

Streamlined Forensic Reporting: Frequently Asked Questions

Document Title:	Streamlined Forensic Reporting: Frequently Asked Questions		
Reference	FCN-SP-MGT-GUI-0005	FCN Pillar	Science Pillar
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Issue Date:	02/02/2022	Reviewed by:	Deborah Sharp – Lead Scientist

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Document Control

Document status	Streamlined Forensic Reporting: Frequently Asked Questions
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Update History

Version	Issue date	Reason for issue	Updated by
1	19/08/2020	This document has been published to help answer any questions and provide clarification regarding the newly published National Guidance for SFR	FCN Science
2	02/02/2022	Revision of guidance	FCN Science

Grey shaded sections will denote changes from previous version

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1. How are negative or neutral findings reported through the SFR Process?

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.

2. Is it necessary to use the SFR Process on every occasion?

No. It should be noted that there may be occasions when a full evaluative statement is the most appropriate format to present the forensic findings. This would be dependent on individual case circumstances and the specific issues that are required to be addressed, but a statement would normally only apply when a more detailed explanation / interpretation of a set of complex forensic findings is necessary, for example, when there are multiple evidence types or evidence relating to multiple defendants that need to be considered as a whole. The Court may also order a full statement to be provided in certain circumstances.

3. What templates should I use if SFR is not approved for a discipline?

If SFR is not approved for a discipline, a result report or full statement should be provided. As per Senior Presiding Judge and Forensic Science Regulator guidance, abbreviated statements are not appropriate to be used.

4. It has been documented that there is a 'variance of opinion' on the fingerprint SFR I have been sent.

- **Does this mean someone has made a mistake?**

No, this does not mean there has been an error made by an examiner in the comparison process. It simply means that one examiner does not believe the comparison has reached their own identification threshold. However, because a fingerprint identification is always reported on a consensus result, 2 other examiners have concluded it does reach their threshold for identification and can therefore be reported as such.

- **Do defence need to be aware of this information at Stage 1?**

Yes, because this threshold decision potentially undermines the prosecution case and assists the defence, this information should be disclosed to defence as they may wish to appoint their own expert to review the material.

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5. The status of related exhibits page shows the outcomes of the other fingerprint exhibits. Do these relate to the other persons of interest (POI) submitted at the same time as the POI that has been identified?

No, the 'status' page results relate to the person named at the top of the SFR only. Any results relating to additional POIs will be reported either in their own SFR (if identified) or in line with your specific Bureau procedure (if excluded)

6. The other fingerprint identification outcomes reported are 'excluded', 'inconclusive', insufficient' – what do these outcomes mean?

- Exclusion - The opinion two areas of ridge detail were not made by the same person
- Insufficient - The opinion 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

7. I don't think the identified mark is the most evidentially valuable to the case, what should I do?

Look at the status page and see what the reported outcome of the other marks in the case is. If excluded, inconclusive or insufficient is reported then the identified exhibit is the only identified mark. If the outcome is 'not progressed' or 'not compared', contact the author of the SFR at the Fingerprint Bureau and request additional comparison work against the other mark/marks in the case.

8. Can the author of the MG22A or MG22B (SFR1) report be warned for court?

No, the MG22A is a forensic information report and the MG22B is a summary of the evidence and neither is a statement nor an expert's report of the type that needs to comply with Crim PR 19.4. As such, they are not admissible except where an MG22B is accepted as agreed fact. The author may only be reporting the findings and may not be the person who has conducted the examination. Therefore, they may be unable to testify as to the process or accuracy of the conclusions at court.

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

The current version of the 'Case Management Risk Form' can be found at: <http://www.fcn.police.uk/sfr>

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Should the underlying reason for an author being called to court on production of an SFR1 be a 'no comment' by the defence, then the information contained within the SFR1 should be converted into an SFR2 format and submitted as evidence so that it meets the requirements for court. This may remove the necessity for attendance of the witness.

9. Defence have stated they do not accept the findings in the MG22B report, what should I do?

The MG22B report states that, should there be a real issue in relation to the forensic evidence, such that the defence cannot accept the findings, 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 report, as it is accepted that at this point, they will not have the benefit of their own expert witness. The author of the MG22B report should be notified of the issues the defence has raised and these will then be specifically addressed in an SFR2 report.

10. Can I use the MG22B (SFR1) report to charge or at PTMH?

The MG22B (SFR1) is suitable for arrest, interview, charge and pre-trial management hearings but is not suitable for trial if the defence disputes any of the findings.

11. Where multiple accredited methods are used how should these be declared?

The author should select the appropriate declaration from the options listed in section 24 of the SFR Guidance document within the report. If the author declares any non-compliance with the FSR Codes at SFR 2 stage, the Annex B Mitigation Table should also be produced. If declaring accreditation, it is a requirement that any results that are not accredited are clearly identified within the report.

12. What should I do if a case builder or investigating officer has requested a full statement following receipt of an MG22A or MG22B prior to any engagement with the defence?

Case Builders and Investigators should be reminded that SFR is a court case management tool. The intention is to reach an agreement of the findings, so that they can be admitted as fact, or alternatively, to enable the defence to identify the real issues for trial.

Production of an MG22C, MG22D or MG11 should only be requested where contested issues have been put forward, and/or the contents of the MG22B have not, or cannot, be accepted.

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13. CPS will request an MG22C (SFR2) regardless of the process in place based on the defence providing no response or challenge. In what circumstances should this request be actioned?

It will depend at what stage the case has reached within the court system – if the trial is imminent then an MG22C (SFR2) should be completed if there is a risk that critical scientific evidence cannot be used in the trial, or the case may be discontinued as a result. If there is no urgent requirement as above, the CPS should be contacted and asked to establish, from the defence, what issues they are raising.

14. When using the mitigation table at stage 2, do you need only declare an unaccredited method that is part of the SFR2 response?

Declarations should only refer to the results/methods referred to in the report you have provided, with the mitigation table.

15. Can the ‘Seizing Officer’ box be left blank if it is unknown, not relevant or if multiple Officers have seized the relevant exhibits?

Yes, there will be cases where the seizing officer is not relevant, there may be multiple seizing officers, or the officer is unknown at the time at writing, so it can be left blank where necessary.

16. Can the ‘Relates to (person)’ box be left blank, for example, if there has been a drugs raid at an address and there are multiple suspects but the submitted exhibits are not specifically linked to any one individual at the point of examination?

Yes, although relevant details should be added on every occasion where possible.

17. The Report Number box is no longer present. How should you refer to the fact the report is further to a previous report?

This box has been intentionally deleted as it has the potential to cause confusion when there are multiple reports relating to the same suspect, issued by different forensic disciplines / service providers working independently (and all starting at report #1). Each SFR report should be a stand-alone document. If there is a need to link two or more SFR reports together to formulate conclusions, a full evidential statement may be more appropriate.

18. Is the ‘Range of Opinion’ declaration paragraph only required for fingerprint SFRs?

It is available for any forensic discipline, but the wording can be amended as appropriate (or deleted) depending on the evidence type.

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19. Why is the SFR Process dictating the way I declare accreditation and become so complicated?

The SFR Process has been designed to enable compliance with the FSR Codes and UKAS requirements. The FSR Codes and UKAS dictate what is required in terms of accreditation/FSR Codes declarations. In recent years, there has been a significant change to the requirements around declaring accreditation/compliance to the FSR Codes, which has resulted in a significant reactive change to the SFR Guidance. The requirement set by the FSR and UKAS apply to all report types not just SFR.

20. If an organisation is accredited but a method used does not need to be accredited (e.g. an infrequent method) which declaration be used on the MG22B?

The options listed in section 24 of the SFR Guidance document will assist with selecting a compliant option for declaring this. However, it is acknowledged that not all specific scenarios can be covered by the generic guidance provided in section 24 of the SFR Guidance and there may be a need to adapt the declarations in some circumstances. In this specific example, if the infrequent method is not accredited and there are no other results contained within the report that are accredited the following declaration is a suggested option that could be used based on section 24 of the SFR Guidance but adapted for this specific example – ‘The accreditation deadline stated in the FSR Codes of Practice and Conduct has passed for the results provided in this report. However, these results originate from an infrequently used method, meaning that according to the FSR Codes there isn’t a requirement for these results to be accredited. The results contained within this report are not UKAS accredited.’

21. In the section entitled ‘Status of Related Exhibits’ on the MG22B, is there a requirement to list all exhibits here, even those detailed in the main results section?

This is not always necessary, although it can be used to disclose additional information about exhibits described in the main results section, particularly where this may undermine the prosecution or assist the defence.

22. In the section entitled ‘Status of Related Exhibits’ on the MG22B, do you need to list every exhibit submitted for that evidence type in the entire case? For large cases with multiple submissions this could be a huge number of exhibits

No, it is only a requirement to list the exhibits submitted for examination at the same time as those detailed in the main results section.

23. The MG22B does not include the role of the person producing the report. Should this be added under name?

No, it is sufficient to state the name and organisation. However, for some disciplines, it has been accepted that the name of the author will not be included on an MG22B and

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in this case, the role will often be included as an alternative. Should the case progress to SFR2, then qualifications and experience are required.

24. On the MG22C, where should the response to the defence issue(s) be written?

The response should be provided immediately after the issue. Examples are provided to demonstrate this.

25. Does a CSI have to provide an MG22A or can local processes determine how findings are reported?

The use of the MG22A for CSI's is optional and local established procedures can be used to ensure Officers are signposted to relevant Information.

26. Should a CSI only provide the MG22A if required rather than automatically completing one when a number of investigations are not progressed therefore making the completion of the MG22A and MG22D unnecessary?

In terms of the MG22A, local Force procedures can be adopted, and this does not necessarily have to involve automatic production of an MG22A report following every scene attendance. However, the MG22D should only be provided to respond to identified issues that have been raised by the defence.

27. When is it appropriate to request the MG22C (SFR2)?

The MG22C is produced when any scientific findings, upon which the prosecution intend to rely, has not been admitted as fact. This can include occasions when:

- the suspect offers an alternative explanation and the scientist is required to consider this;
- the suspect/defence team do not accept the evidence on the MG22B, even if they do not clearly outline why;
- The scientist is required to give evidence in court.

In some circumstances, particularly if the issues under discussion are complex or there is evidence relating to more than one individual, it may be deemed that an MG11 statement would be a better format to report the evidence.

28. If a CSI writes only an MG22A, how can their photographs be introduced as evidence?

Photos can be exhibited and introduced using the MG22D. An example of this is provided in the CSI section.

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29. What is SFR for Fire?

The SFR process has been approved by the NFCC as a method of recording the outcome of Tier 2 Fire Investigations. SFR is only for deliberately caused fire where the findings of the Tier 2 Fire Investigator will enter/be used in the Criminal Justice System.

30. Will my Police Force be aware of the SFR process and suite of forms?

SFR is already fully embedded into the investigation processes for all forces. There will be directed communications sent out to inform relevant parties that SFR is now an approved discipline for Fire Investigation.

31. What happens if the Police want information about a Tier 1 Fire Investigation (small fire, shed, fence, car)?

The Tier 1 investigator would have recorded the investigation outcome in the National Incident Recording System (IRS) and that report can be shared with the Police. If further information is required then a Police Officer would need to meet with the Tier 1 investigator and take a formal statement (MG 11). Some services may have a process where MG 11's are completed in house and then sent to Police.

32. When is a Fire MG22A form required?

An MG22A form must be completed for all deliberate outcome fires attended by a Tier 2 Fire Investigator, if an Inconclusive outcome is reached then the MG22A will still need to be completed and sent to Police as further investigations will most likely be taking place.

33. When is a Fire MG22B form required?

An MG22B is required when a person is in Police Custody for their part in the fire being investigated or on the request of a Police Officer as the crime is being actively pursued and charging is likely.

34. When is a Fire MG22C form required?

An MG22C is required at the request of the Police or CJS but only in response to specific issues raised as a result of the production of the MG22B.

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35. Do I need to provide the Coroner with an MG22A?

No, the scope of the SFR process does not cover Coronial cases. FRSs will still be required to complete detailed reports for the Coroner on request.

36. What do I do if the scene examination lasts several days?

You can complete and submit an interim MG22A if required and then on the conclusion of the fire investigation submit a final MG22A.

37. Who will provide the occurrence or crime numbers for the MG series of forms?

The investigating officer or the Crime Scene Investigator should have these reference numbers to pass onto you at the scene.

38. Where do I submit the initial MG22A to?

This will be force dependant as it may be direct to the investigating officer or to a central e-mail address for police teams such as Crime Management or Criminal Justice. Check with your local forces for how they wish to receive the forms.

39. Why does the Fire Investigation Dog handler only complete a MG22A?

The Fire Investigation Dog is only used as an indication of accelerants. An MG22A is completed on each deployment whether the indication is negative or positive. Any exhibit would be recovered from the scene by a CSI or scientist and would be submitted to an FSP if required and any subsequent reporting outcome from the FSP would be on an MG22B.

40. Do we need to use the MG22A External Agencies form?

No. The report form should be used for instances whereby the Fire Investigators report findings to outside agencies such as insurance companies. It complements the Police use of the MG22A and so standardises further the reporting procedure. It also saves time for Fire Investigators as it is the same information as completed on the Police MG22A. It does however, contain no Police information such as crime, incident or occurrence numbers, etc.

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41. Supporting Documentation

List of all supporting documentation referred to within this document:

Document name	Document reference)
National Guidance for SFR	FCN-SP-MGT-GUI-0003
Supplementary technical Notes for Biology Casework SFR	FCN-SP-MGT-GUI-0004
SFR MG22A January 2021	SFR MG22A
SFR MG22B January 2021	SFR MG22B
SFR MG22C January 2021	SFR MG22C
SFR MG22D January 2021	SFR MG22D
SFR Annex A - Expert Witness Declaration June 2021	SFR Annex A
SFR Annex B - Mitigation Table January 2021	SFR Annex B
SFR Annex C - Expert Witness Self Certification January 21	SFR Annex C
SFR Annex D - Disclosure Schedule January 21	SFR Annex D

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