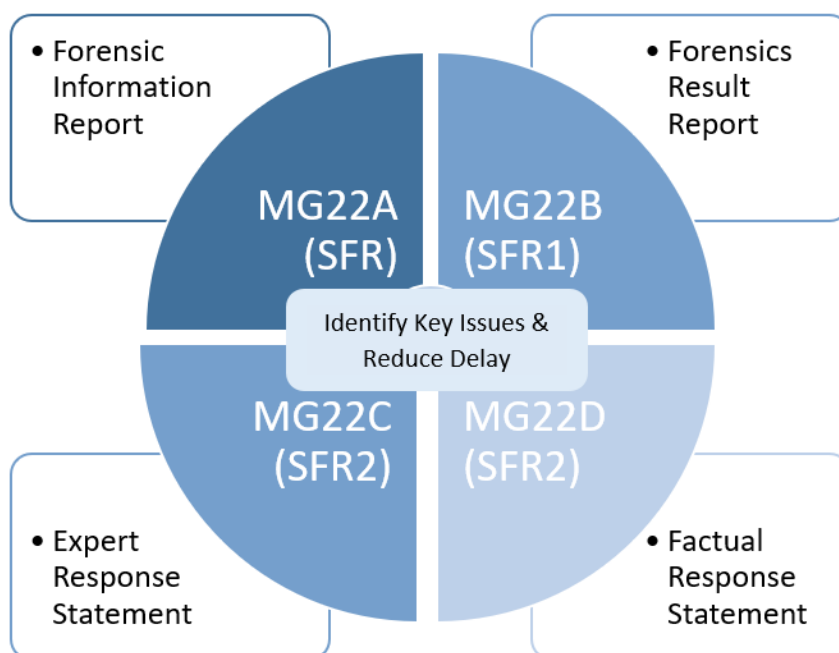
Please see [Appendix B](#) for an overview of the 'SFR Workflow', which describes the responsibilities of role-holders within the CJS.

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

In order to promote national consistency, these templates have been designed to accommodate multiple evidence types. **Users should maintain the 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>.

It is the responsibility of the author of each SFR report to ensure that the relevant [Government Security Classification](#) is considered as information is added to the form, to ensure sensitivities are protected through appropriate handling instructions, referring to the classification and handling policy of the relevant organisation for further information.

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.

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

Please always refer to the FCN Quality Management System for latest versions

15 Optional Use of Photographs in SFR

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

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

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

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

16 Disclosure

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. However, it has now been confirmed that no changes are required to the SFR process and/or templates in order to fully comply with current guidelines.

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 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.

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

- 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).

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 <https://www.fcn.police.uk/sfr-forms>

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).
- Forensic results that can only be used for intelligence purposes.
- 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 or charging decision) 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.
- If a package of work provides no information on which the prosecution will seek to rely.

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

All wholly negative or neutral outcomes should be reported using the MG22A. Where the SFR process has been adopted, no other report format or document should be used in these cases. However, an MG22B can be used to report the negative or neutral aspects of a case (on the 'status' page) which has some positive findings reported on the front page.

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 <https://www.fcn.police.uk/sfr-forms>

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.

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

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

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 in a similar way to a summary/conclusion section of a full statement.

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.

19 Expert Response Statement MG22C (SFR2)

The template for the MG22C form is available at <https://www.fcn.police.uk/sfr-forms>

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.

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

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

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 <https://www.fcn.police.uk/sfr-forms>.

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 shall 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 shall 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 shall be used when declaring the method as an infrequently used method that is not within the schedule of accreditation or when declaring non-compliance within the Declaration of Compliance with the FSR Code of Conduct. Annex B should only be used for evidential statements/reports that include a Declaration of Compliance with the FSR Code of Conduct. See [Section 24](#) 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.

20 Factual Response Statement MD22D (SFR2)

The template for the MG22D form is available at <https://www.fcn.police.uk/sfr-forms>

The purpose of this statement is:

- To respond to non-expert technical/factual matters raised by the defence, such as contextual information and continuity.

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

- 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 Statements

It should be noted that there may be occasions when a full 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.

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:

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

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

- 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

This content has been removed from the National SFR Guidance. Moving forward this information will be provided separately in the form of a standalone guidance document. For guidance on referencing accreditation and declaring compliance with Issue 7 of the Codes please use the guidance in Version 3 of the National SFR Guidance.

For declaring compliance with the FSR Statutory Code, the FCN understands that the FSR plans to issue guidance on this subject. Once published, the FCN will review this to determine whether further guidance is required and if so, shall issue separate further guidance to support any guidance provided by the FSR.

25 Guidance Specific to Forensic Evidence Types

[Section 7](#) states the 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 <https://www.fcn.police.uk/what-we-do/sfr>

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 to comply 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.

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-G19:06/2022 Modules in a Forensic Science Process

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

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

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 Mark Enhancement – Laboratory (FDU/FEL)

The use of the SFR process when reporting the results of a mark enhancement work carried out within a laboratory reflects the directions and recommendations made through ISO/IEC 17025 accreditation to comply with the Codes⁸.

There will only be a requirement to produce an MG22A or an MG22D in this area and forces will need to consider their own internal Standard Operation Procedures when deciding on how they adopt SFR, considering the reference on how to report sequential examinations which is contained within the FCN Guidance to Accreditation document which is contained in Version 3 of the National SFR Guidance. See also [Section 24](#) Reference to Accreditation.

25.2.1 Mark Enhancement - Forensic Information Report - MG22A

If an organisation's approach is to provide a report for each forensic unit involved in the processing of an item, then Mark Enhancement should initially be reported using the MG22A. This allows for all the relevant information to be presented to the Investigator.

⁸ FSR-C-100 Forensic Science Regulators Codes of Practice and Conduct for forensic science providers and practitioners in the Criminal Justice System Issue 7 .

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

It is important to remember that any information within an MG22A report cannot be used for evidential purposes. However, it can be used to provide the following:

- Examination strategy including any staged examination strategy, articulating decisions for non-examination.
- Items examined.
- Examination techniques used.
- Results.
- Status of other related exhibits from a scene examination not subject to analysis and therefore not summarised in an additional report.
- Identified risk such as cases of compromised exhibit packaging.

An MG22A 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 MG22A's and/or MG22D's (SFR2) if the information is required in an evidential format.

25.2.2 Mark Enhancement - Factual Response Statement - MG22D (SFR2)

An MG22D (SFR2) is a statement and can be used by staff to respond to specific challenges relating to the process of mark enhancement. It can also be used to provide statements of fact that do not contain any opinion or for production of photographic images/albums or to provide statements of continuity.

An MG22D (SFR2) 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.

25.3 Friction Ridge Detail Comparison

For the purposes of this guidance, the term 'friction ridge detail' refers to all ridge detail comparisons including fingers, palms and plantar areas.

The use of the SFR process when reporting the results of friction ridge detail comparisons and identifications reflects the directions and recommendations made through ISO/IEC 17025 accreditation to comply with the Codes⁹, ILAC G19 requirements¹⁰ and UKAS LAB 13 guidance¹¹. 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.

25.3.1 Friction Ridge Detail Comparison - Forensic Information Report - MG22A

In the context of friction ridge detail comparison, this should be considered as a report to:

⁹ FSR-C-100 Forensic Science Regulators Codes of Practice and Conduct for forensic science providers and practitioners in the Criminal Justice System.

¹⁰ ILAC-G19:08/2014 Modules in a Forensic Science Process

¹¹ UKAS LAB 13 Guidance on the Application of ISO/IEC 17025:2017 Dealing with Expressions of Opinions and Interpretations.

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

- 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.

25.3.2 Friction Ridge Detail Comparison - 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 friction ridge detail 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 compliance 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.

Should the identification be made on a sample/interim basis, other outcomes such as 'not compared' or 'eliminated' may be reported (wording will depend upon individual Bureaux practices). The status page may contain important information regarding the other exhibits/photos from the same submission so if clarity regarding wording or further comparison of the exhibits/photos 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.

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

25.3.3 Friction Ridge Detail Comparison - 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 friction ridge detail 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.

25.3.4 Friction Ridge Detail Comparison - 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.

25.4 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.

Given that the unit responsible for creating the MG22A or MG22B is reporting on DNA analysis and comparison conducted by other organisations, the decision has been made by the SFR Board that these reports will not contain an accreditation declaration.

25.4.1 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

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

- 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.
- A potential DNA match has been identified between a crime scene and an individual, but the crime scene profile is mixed (i.e., contains DNA from more than one person) and the match report indicates that the profile has been classified by the FSP as 'complex', or
- A potential DNA match has been identified between a crime scene and an individual, where the match report indicates that the crime scene profile is single source but partial (i.e., incomplete) and the number of overlapping alleles is 12 or less.

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.

25.4.2 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 MG22B can be used where the DNA match report indicates that:

- The crime scene profile is single source and full / complete, or
- The crime scene profile is single source but partial (incomplete) and the number of overlapping alleles is 13 or more, or
- The crime scene profile is mixed (i.e., contains DNA from more than one person) and the profile has been classified by the FSP as 'clear and complete'.

This will then inform the author of the MG22B (SFR1) as to the appropriate 'LR' that 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 (FCN-MGT-GUI-0006) Manual.

For the avoidance of doubt, 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:

- For single source profiles: the defence case is that the DNA profile originated from an individual unrelated to the suspect.

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

- 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.

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.

25.5 Drugs

The use of the SFR process for reporting the results of drugs casework has been in place since 2013.

25.5.1 Drugs – Forensic Result Report - MG22B (SFR1)

Whilst the majority of these reports will be factual, reporting the identifications, weights and purities of substances, opinion-based work which can encompass 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 shall be clearly marked (including where opinion-based outcomes are in or outside of scope), in line with the current FSR and UKAS requirements. The layout of the 'Results/Findings' section table has some flexibility, but should convey all the salient information:

- exhibit reference and seal
- contents description and amount
- analytical outcome

The Evidence Type Technical Information section can include additional explanatory footnotes to clarify at the earliest available opportunity specific points around the interpreted classification of a specific drug types (i.e., exceptions for certain medications).

The final ('status') page of the SFR1 is utilised to list any additional exhibits created as part of the examination, which are typically packaging separately to facilitate subsequent fingerprint and/or DNA examinations.

25.5.2 Drugs – Factual Response Statement - MG22D (SFR2)

This statement can be used, when challenged, to provide factual information. It could be used to provide:

- Statements of continuity or by forensic examiners to provide statements of fact that do not contain any opinion.
- 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.

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

- To answer specific questions, challenges or queries in order to aid the Court in understanding the evidence.

MG22Ds must be issued with the required annexes A to D as appropriate, Annex B being of particular use when dealing with the mitigation of non-accredited outcomes.

25.6 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.

25.6.1 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.

25.6.2 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

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

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.

25.6.3 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.

25.6.4 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.

25.7 Firearms

The use of SFRs for reporting the classification of firearms has been approved since 2009, and since then practitioners have gradually extended their use to include reporting of examinations relating to the discharge of firearms ('shots fired' casework) and the results of Open Case File (OCF) checks.

Although their use is well embedded, experience has highlighted the need for a flexible approach to reporting with SFR in firearms classification cases. Defendants may be unable to easily agree the contents of an MG22B (SFR1) owing to the technical and complex nature of firearms legislation; this is particularly true of cases with large numbers of diverse exhibits. In addition, firearms examinations, including test-firing, necessarily take place after all requested trace evidence examinations have been completed, even though the results of the firearms examination can be the primary evidence needed to confirm the correct charges have been made on indictments, particularly in the case of early guilty pleas. For these reasons, firearms scientists will sometimes need to discuss the use of SFRs or statements with the OIC. It may be necessary to provide a full

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

statement for complex cases, or when there is 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.

Currently, the SFR is widely used in firearms evidence types as below, although the approach to SFR use may vary between individual FSPs.

25.7.1 Firearms – Forensic Information Report - MG22A

The MG22A is used in the following situations:

- Non-evidential triage assessment of items to provide early information to the investigation and to assist the decision making process with regard to considering the need to send exhibits to an accredited FSP for a classification report. If an MG22A is used for triage purposes by a unit or organisation who are not accredited under ISO/IEC 17025 for the identification and classification of firearms, this must be clearly stated on the report, along with a declaration of non-compliance with the FSR Code of Practice (see also [section 24](#) on Reference to Accreditation).
- Non-evidential, pre-charge assessment of items for charging purposes only; such reports are often referred to as ‘remand reports’, ‘holding statements’ or ‘counter statements’. 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. If an MG22A is used for this purpose by a unit or organisation who are not accredited under ISO/IEC 17025 for the identification and classification of firearms, this must be clearly stated on the report, along with a declaration of non-compliance with the FSR Code of Practice (see also section 24 on Reference to Accreditation).
- Straightforward firearms classification and firearms discharge cases where no suspect is attached. If a suspect is later identified, the report can be converted to an MG22B (SFR1) or statement as appropriate. These reports will contain information identifying the items submitted and where applicable, classifying them under firearms legislation. This may include information that has intelligence value only, for example the manufacturer of ammunition or a firearm serial number, as well as information that informs the classification, for example firearm mechanism or dimensions.
- The results of Open Case File (OCF) checks. These are typically presented in MG22A format, although they may also be reported in MG22B (SFR1) or in an MG11 statement depending on factors such as the case type or circumstances, and whether the results are likely to form part of the prosecution or defence case.

25.7.2 Firearms – 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) / statement as appropriate, and, following that, should be warned for Court if the case proceeds to trial.

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

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 and function are not an issue.
- Electric shock devices (ESDs) and noxious sprays. This could include ‘disguised’ ESDs with photographs added to the SFR for context.
- Air weapons, converted blank/gas-firing guns and reactivated weapons where experience would suggest that the issue of muzzle energy / weapon lethality is unlikely to be disputed.
- Imitation firearms such as very low powered air guns, ‘air soft’ guns and blank-firing guns.
- Unfired ‘live’ ammunition.
- Fired ammunition components recovered from shooting incidents, such as fired cartridge cases and bullets.

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 unintentional discharge testing.
- Firearms where antiquity is likely to be in issue.
- Air guns, converted blank/gas-firing guns, and reactivated weapons where experience would suggest that issues surrounding muzzle energy or lethality may arise.
- Imitation firearms deemed ‘readily convertible’ into a firearm.
- Forward-venting blank/gas/signal guns.
- Still and video image interpretation (to identify a firearm).
- Serial number restoration.

These reports will contain information identifying the items submitted and where applicable, classifying them under firearms legislation. This may include information that has intelligence value only, for example the manufacturer of ammunition or a firearm serial number, as well as information that informs the classification, for example firearm mechanism or dimensions.

25.7.3 Firearms – Expert Response Statement - MG22C (SFR2)

Where timescales allow for it, any technical 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 may adapt their approach owing to internal supply chain protocols.

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

25.7.4 Firearms – Factual Response Statement - MG22D (SFR2)

Any factual 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 MG22D (SFR2) report.

25.7.5 Firearms – Full Statement – MG11

The following types of casework may be more appropriately reported in a full statement:

- Laboratory-based gunshot damage examination.
- Crime scene gunshot damage examination.
- Crime scene reconstruction, including using assessment of gunshot damage and/or still and video imagery.
- Gunshot injury interpretation, including post-mortem examinations.
- Cases investigated by the counter terrorism teams.
- Complex classification examinations, for example involving numerous items or complicated technical issues.

25.8 Toxicology

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

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

25.8.1 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.

25.8.2 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

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

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

Results/Findings Section can be used to:

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

Conclusions Section can be used to:

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

Supporting/Technical Information Section can be used to:

- Detail any discrepancies, for example, compromised or inappropriate packaging, discrepancies in the spelling of a suspect or complainant name etc.
- Provide additional information regarding the analyses undertaken, to include a list of the substances tested for (for each exhibit).
- State the limitation of the analyses conducted and why an analysis was not conducted.
- State if the exhibit was used up in the analyses i.e., none remains for the defence to use if required.
- For Casework Toxicology cases only – Make clear the time to which the results relate (e.g., time of the incident, time of sampling, time of death etc).

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

- 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.
- For Road Traffic cases only – the SFR1 should reference the ‘Supplementary Technical Notes for Road Traffic Toxicology SFR’ document which can be found at <https://www.fcn.police.uk/what-we-do/sfr>. These guidance notes provide general technical information to ensure that the SFR1 remains as clear and succinct as possible, whilst providing access to additional, relevant information to enable all parties to fully understand the significance of the findings and assist with efficient case management.

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.

25.8.3 Toxicology – SFR2 Requests

The proportion of Road Traffic Toxicology SFR1s for which there is no Section 10 admission by the defence remains high compared with other evidence types. In order to encourage a robust process for local engagement between all parties when responding to requests for SFR2 and data-packs, a ‘Gatekeeper Guidance for Road Traffic Toxicology SFR2 Requests’ document has been produced. This guidance, which can be found at <https://www.fcn.police.uk/sfr-technical-notes-and-guidance>, complements the ‘Supplementary Technical Notes for Road Traffic Toxicology SFR’ document and provides useful information to assist investigating officers, case builders, CPS, defence, forensic services and FSPs, to support appropriate management of all SFR 2 requests.

25.8.4 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 complies with CrimPR 19.4.

25.8.5 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.

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

25.9 Digital Forensics

There are no specific restrictions on the use of SFR for reporting the outcomes of digital device examinations. However, 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.

Forces should ensure that local CPS, Case Management Teams and Courts are engaged in the decisions making process around scope to ensure there is full understanding of how SFR will be used in digital forensic cases. See [Section 7](#) for SFR extension to scope principles.

25.9.1 Use of the SFR Process for Child Sexual Abuse Material (CSAM)

The CPS guidance on [Indecent and Prohibited Images of Children | The Crown Prosecution Service \(cps.gov.uk\)](#) refers to a “streamlined approach to low risk offenders”. For the avoidance of doubt, the CPS have confirmed that this is different from Streamlined Forensic Reporting, although SFRs may well be used as part of that streamlined approach.

For digital CSAM/IIOC casework the MG22B (SFR1) 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.

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

- 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).
- 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.
- 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 CAID recognised images in each category using ALL software across ALL devices interrogated - individual tables can be added for each exhibit/item within the report.
- Each count should have an ‘explanation’ of what the count represents 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).

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

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 with their local policies and procedures; the MG22B (SFR1) 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.

25.9.2 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.

25.10 Biology Casework

The introduction of SFR for reporting evaluative biology casework in 2015, 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.

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

25.10.1 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.

25.10.2 Biology Casework – Forensic Result Report - MG22B (SFR1)

The MG22B can be used to report a result from the initial analysis/comparison and/or to provide expert opinion in the form of either an investigative or an evaluative conclusion, based on the case information available at the time of writing. The overall conclusion should be at the level that the expert deems most appropriate to the case (i.e., whether that be source or activity level), to avoid any misunderstanding or misinterpretation of the value of the laboratory findings by the reader. Findings relating to more than one suspect should be presented as separate reports, allowing each defendant to accept, or identify an issue, independently.

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

The Supplementary Technical Notes for Biology Casework SFR can be found at <https://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

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

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.

25.10.3 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.

25.10.4 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.

25.11 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 report mean that it could be open to misinterpretation then the MG11 (Full 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 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.

25.11.1 Questioned Documents – Forensic Information Report - MG22A

The MG22A format can be used in the following situations:

- Examinations to provide intelligence or to support future comparisons where no suspect has been identified. For example:
 - Examination of handwritings and/or signatures for possible future comparisons.
 - Examination of indented impressions of writing.
 - Examination of obliterated, faded or altered entries.
 - Examination of QD materials for possible future comparisons (printing features, paper features, manufacturing marks, inks etc.).

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

- Examination of QD materials for investigative information (printing features, paper features, manufacturing marks, inks etc.).
- Comparison of QD materials amongst themselves with no reference material for comparison (printing features, paper features, manufacturing marks, inks etc.).
- Comparison of handwritings/signatures amongst themselves (grouping) where no reference handwritings/signatures are provided for comparison. Note: the investigators should first check that this is a worthwhile exercise for the investigation. Normally comparison with reference writings/signatures of a named individual(s) would be a more meaningful examination.
- Preliminary findings where further material is requested or likely to be submitted.
- Results of examinations that provide no useful information to either the prosecution or the defence. Examples may include:
 - Indented impressions examinations that provide no decipherable impressions.
 - Examination of obliterated, faded or altered writing or text where no meaningful interpretation can be made.
 - An examination where no comparison was possible for technical reasons.
 - A handwriting/signature comparison where the outcome is inconclusive.

However, if it is believed that the result of any examination provides or could provide some useful evidence to the court then this should be reported on an MG22B (SFR1).

25.11.2 Questioned Documents – Forensic Results Report - MG22B (SFR1)

An MG22B (SFR1) should be used where reference material associated with a named individual(s) (suspect or other subject in an investigation) is provided for comparison and findings/opinions may aid a court in its deliberations regarding a suspect(s).

Typical examples of the use of the MG22B (SFR1) report are given below:

- The results of comparisons of questioned handwriting(s)/signature(s) with reference handwritings/signatures of a named individual(s) where the outcome(s) may aid a court in its deliberations.
- Indented impressions examinations where meaningful decipherable impressions are found.
- Examinations of obliterated, erased or altered writing or text that provide meaningful interpretations of the original/altered entries.
- QD materials comparisons where a link is found between questioned materials and reference materials. For example, links between:
 - Indented impressions and other submitted writings.

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

- Paper and a paper supply.
- Printing and a printer.
- An envelope and a supply of envelopes.

If a non-accredited method has been used to carry out an examination, then this should be declared on the MG22B in accordance with the requirements of the Forensic Science Regulator and the United Kingdom Accreditation Service.

The author of the MG22B (SFR1) will be responsible for addressing any issues or defence challenges via an MG22C (SFR2) or an MG11 (full statement).

25.11.3 Questioned Documents – Expert Response Statement - MG22C (SFR2)

Specific issues raised by the Defence in response to the MG22B (SFR1) should be clearly identified within the recommended timescales and can be addressed in a MG22C (SFR2). In Questioned Documents cases, it is reasonable to expect that the author of the MG22B (SFR1) will also produce the MG22C (SFR2) response and appear at trial if necessary. If a non-accredited method has been used to carry out an examination, then this should be declared on the MG22C in accordance with the requirements of the Forensic Science Regulator and the United Kingdom Accreditation Service.

Where specific issues are not raised in response to an MG22B (SFR1) but the evidence is nevertheless contended an MG11 (full statement) should be requested instead of an MG22C (SFR2). In addition, where the prosecution requires demonstration of findings at court despite them being accepted by the defence an MG11 (full statement) should be requested.

It is the responsibility of the investigation team/CPS to ensure that instructions for an MG22C (SFR2) or an MG11 (full statement) are made in good time prior to a scientist being called to court. Please also note that in many Questioned Documents cases, for the benefit of the court and in accordance with best practice, the scientist will need to create a demonstration chart that will facilitate efficient and meaningful evidence to be given in court.

25.11.4 Questioned Documents – 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.

25.12 Medical SFR Services

The provision of medical evidence using the SFR Process delivered by a Third Party Provider is becoming business as usual for many forces. Where an organisation wishes to use the services of a Third Party Provider for the Medical SFR Reports, there is a national Specification and Service Level Agreement, which includes the technical and quality requirements, available from Blue Light Commercial (BLC).

Compliant route to market is via G-CLOUD 13 (LOT 2) and the award of a Call-Off Contract for the Provision of Medical SFR Services.

Please contact your Head of Procurement to discuss the best way forward to engage.

A specific Medical SFR Process Flow is included at [Appendix D](#) and should be used to supplement the general SFR workflow provided in [Appendix B](#) below.

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

Guidance on using the specific SFR MG22 forms is given below so forces can understand what they can expect from each stage of the process and who will provide reports at SFR1 and SFR2 stages.

MG22B – Medical Transcription Report

MG22C – Expert Response

MG22D – Professional Response

There is no requirement for Medical SFR reports to contain an Accreditation Declaration or a Declaration of Compliance with the FSR Code of Conduct.

25.12.1 Medical – Medical Transcription Report - MG22B (SFR1)

The MG22B is used to transcribe and explain medical events in a clear and concise, chronological sequence and addresses the need for information to make a charging decision. The disclosure of the medical records relied on by the medical transcriber will made on the “Status of Medical Exhibits” section’.

25.12.2 Medical – Expert Response - MG22C and Professional Response - MG22D (SFR2)

The SFR2 response is provided by the most appropriate person to address the specific issue.

25.12.3 Medical – Expert Response - MG22C (SFR2)

The MG22C is used where there is a focused question that needs to be answered by an expert in the related medical field. Although this form can be used for a full expert response, focused responses to issues raised from the MG22B or MG22D can also be addressed in this form.

Where it is necessary for evidence to be referred to a medical expert, forces, in discussion with the provider can refer this request to the Forensic Medical Advice Team (FMAT) at the National Crime Agency (NCA). The FMAT is a free service for major crime investigations, supporting and advising on forensic medical issues and injury and weapon interpretation. The main service provision is to act as the national gateway to independent medical experts who can provide evidential opinions for court. The team have access to over 300 medical experts both in pathology and clinical practice for adults and children. The team provide a level of support for these experts including the monitoring of their workload, retaining their current CVs and terms and conditions (fees and timescales), and making sure that they are aware of their legal obligations and requirements as an expert witness including using the latest approved declarations for their reports, signposting them to the current guidance documents from CPS on disclosure and unused material as well as the Forensic Science Regulator’s Codes of Practice and Conduct.

In addition, the team will always discuss any case prior to formal instruction directly with the expert to check on suitability and availability. If the investigation is complex then a scoping meeting will be facilitated by the FMAT with the investigation team and the expert and, on some occasions, including the pathologist and CPS too. This enables the team to build a rapport with the experts when facilitating their instructions. The team are also knowledgeable and experienced when advising investigation teams in a number of forensic medical areas and with the instruction of medical experts. Key to this process is discussing the relevant expertise based on the requirements by the force and CPS and performing basic checks on the expert including operational feedback, General Medical Council (GMC) registration status, criminal court experience and medico-legal reports.

If you require support from the FMAT team, please contact Major Crime Investigative Support on

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

0345 000 5463 or mcis@nca.police.uk and request a **FMAT** Proforma.

25.12.4 Professional Response - MG22D (SFR2)

The MG22D is used for factual, professional responses to issues raised from the MG22B or MG22C.

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

25.12.5 Hearsay Evidence

The provision of medical SFR reports and statements are normally based upon medical notes (including imagery) made by medical practitioners within medical facilities. The notes are transcribed by Medical Transcribers for MG22B's and Medical Experts or Medical Specialists will normally respond to prosecution issues with additional MG22B's and defence issues with MG22C's or MG22D's.

The content of these reports and statements is admissible under s.117 of the [Criminal Justice Act \(CJA\) 2003](#). Although the provisions of the CJA 2003 are complex s.117 is relevant to medical evidence and means doctors can (usually) provide evidence from other doctors' notes. S.117(4) makes special provision for statements made for criminal proceedings and can cause problems in medical cases because (if it applies) there is a requirement to satisfy the court that the original statement maker "cannot reasonably be expected to have any recollection" of events. That may well be the case but with an SFR 1 we are not asking doctors if they can recollect the events. However, the original treating doctor/paramedic is not making their notes for the purpose of criminal proceedings (but to treat the patient) so 117(4) does not apply and therefore the provision of s117(5) does not apply. Therefore, the provisions of s.117(1) and (2) are the only sections that apply and makes the evidence admissible.

25.13 Fire Investigation

It is important to comply with 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 (FI) 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 (Fire and Rescue Service) 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)

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

Please always refer to the FCN Quality Management System for latest versions

25.13.1 Fire Investigation - Forensic Information Report - MG22A

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
- 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.

25.13.2 Fire Investigation - Forensic Result Report - MG22B (SFR2)

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.

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

25.13.3 Fire Investigation - Expert Response - MG22C (SFR2)

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 C](#) for process flow for Fire Investigation

25.14 Lachrymatory Substances

The use of the SFR process for lachrymatory substances has been universally agreed to by multiple police forces and the CPS and has been in use for many years. It had previously been accepted whilst incorporated into the Toxicology discipline.

The SFR process can be applied to the screening, identification and classification of lachrymatory substances, with regards to both bulk material from canisters and residues on swabs/clothing. Whilst the majority of casework regarding lachrymatory substances will fit in well with the SFR process, should the expert/author of the SFR feel that the case may be open to misinterpretation if reported in an SFR format, for example, if the findings are particularly complex or if the interpretation or conclusion requires detailed explanations in order to be well understood, then the MG11 format should be considered as an alternative.

25.14.1 Lachrymatory Substances - Forensic Information Report - MG22A

The MG22A can be used to report preliminary results before testing is complete. This report should contain a brief description of the exhibit, and any examination work carried out. If any testing has been completed, then confirmed results should be included, although these may be better suited to an MG22B format. 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. This form can also be used to provide provisional updates that would otherwise be an email, as well as detailing examination strategies.

25.14.2 Lachrymatory Substances – 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, with a separate sub-section for each exhibit.
- State whether fingerprint/DNA precautions were taken during examination.

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

- Detail how the item has been examined and state the lachrymatory substances that are being searched for during analysis.
- Present the results of the examination or analyses.
- 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:

- Provide additional information regarding the identified lachrymatory substance(s), including a description of the hazards associated with such a substance.
- Provide a brief summary detailing the testing methods/techniques that have been used, if deemed necessary.

Status Section can be used to:

- Inform prosecution and defence of the status of other exhibits that were included with the submission. It may be 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., retained DNA samples.

25.14.3 Lachrymatory Substances - 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.

25.14.4 Lachrymatory Substances - 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.

25.15 Noxious and Unknown Substances

The use of the SFR process for Noxious and Unknown substances has been universally agreed to by multiple police forces and the CPS and has been in use for many years.

The SFR process can be applied to the screening and identification of noxious and unknown substances, with regards to both bulk material and residues on swabs/clothing. Whilst the majority of casework regarding noxious and unknown substances will fit in well with the SFR process, should the expert/author of the SFR feel that the case may be open to misinterpretation if reported in an SFR format, for example, if the findings are particularly complex or if the interpretation or conclusion requires detailed explanations in order to be well understood, then the MG11 format should be considered as an alternative.

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

25.15.1 Noxious and Unknown Substances - Forensic Information Report - MG22A

The MG22A can be used to report preliminary results before testing is complete. This report should contain a brief description of the exhibit, and any examination work carried out. If any testing has been completed, then confirmed results should be included, although these may be better suited to an MG22B (SFR1) format. 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. This form can also be used to provide provisional updates that would otherwise be an email as well as detailing examination strategies.

25.15.2 Noxious and Unknown Substances - Forensic Result Report - MG22B (SFR1)

The MG22B (SFR1) 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 subject 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, with a separate sub-section for each exhibit.
- State whether fingerprint/DNA precautions were taken during examination.
- Describe the exhibits that have been examined, and a brief description of the testing that has been carried out.
- Present the results of the examination or analyses.
- 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:

- Provide additional information regarding the suspected/identified substance, including a description of the hazards associated with such a substance. This information should be obtained from a Material Safety Data Sheet (MSDS), if required.
- Provide a brief summary of technical information detailing the testing methods/techniques that have been used, if deemed necessary.

Status Section can be used to:

- Inform prosecution and defence of the status of other exhibits that were included with the submission. It may be 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., decanted liquid samples.

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

25.15.3 Noxious and Unknown Substances - 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.

25.15.4 Noxious and Unknown Substances - 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.

25.16 EDIT

Evidential Drug Identification Testing (EDIT) utilises Home Office approved drug testing kits (DTKs) and Home Office approved drug testing devices (DTDs), it also utilises Streamlined Forensic Reporting (SFR). It allows a quick case disposal decision to be made for possession only drug cases without having to release the suspect under investigation pending the submission of suspected controlled drugs (SCDs) to forensic service providers. EDIT is solely for possession only drug cases and can be used in cases whether or not possession of a SCD is admitted by the suspect.

The Evidential Drug Identification Testing (EDIT) Good Practice Guide is available on the FCN website:

<https://www.fcn.police.uk/news/2023-01/evidential-drug-identification-testing-edit-good-practice-guide-2023>

25.16.1 EDIT - Forensic Result Report - MG22B (SFR1)

An MG22B (SFR1) should be used to report all EDIT results from DTKs and DTDs. It should also be used to report all cannabis identifications undertaken by an 'experienced' Police Officer or member of Police Staff who has been authorised by their force where this has been undertaken within the EDIT process. This result is sufficient evidence to allow a charge of possession (or other appropriate disposal).

Within EDIT, there is a Disputed Test Procedure. A person charged with the offence of possession of a controlled drug can initiate the Disputed Test Procedure if they think the test result is incorrect. If the Disputed Test Procedure is initiated, the SCD is sent to a forensic service provider. The result of this laboratory analysis will supersede that of the EDIT test. Therefore, there is no need to complete an SFR2 within the EDIT process.

The 'Examined' section should be used to record the exhibit tested including the exhibit reference and any unique references, and a description of the packaging, including number of packages or pills, and contents of that exhibit. This should be in the words of the EDIT Tester as opposed to transcription of the description from the exhibit packaging.

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

The Results / Findings section should include:

- The DTK or DTD used to carry out the EDIT test
- In the case of cannabis, confirmation the result is based upon a sight and smell test.
- The result – either positive or negative, together with a description of the result observed e.g., ‘two-lines’ or ‘purple’.
- The drug indicated
- The Legal Status of the drug indicated according to the Misuse of Drugs Act 1971 (as amended)
- Consider using photographs of completed tests to evidence the result.

The Evidence Type Supporting / Technical Information section should include:

- A declaration to state ‘Testing is in accordance with Home Office Circulars 013/2014, 015/2012 and the Guidance for Evidential Drug Identification Testing (EDIT) in Police Stations.’
- Details of the Disputed Test Procedure

There is no requirement to include an accreditation declaration or a declaration of compliance with the FSR Code as EDIT is excluded from the requirements of the Code.

The Status of Related Exhibits page can be used to record any other exhibits that form part of the case, but which were not subjected to the EDIT process.

26 Supporting Documentation

List of all supporting documentation referred to within this document. Latest versions can be found on the [FCN Website](#):

Document name	Document reference
MG22A	SFR MG22A
MG22B	SFR MG22B
MG22C	SFR MG22C
MG22D	SFR MG22D
SFR Annex A	SFR2 Expert Witness Declaration
SFR Annex B	SFR2 Mitigation Table
SFR Annex C	SFR2 Expert Witness Self-Certification
SFR Annex D	SFR2 Disclosure Schedule
Case Management Risk Form - Expert	SFR Case Management Risk Form
Case Management Risk Form – Non-Expert	SFR Case Management Risk Form

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

Please always refer to the FCN Quality Management System for latest versions

Supplementary Technical Notes for Biology Casework SFR	FCN-MGT-GUI-0004
Supplementary Technical Notes for Road Traffic Toxicology SFR	FCN-MGT-GUI-0011
Gatekeeper Guidance for Road Traffic Toxicology SFR2 Requests	FCN-MGT-GUI-0012
Guidance for Evidential Drug Identification Testing (EDIT) in Police Stations	FCN-MGT-GUI-0028

27 References

List of all cited material within this document:

Document name	Document Reference	Responsible Organisation
The Criminal Procedure Rules 2020	2020 No. 759 (L. 19)	The Criminal Procedure Rule Committee
Government Security Classifications May 2018		Cabinet Office
Forensic Science Regulator Expert Report Guidance	FSR-G-200	Forensic Science Regulator
Codes of Practice and Conduct for Forensic Science Providers and Practitioners in the Criminal Justice System- Issue 7	FSR-C-100	Forensic Science Regulator
Forensic Science Regulator's Non-Expert Technical Statement Guidance	FSR-G-225	Forensic Science Regulator
The DNA Good Practice Manual	FCN-MGT-GUI-0006	FCN/NPCC
BS EN ISO/IEC 17025:2017 General Requirements for the Competence of Testing and Calibration Laboratories	BS EN ISO IEC 17025_2017	The British Standards Institution
Criminal Justice Act (CJA) 2003	2003 CHAPTER 44	www.legislation.gov.uk
Criminal Justice Act (CJA) 1967	1967 CHAPTER 80	www.legislation.gov.uk
ILAC-G19:06/2022 Modules in a Forensic Science Process	ILAC-G19:06/2022	ILAC
RG201 Accreditation of Bodies Carrying out Scene of Crime Examination	RG201	UKAS
Crime and Disorder Act 1988	1998 CHAPTER 37	www.legislation.gov.uk

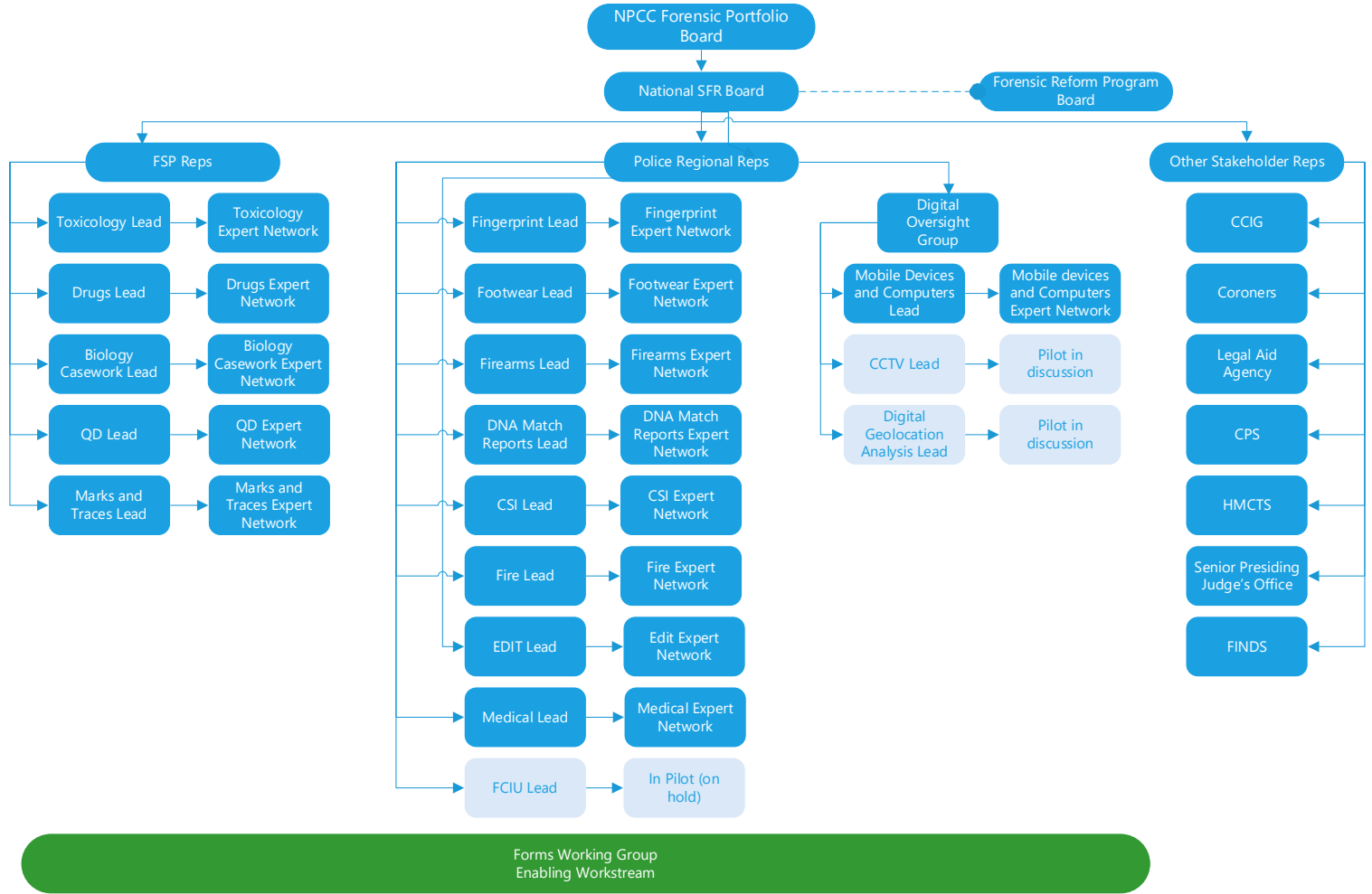
Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

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Home Office Circular 013/2014	013/2014	Home Office
Home Office Circular 015/2012	015/2012	Home Office

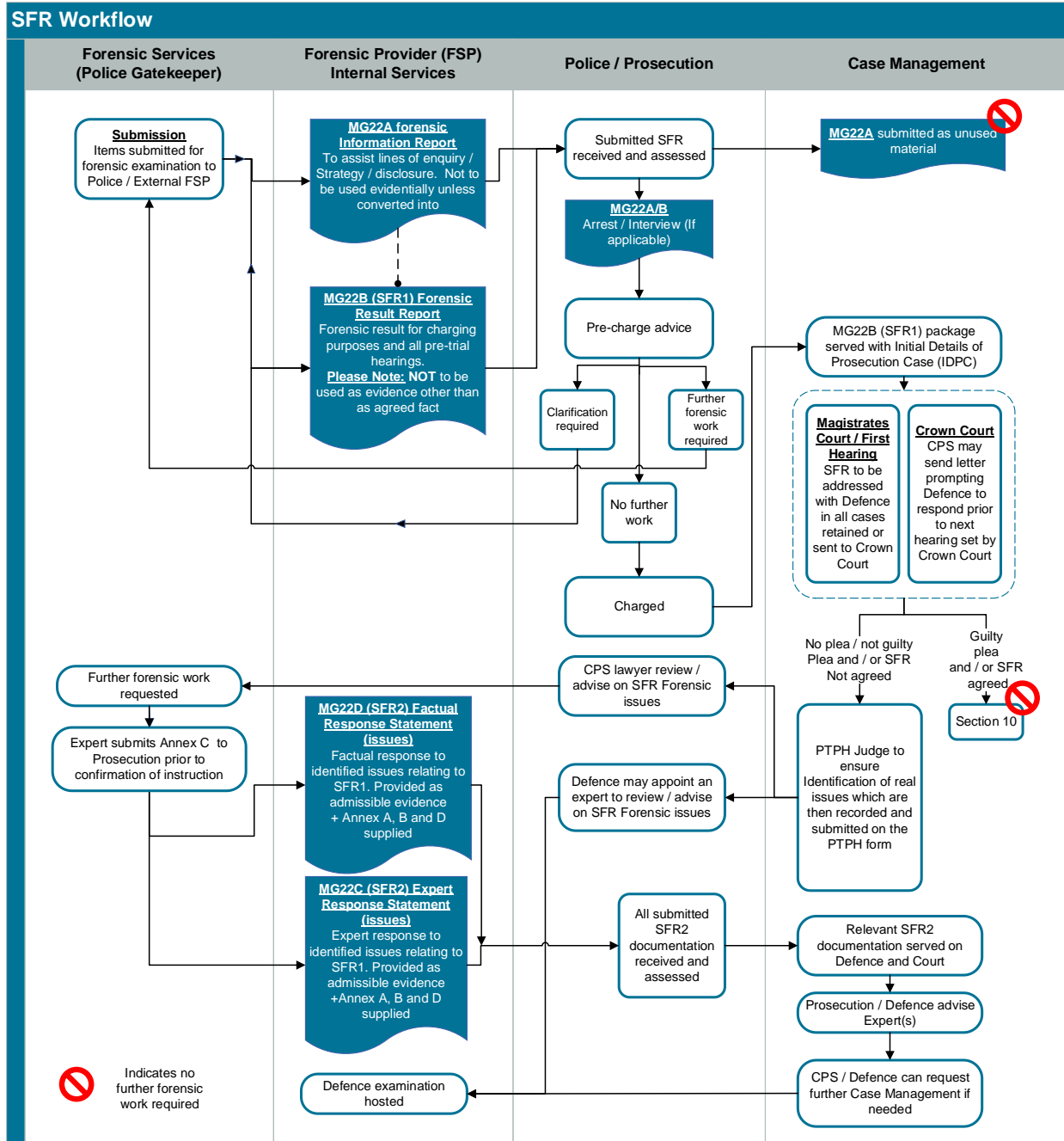
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Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

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28 Appendix A National SFR Board Governance Structure


Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

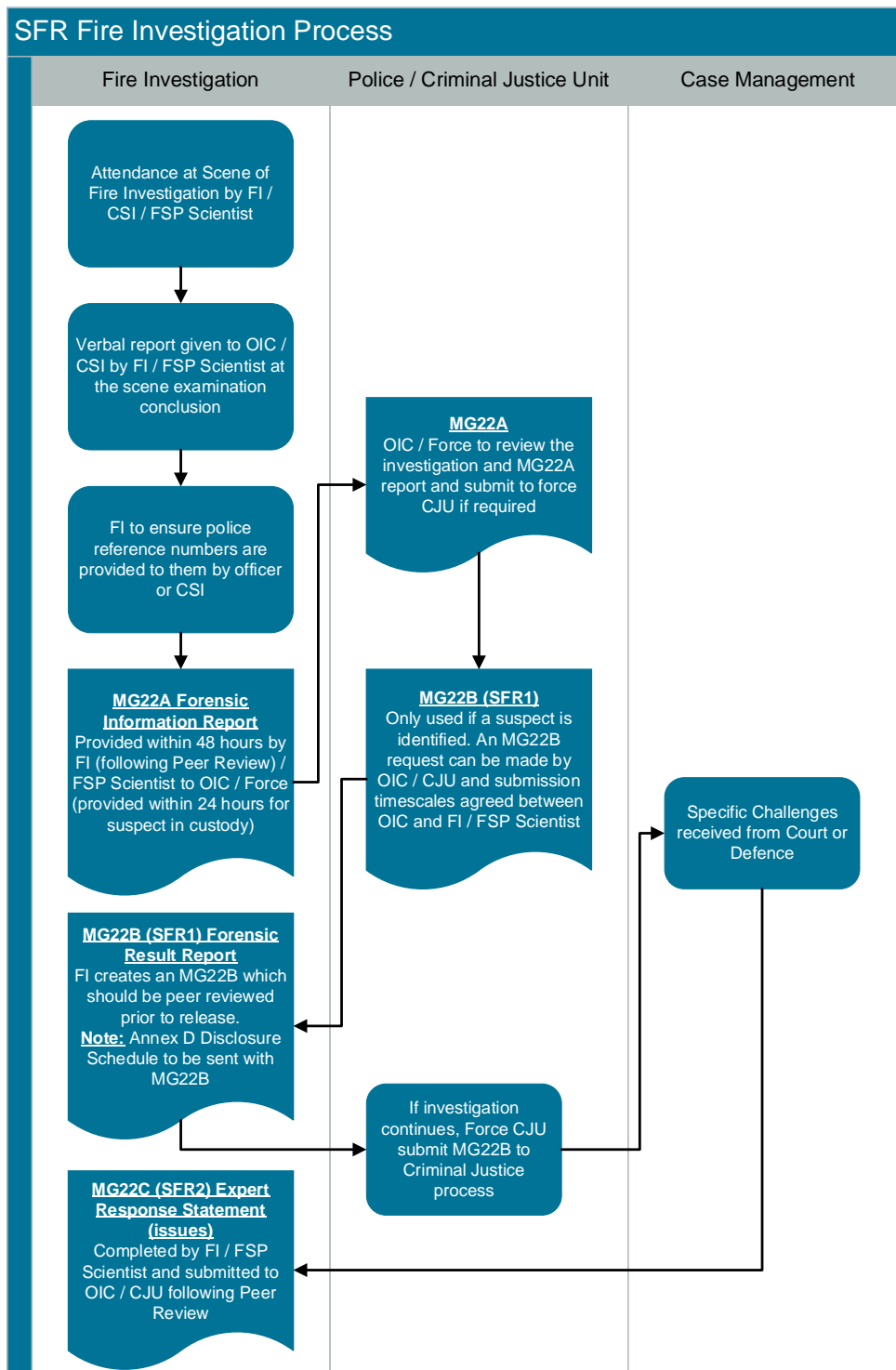
29 **Appendix B – SFR Workflow**



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

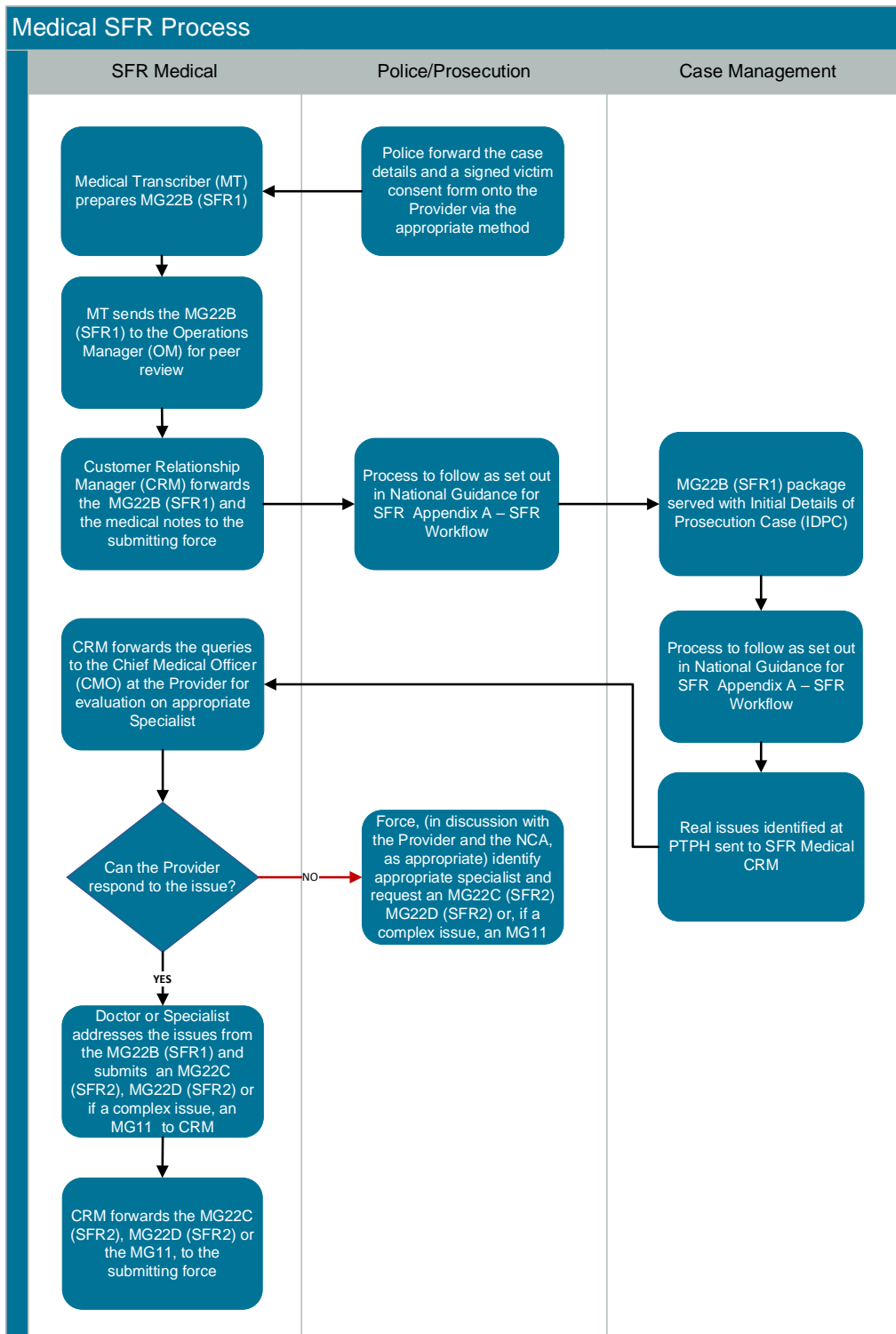
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Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

30 **Appendix C - SFR Process for Fire Investigation**



IMPORTANT: This flow chart should be used in conjunction with the chart in Appendix B which contains further detail of the criminal justice processes to be followed.

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

31 Appendix D - SFR Process for Medical


IMPORTANT: This flow chart should be used in conjunction with the chart in Appendix B which contains further detail of the criminal justice processes to be followed.

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - 28/04/2023	Document Owner:	Director of Science

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32 Appendix E - 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.

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - xx/xx/2023	Document Owner:	Director of Science

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

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

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

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - xx/xx/2023	Document Owner:	Director of Science

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.

32.1 Dismissal Applications

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

- Acquit the innocent and convict the guilty;
- Deal with the prosecution and the defence fairly;
- Deal with the case efficiently and expeditiously

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

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

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

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

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

Document Title:	National Guidance for Streamlined Forensic Reporting	Document Reference:	FCN-MGT-GUI-0003
Version and Issue Date:	4.0 - xx/xx/2023	Document Owner:	Director of Science

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