PROTOCOL FOR THE SUPPLY OF FORENSIC SCIENCE SERVICES TO THE POLICE AND THE CROWN PROSECUTION SERVICE

Preamble

This document has been agreed following discussions with key representatives from Forensic Science Providers across the industry.

The Protocol should be used to guide all providers regarding the principles to be followed and requirements of the Criminal Justice System.

1. AIMS

The aims of this Protocol are:

1.1 to establish agreed processes that will enable the Crown Prosecution Service (CPS), the Police and the Forensic Science Providers (FSP) to set and agree timeliness requirements which are realistic, helpful to the Criminal Justice System (CJS) and support Government aims within the White Paper - "Justice for All" and the Public Service Agreements focussed on:

- bringing more offences to justice
- meeting the needs of victims and witnesses
- safeguarding the rights of defendants
- reducing delay and improving value for money
- improving public confidence in the CJS.

1.2 to maximise the contribution of forensic science to the case through improved communications between the Police, the FSP and the CPS, utilising efficient processes, and roles within each of the Agencies in accordance with agreements made under this Protocol.

1.3 to set a framework within which processes and roles will be defined which are necessary to deliver the improved communications strategy.

1.4 to ensure that the processes developed fully encompass the requirements of the revised charging arrangements and develop a staged reporting process incorporating first stage reports that provide sufficient information upon which to make charging decisions and further evaluative reports, following plea and case management hearings in the Crown Court (or pre-trial review hearings in the Magistrates Court) that includes all the

information necessary for the trial process, including issues raised by the defence in the defence statement.

2. OBJECTIVE

The objective of this Protocol is to establish standard operating arrangements for the exchange of good quality and timely information between the Police, FSP and CPS, in order that:

2.1 The relevant issue(s) in each case is identified by the Police and CPS and understood by the FSP.

2.2 The forensic evidence addresses this issue(s) together with the relative alternatives.

2.3 The resulting information, first stage reports, evidential or evaluative statements, provided by the FSP is available for use within agreed timescales in accordance with the requirements and needs of each specific case.

2.4 There is consistent use of agreed processes, including expedient use of resources to deliver an equitable service to the CJS.

3. SCOPE OF THE PROTOCOL

3.1 This Protocol provides for the establishment of procedures, including roles and responsibilities, necessary to ensure the appropriate exchange of accurate information relevant to the progression of the case.

3.2 Specific procedures and supporting mechanisms necessary for effective implementation will be included as annexes to local Protocols.

3.3 This Protocol also establishes a joint commitment to develop and support the training and implementation programme required to successfully deliver the effective and efficient exchange of information across the Agencies.

3.4 This Protocol provides for the introduction of a system to collect management information relating to the effectiveness of the developed processes together with a means of disseminating data to appropriate managers within the Agencies. Such management information will be used to drive and improve performance of the Agencies within the scope of this Protocol.

3.5 This Protocol establishes an ongoing process to ensure further improvements in working arrangements are recognised and fully implemented.

4. THE DURATION, AMENDMENT, ADDITIONS AND WITHDRAWAL PROVISIONS OF THE PROTOCOL

4.1 This Protocol replaces the National Tripartite Protocol January 2004 between the Police, the Crown Prosecution Service and the Forensic Science Service.

4.2 This Protocol will take effect from the date contained in the agreement and will continue in force until terminated.

4.3 Disagreements with or amendment of this Protocol (including amending this Protocol under paragraph 4.4 below) will be made by agreement with the CJS Forensic Science Provision Strategy Group in the first instance.

4.4 This Protocol may be amended with the consent of all the participating agencies at any time.

4.5 Notwithstanding the provisions of 4.4, this Protocol will be subject to periodic review at least annually.

5. COMMUNICATIONS

5.1 A detailed communications strategy will establish the mechanisms for effective and efficient communication between the Agencies both nationally and locally. A framework for inter-agency communication including the required audit trail will be provided as an annex to local Protocols.

5.2 Effective communication using the most expedient method e.g. secure email, facsimile or telephone will ensure timely delivery of services, particularly at each of the following key stages in the investigative or CJS process:

5.2.1 **Before Charge** – where a scientific examination is required. Any request should accord with investigative need and/or the strategy agreed between CPS Prosecutor and Police Investigator. It is essential that the FSP Case Manager is consulted to ensure that the results to assist the investigation and/or the charging decision will be available.

5.2.2 **After Charge** – Remanded in custody

Early discussion between an FSP Case Manager, CPS Prosecutor and Police Investigator is essential to agree a timetable in accordance with the requirements of each specific case in the criminal justice system.

5.2.3 **After Charge** – Remanded on bail
Continuing consultation between the Police Investigator, CPS Prosecutor and the FSP Case Manager is essential. This will ensure that the FSP service delivery schedule for each case will meet the known key dates in the Criminal Justice System process. Where FSP delivery to key dates in a specific case is identified as at risk, a revised timetable agreed between the Police Investigator, CPS Prosecutor and the FSP Case Manager (in consultation with the Court's Case Progression Officer) must be brought to the attention of the court. The reasons for the change to the timetable must also be provided to the court.

5.2.4 **Pre-trial (post Plea and Case Management Hearing)**
Early consultation prior to setting of court dates is essential where further scientific examination or evaluation is required. Consideration should also be given to witness availability prior to setting a date for trial.

CPS Prosecutors and Police Investigators should jointly review cases following plea and case management hearings in the Crown Court (or pre-trial review hearings in the magistrates Court) and provide the FSP Case Manager with the evidential requirements of the case including any issues raised by the defence. CPS Prosecutor may also wish to discuss with the FSP how evidence could best be presented.

5.2.5 **Post Trial**
Feedback on the effectiveness of the statement, report and where appropriate oral evidence to the outcome of the case should be provided to the FSP. The agreed mechanism for feedback will form part of the nationally agreed communications strategy.

5.3 To facilitate the effective and efficient exchange of information and the provision of advice there must be appropriate accessibility to each of the agencies. Local Protocols will specify out of hours arrangements.

5.4 The Police and CPS will inform the FSP of any local or national initiative that might impact on the demand for FSP services. Prior warning of local initiatives should be discussed with the FSP (Account Manager). National initiatives should be brought

to the attention of the Director of Customer Relations (or their nominated FSP representative) or an FSP Account Manager at the earliest possible stage of planning.

5.5 The FSP will provide early warning of operational or scientific issues which could unavoidably affect the timeliness of service delivery.

6 AGREED PRIORITY OF EXAMINATION

6.1 The Police and/or CPS will indicate the priority of work, in accordance with the guidelines set out in the Prosecution Team Manual of Guidance for the preparation, processing and submission of casefiles (MoG) The FSP will offer advice and guidance regarding priority of such submissions.

6.2 Early contact with the FSP is desirable in all instances and is essential in pre-charge submissions and post-charge cases where there is a remand in custody.

6.3 Prior to commencing the examination, the FSP will seek to develop a forensic examination strategy in consultation with the Police and/or CPS. The forensic examination strategy will identify the issue[s] in the case and establish the agreed priority and timescale for the delivery of the results.

6.4 Priority for persistent young offender cases will be in accordance with current Government Targets.

7 MONITORING, EVALUATION AND IMPROVEMENT

7.1 This Protocol provides for the establishment of further national and local monitoring arrangements to ensure that the provisions within this Protocol and local Protocols are met and used to improve performance where required.

7.2 Arrangements for monitoring against this Protocol may be made by exception.

7.3 Notwithstanding the above, provision should be made for appropriate periodical review of the performance of each agency under the agreement, both nationally and locally.

7.4 This Protocol provides for the identification and dissemination of good practice both nationally and locally.

7.5 This Protocol provides for the development of an implementation plan to ensure consistent uptake of any joint training programme and agreed processes.

8 SIGNATORIES

ON BEHALF OF THE POLICE

ON BEHALF OF THE CROWN PROSECUTION SERVICE

ON BEHALF OF THE FORENSIC SCIENCE PROVIDERS

This national Protocol for the supply of forensic science services to the Police and the Crown Prosecution Service by the Forensic Science Providers is effective from 1 November 2005