

A qualitative review of attitudes and practice pertinent to Streamlined Forensic Reporting in the context of admissibility in a criminal trial

An exploration of the effect of the format and content of expert reports, particularly Streamlined Forensic Reporting (SFR), on assessments of admissibility within criminal casework in England and Wales.

Key details

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Level of research	PhD
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Research context

Streamlined Forensic Reports (SFR) are an abbreviated expert reporting format implemented following the 2012 publication of the UK government criminal justice reform plans (UK Government, 2012). The aims of streamlining forensic science reporting were threefold:

- lower risk of discontinuance – the efficient and timely serving of forensic conclusions to the defence, informing them of the evidence at the earliest stage, with the aim of minimising delay
- improvement in the early guilty plea rate – the accused, faced with incriminating findings would more often concede, reducing the number of unnecessary trials
- reduction in the number of cases requiring additional forensic evidence – a minimalist forensic strategy advocating completion upon identification of the first significant finding(s), with associated time and cost savings

The implementation of SFR coincided with the expansion of the Criminal Procedure Rules and Practice Directions, prompted by 2011 Law Commission recommendations (Law Commission, 2011), which advocated greater scrutiny of expert findings at the admissibility stage and proposed detailed criteria for assessment, currently summarised in [Practice Direction 7.1](#).

The minimalist approach to reporting inherent in the SFR process risks omission of the very information that might reasonably assist Counsel in addressing the recommended admissibility criteria.

Aims

This research considers three overarching aims:

1. To determine the effectiveness of current process and practice in ensuring expert findings presented in SFR format, compared to those in expert witness statement-format, are sufficiently reliable and intelligible to be admissible.
2. To consider how amendments to current SFR format and process might better facilitate assessments of reliability, intelligibility, and hence admissibility of existing and emerging forms of forensic science findings.
3. To make recommendations pertinent to reporting format, process and policy, and to consider novel approaches to reporting expert findings, with the aims of ensuring pre-trial reliability and intelligibility of expert findings, and facilitating their admissibility assessment.

Research methodology

This research considers four streams: Police, Expert, Legal, and Regulatory, aiming to address issues and engage research participants relevant to each stream. This is organised in three

phases:

Phase one

Phase one of this research, currently reaching completion, has comprised interviews with a variety of industry stakeholders for the four streams, to explore their attitudes to and experiences of expert reports. Data from the interview phase has been subject to thematic analysis, and used in part, to inform aspects of Phase two.

Phase two

Phase two of this research, currently ongoing, includes an industry-wide survey, seeking to understand the experiences of both producers and users of expert reports in the criminal justice system of England and Wales, with the aim of documenting participants' experiences of the various formats of expert report issued in criminal cases, and in particular, their effect in facilitating understanding of the significance of expert findings and assessments of admissibility – whether expert conclusions in the various reporting formats are accessible and assessable.

Phase two also includes an analysis of the principal researcher's own expert reporting experiences. As a consultant forensic scientist and chartered forensic practitioner, currently defence-instructed, she has an overview of reporting from across the forensic science industry. These casework experiences are a source of examples related to admissibility, and forensic science reporting decisions, particularly in relation to activity level and evaluative expert opinions.

Phase three

Phase three of this research, commencing imminently, plans to test admissibility assessment processes in an event entitled An Expert Evidence Virtual Summit, which will attempt to demonstrate the effect of expert report type on understanding of evidential significance and assessments of admissibility by asking participants (experts and legal teams) to conduct their professional/expert functions in fictional case studies. This phase will be a collaboration with experts in other specialisms.

Research participation

The researcher is currently conducting a [survey seeking police officer and police-employed expert participation](#).

The aims are to investigate the experiences of those who issue or use expert reports during the course of their work in the criminal justice system of England and Wales.

The survey is open to police officers who receive and use expert reports during the course of their investigations, and experts of every specialism who issue reports to the CJS. The survey is also open to criminal solicitors and barristers.

Responses are completely anonymous. Completion is estimated to take around 15 minutes.

References

UK Government. (2012) Swift and sure justice: The Government's plans for reform of the criminal justice system: Ministry of Justice, Cm 8388.

The Law Commission (2011) Expert evidence in criminal proceedings in England and Wales, HC 829.

Tags

- [Criminal justice](#)