

PRESS RELEASE

Today (Tuesday, November 29) the All-Party Parliamentary Group on Miscarriages of Justice (APPGMJ) announces the launch of the Westminster Commission on Forensic Science. Over the next 18 months, a Westminster Commission inquiry, co-chaired by Baroness Sue Black and Professor Angela Gallop, will be taking evidence over a series of sessions conducted in Westminster and online. It will be seeking submissions from forensic scientists, academics, lawyers and police investigators as well as victims of miscarriage of justice and their representatives.

“Our reputation as the global gold standard for forensic sciences has been badly tarnished over the last decade. Today we launch an investigation into the state of the sector and we do that as a result of our concern that the innocent are being wrongly convicted,” comments Barry Sheerman MP, co-chair of the APPGMJ. “The Westminster Commission on Forensic Science will shine a light on the sector and how its ‘products’ are used, and make recommendations to drive up quality and reliability in this important but overlooked corner of the justice system.”

“Over the last five years since we started our work, we have heard from lawyers specialising in criminal appeals as well as families about their concerns about the role of forensics leading to wrongful convictions and enabling the real criminals to escape scot-free,” comments Sir Bob Neill MP, co-chair of the APPGMJ. “We have also noted with increasing alarm the consistent warnings both from forensic scientists themselves and the Forensic Science Regulator which have gone unheeded. At the heart of many of the notorious miscarriage of justice scandals in the past - from the Irish cases, such as the Birmingham Six and Guildford Four, to Barry George and Shaun Hodgson - is the issue of forensics. The misapplication of forensic science can and often has resulted in the wrongful conviction for many years of the innocent. But pioneering forensic approaches can lead to wrongful convictions being overturned and justice restored.”

Angela Gallop explains: “Forensic science has now become so powerful that you don’t need to be able to see a trace of potentially relevant material to get a result from it. This means that it is increasingly important to ensure that the right tests are applied by properly trained scientists to the right items, and the results are carefully interpreted in the context of the specific case at hand. If any of this doesn’t happen, then forensic science will not only fail to prevent miscarriages of justice but is likely actively to contribute to them. Along with many other forensic scientists I am sure this is happening already. The new Westminster Commission will therefore explore all aspects of forensic science and its

role in the Criminal Justice System, and identify imaginative, timely, and cost-effective ways of avoiding the serious risks to fairness and justice currently associated with its use.”

Sue Black comments: “Sometimes we need to be reminded that ‘science’ is the most important word in forensic science. Robust and appropriate science requires constant testing and retesting, it needs research funding to develop and it relies heavily on practitioners who must be highly skilled, experienced and well trained. If science is to be used effectively and appropriately to support a fair and just investigative process, then there can be no tolerance for shoddy science or scientists”.

See notes for full details of the Westminster Commission on Forensic Science.

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This work on forensic science will follow on from last year’s successful report by the Westminster Commission on Miscarriages of Justice, co-chaired by two members of the APPGMJ: Baroness Stern and Lord Garnier QC. The APPG is delighted to note that the Law Commission has taken on board one of the key recommendations of the report and started a wide-ranging review of criminal appeals. Earlier this month we met with the Law Commission.

The APPG has restructured the way it operates, conducting its next phase of work under the Future Justice Project which is supported by Glyn Maddocks KC (hon) and Dr Jon Robins as special advisers to the APPG. Work will now be organised into five sub-committees:

- science and the courts (including the Westminster Commission on Forensic Science);
- media;
- legal policy;
- legal profession; and
- criminal appeals.

More details to follow.

BACKGROUND

The Forensic Science Service closed on March 31, 2012. At the time there were widespread concerns that the reasons for its closure – which had also started to affect other suppliers of forensic services,

would lead to wrongful convictions. For example, a New Scientist (2012) survey, conducted immediately before the closure, reported that 76% of forensic scientists predicted an increase of miscarriages of justice. They identified as concerns pressure to produce results, insufficient time to evaluate cases, and reduced impartiality.

Similarly, the solicitors' professional body, the Law Society wrote to the then justice secretary Ken Clarke expressing its fears over the maintenance of quality standards and accreditation. Of particular concern was the risk that 'unqualified and unaccredited' police laboratory staff would screen materials before sending them on for expert analysis, and financial constraints upon the police would lead to a reduction in tests, a contraction in the market and a loss of expertise. This would 'increase the likelihood of miscarriages of justice and the failure of the justice system to provide justice to victims'. Such warnings went unheeded, prompting the immediate past regulator Dr Gillian Tully to describe forensic science as 'lurching from crisis to crisis', and warning that without immediate changes 'the risks to forensic science provision are close to existential'.

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Notes

Westminster Commission on Forensic Science comprises:

- **Professor Dame Sue Black** is a forensic anthropologist with extensive experience in war crimes investigations, mass fatality events and complex casework. She is currently the President of St. John's College, Oxford and a cross-bench peer.
- **Professor Carole McCartney** is Professor of law and criminal justice at Leicester Law School. Carole has been researching issues around criminal evidence and forensic science for over 20 years, and has written on miscarriages of justice, international policing cooperation, DNA and biometrics, forensic science and criminal justice more widely.
- **Steve Wilkins** is a former detective chief superintendent and member of the Association of Chief Police Officers' homicide and kidnap and extortion working groups. A specialist in covert intelligence, he was head of intelligence for the UK in relation to serious and organised crime. His investigation of The Pembrokeshire Coastal Path Murders, combining cutting edge forensics and modern investigation techniques, is regarded as the blueprint for murder investigations.
- **Katy Thorne KC** is a criminal and inquest barrister practising from Doughty Street Chambers. She has a long-standing specialism in expert evidence and is an editor of Mason's Forensic Medicine for Lawyers. She has lectured on the use of expert evidence in the criminal courts and trained the National Crime Agency on providing expert evidence.
- **Professor Angela Gallop** has been a practising forensic scientist for nearly 50 years. She is known for setting up and running full-scale forensic science laboratories as well as leading the scientific teams that have provided evidence in many of the UK's most complex criminal cases including the murders of Stephen Lawrence and Rachel Nickell, and manslaughter of Damilola

Taylor. She also has a long-standing association with the oldest academic centre for forensic science at the University of Strathclyde.

- **Dr Philip Avenell** is a forensic scientist. Trained as a forensic biologist and DNA expert, Philip has extensive casework and casework management experience. He has worked in both public and private practice, led forensic research and development programmes, and implemented and developed quality standards in operational forensic laboratories.
- **Neil Denison** originally trained as a fingerprint expert and is currently director of Yorkshire and Humberside Regional Scientific Support Services responsible for crime scene investigation, fingerprint and footwear comparison, forensic collision investigation and digital forensics capabilities. As a recognised leader in forensics, he sits on several national and international forensics boards and committees.

If you are a member of the media and want more information, please contact Glyn Maddocks (glyn@glynmaddocksqc.co.uk or 07792 763 457)