

# National Forensic Science Protocol

Accessing Forensic Science Services in Scotland

An agreement between the Crown Office & Procurator Fiscal Service,  
the Association of Chief Police Officers in Scotland  
and the Scottish Police Services Authority.

2009



**FORENSIC SERVICES**  
**SCOTTISH**  
**POLICE**  
**SERVICES**  
**AUTHORITY**

## **Introduction**

1. As a general rule, work may be commissioned and authorised before or after a report is submitted to the Procurator Fiscal. Work commissioned before a report is submitted to the Procurator Fiscal will be authorised by the relevant Forensic Science Gateway. When a case is reported to the Procurator Fiscal the commissioning of work will be achieved by the relevant Procurator Fiscal e-mailing a Standard Forensic Instruction (SFI) (Annex 3) to the SPSA Forensic Services with a copy of that request being sent to the relevant Forensic Science Gateway. The relevant e-mail addresses are listed in Annex 2.
2. The Forensic Science Gateway is the point of entry and exit for all cases requiring forensic examination submitted by the police.
3. Except in drugs cases, and subject to what is said below, the scientific examination of productions will not generally proceed without specific instructions from the Procurator Fiscal.
4. Any reference to “the report” in this document will refer to the standard police report, unless otherwise specified.
5. Any reference to “Procurator Fiscal” in this document will refer to the Procurator Fiscal, or the person in the Procurator Fiscal’s office to whom the case has been allocated as intimated on the SFI.
6. Any reference to the "SPSA" in this document will refer to the Scottish Police Services Authority.
7. Any reference to the “Gateway” in this document will refer to the Forensic Science Gateway. The Gateway is a dedicated Unit within each police force designed to provide an efficient system for the assessment and delivery of forensic services within the criminal justice system. The Gateway will be instrumental in the drive to enhance the efficiency of forensic services in Scotland through partnership working and local liaison across the criminal justice community.
8. Following a request from the police the Gateway will require to consider whether the request is in accordance with Force priorities and assess whether the work requires to be carried out to pursue this case in light of other evidence and priorities within SPSA Forensic Services Centre. Having authorised the examination the Gateway will arrange for the request to be forwarded to the Forensic Services Centre and arrange delivery of the relevant productions.
9. Following submission of a SFI from the Procurator Fiscal, the Gateway will, subject to local procedures, arrange for the police to lodge the relevant productions with the Forensic Services Centre within 7 days. However, where the instruction relates to a custody case the relevant productions should be delivered immediately. Gateways will ensure that there is an effective system in place to monitor compliance.

10. The allocation of work and the timetabling of examinations within the laboratory is ultimately the preserve of the Head of Operations within the Forensic Services Centre who will take into account the requirements and the priorities of both the Procurator Fiscal and the police. Nominated representatives from the Forensic Services and or the Gateway may consult with the Procurator Fiscal Legal Manager and the forensic science practitioner to resolve any issue regarding the appropriateness or timing of any forensic science request. In the event that competing priorities cannot be resolved the issue will be referred by the nominated representative from the Gateway to the dedicated point of contact with each Procurator Fiscal's Office and the relevant Head of Operations. In the event that competing priorities cannot be resolved the matter will then be referred to the police representative from the Forensic Science Advisory Group, the SPSA Forensic Services Director, and the Area Procurator Fiscal.

**Before a report is submitted to the Procurator Fiscal**

11. In the following circumstances it will be appropriate for the police to instruct the scientific examination of productions before a report is submitted to the Procurator Fiscal:
  - (i) When investigating a crime, to obtain sufficient evidence to allow a report to be submitted for the consideration of the Procurator Fiscal;
  - (ii) When investigating a major or serious incident, to determine whether or not a crime has been committed;
  - (iii) When investigating a complaint against police, to prepare a report for submission to the Area Procurator Fiscal;
  - (iv) When investigating a fire, to determine whether it requires to be reported to the Procurator Fiscal, where:
    - (a) Life has been endangered,
    - (b) Serious injuries resulted, or
    - (c) Death has been caused (whether or not a crime has been committed and a suspect identified); and
    - (d) When investigating a sudden or suspicious death (subject to paras 36 and 57 below).

## **Criminal Investigations**

12. If, during the investigation into a crime, scientific examination of productions is necessary to identify whether there is sufficiency of evidence, the police will instruct the necessary examination. The report submitted to the Procurator Fiscal will therefore contain a reference to the outcome of the scientific examination. In most cases no further action need be taken by the Procurator Fiscal other than to order that a copy of the scientific report be lodged as a production. The SFI requesting the lodging of the scientific report should be sent in accordance with paragraph 1 above.
13. In cases of doubt or difficulty as to whether sufficient investigation has been carried out to allow a report to be submitted to the Procurator Fiscal, the Procurator Fiscal should be consulted by the investigating officer.
14. It is recommended that the investigating officer consult the Procurator Fiscal in advance of submitting a report in all major criminal investigations and in particular in a case involving homicide or potential homicide.
15. The investigating officer must commission any laboratory work that is necessary to obtain sufficient evidence to justify the submission of a report. Before commissioning any further laboratory work beyond that necessary to allow the Procurator Fiscal to take proceedings, the investigating officer must consult the Procurator Fiscal. The commission of any further work will be instructed by the Procurator Fiscal.
16. Where scientific work requires to be carried out before the submission of a police report to the Procurator Fiscal every endeavour should be made to have that work carried out expeditiously. Where uncorroborated evidence links an individual to a crime and forensic opportunities exist the investigating officer will immediately submit a forensic request in order that the Gateway can consider the circumstances and apply appropriate priority to the request in line with existing force protocols.
17. If there is enough evidence to justify charging an accused and reporting the case to the Procurator Fiscal without carrying out a scientific examination, the case will be reported and the productions will be retained by the police pending the Procurator Fiscal's instructions.
18. For example, in a serious assault case where the victim identifies the accused and there is other evidence such as a confession or eyewitness evidence, the case will be reported without any scientific examination. Any productions will be retained but will not be examined by Forensic Services unless the Procurator Fiscal instructs that this should be done in accordance with paragraph 1 above.

## Drugs Cases

### Cases which are likely to result in Summary Proceedings or Alternative to Prosecution

19. A report may be submitted to the Procurator Fiscal without obtaining full analysis of the substance in the following circumstances:

(i) *Cannabis and its derivatives*

The presence of the substance has been indicated by a presumptive test in accordance with Annex 1.

(ii) *Brown powders suspected of containing Diamorphine*

The presence of Diamorphine has been indicated by a police presumptive test or a presumptive test carried out in the laboratory by a single forensic scientist or technician.

(iii) *White powder/tablet(s) suspected of containing ecstasy*

The presence of an ecstasy type substance has been indicated by a police presumptive test or a presumptive test carried out in the laboratory by a single forensic scientist or technician in accordance with Annex 1.

(iv) *White powder/tablet(s) suspected of containing amphetamine*

The presence of an amphetamine type substance has been indicated by a presumptive test carried out in the laboratory by a single forensic scientist or technician in accordance with Annex 1.

(v) *White powder suspected of containing cocaine*

The presence of cocaine has been indicated by minimum scientific analysis or a presumptive test carried out in the laboratory by a single forensic scientist or technician in accordance with Annex 1.

(vi) *Substance suspected of containing lysergic acid diethylamide (LSD)*

The presence of lysergic acid diethylamide has been indicated by minimum scientific analysis or a presumptive test carried out in the laboratory by a single forensic scientist or technician in accordance with Annex 1.

(vii) *Substance suspected of being magic mushrooms (containing psilocin)*

The presence of psilocin or an ester of psilocin has been indicated by minimum scientific analysis or a presumptive test carried out in the laboratory by a single forensic scientist or technician in accordance with Annex 1.

(viii) *Substance suspected of containing methadone*

The presence of methadone has been indicated by minimum scientific analysis

or a presumptive test carried out in the laboratory by a single forensic scientist or technician in accordance with Annex 1.

(ix) The controlled drug or medicinal product is in a sealed container bearing a label identifying the contents of the container or the substance has a characteristic appearance having regard to its size, shape, colour and manufacturer's mark, and the substance has been identified by an authorised forensic scientist in terms of Section 282 of the 1995 Act.

20. **Full Laboratory analysis** must **only** be carried out in circumstances (ii) to (viii) above if a plea of not guilty is tendered and evidence of the identification of the drug is required for trial. This will only be instructed by the Procurator Fiscal in accordance with paragraph 1, above, and the table at paragraph 61, below.
21. In the event of a not guilty plea in circumstance (ix) a report will be prepared by an authorised forensic scientist in accordance with section 282 of the 1995 Act. Full analysis will only be instructed by the Procurator Fiscal if that report is not accepted by the defence in terms of section 282(3).

#### Cases which are likely to proceed by way of solemn procedure

22. In cases that are likely to proceed by way of petition, whether or not the accused is in custody, a report should be submitted to the Procurator Fiscal without obtaining full analysis as per paragraph 19, above.
23. Where the accused is reported in custody the police must lodge the drugs with the relevant SPSA Forensic Services Centre. Where an accused is not reported in custody the substance will be retained by the police until such time as the Procurator Fiscal gives an instruction to have the substance lodged with the laboratory and a full analysis carried out.
24. Where the accused is Committed for Further Examination (CFE) **in custody**, the Procurator Fiscal will submit a SFI requiring the result of the initial examination be confirmed by full laboratory analysis prior to Full Committal (FC), otherwise the Procurator Fiscal will specify a date by which the full scientific report is required (see table below at paragraph 61).
25. A scientific report should be submitted by the relevant SPSA Forensic Services Centre to the Procurator Fiscal and a copy provided to the police after a full analysis has been carried out.

#### **Road Traffic Cases Involving Alcohol or Drugs**

26. Where evidence of the level of alcohol or drugs in a blood or urine sample is necessary before a report can be submitted to the Procurator Fiscal, analysis of the sample may be authorised by the officer in charge of the case. If there is doubt as to sufficiency of evidence in regard to other crucial matters the Procurator Fiscal should be consulted before analysis is instructed.

#### **Forensic Chemist**

27. A forensic chemist may be called out when a person is detained or arrested in relation to an offence involving a suspected drug for which either no presumptive test is available or the officer carrying out the test encounters significant problems. The forensic chemist should not be called out unless it is intended to keep the suspect in custody for report to the Procurator Fiscal and evidence of the nature of the substance is required to submit such a report.

### **Serious Crime**

28. Any laboratory work which is commissioned before a police report is submitted to the Procurator Fiscal will be authorised by the appropriate Senior Investigating Officer and submitted to the Gateway. It is expected however that the nature and extent of the work commissioned will have been discussed with the Procurator Fiscal prior to submission of the items and authorisation.

### **Major or Serious Incidents**

29. The Senior Investigating Officer, in consultation with the Procurator Fiscal if necessary, should commission and authorise Laboratory work through the Gateway to determine whether a crime has been committed. If and when it is determined that a crime has been committed, the rules relating to the investigation of a serious crime should apply.
30. The SPSA - Forensic Services will provide a 24-hour call out facility for major crimes or incidents.

### **Complaints Against Police**

31. Any scientific work required to be carried out to allow a full report to be submitted to the Area Procurator Fiscal may be commissioned and authorised by the Deputy Chief Constable responsible for the investigation of such complaints. The Area Procurator Fiscal should be consulted in advance in cases of doubt or difficulty if instructions have not already been given following submission of the initial report.

### **Fire Investigations**

32. A fire investigation examiner may be required to attend a scene of a fire in the following circumstances:
- Where death has resulted or is likely to result or where persons have been seriously injured;
  - Where the fire is significant and suspicious and the investigating officer considers the attendance of an examiner desirable.
33. The investigating officer should seek the advice of the Fire and Rescue Service and scenes of crimes officers who are in attendance at the fire.
34. The responsibility for requesting the attendance of a fire investigation examiner is that of the Senior Investigating Officer before a report of the fire is submitted to the Procurator Fiscal. The Procurator Fiscal may be consulted in advance of a report being submitted.

## **Sudden or Suspicious Deaths**

35. No specific examination in relation to the investigation of a sudden or suspicious death should be commissioned without the express authority of the Procurator Fiscal whether or not the matter has been reported by means of a standard police report to the Procurator Fiscal. The Procurator Fiscal should instruct all necessary work and give written authorisation for that work together with the timescale to be observed.

In cases of urgency, where there is insufficient time for the police to obtain the relevant standard form from the Procurator Fiscal, verbal instructions will suffice. In that event the work proceeds on the authority of the Senior Investigating Officer and the Procurator Fiscal will complete the standard form instructing the work as soon as possible thereafter in accordance with paragraph 1 above.

36. The SPSA - Forensic Services will provide a 24-hour call out facility for suspicious deaths and major crimes or incidents. The Procurator Fiscal should be consulted in relation to suspicious deaths.

## **After a report is submitted to the Procurator Fiscal**

### **Summary Cases**

37. Once the report has been submitted to the Procurator Fiscal (in respect of a criminal case or a death) it is the Procurator Fiscal's responsibility to instruct any scientific examination of productions. In general, no additional forensic science work should be requested in summary cases. The only exceptions will be DNA database hits and drugs cases in which there is insufficient evidence without full analysis. The police will not instruct forensic science work after a report is submitted to the Procurator Fiscal including cases in which there has been a DNA database hit. This will be instructed by the Procurator Fiscal.

There may be very exceptional cases where the offence or the offender, while being relatively minor, is high profile and proceedings are inevitable. In those circumstances it will be permissible, if necessary and where the evidence would be insufficient otherwise, to instruct the minimum necessary forensic science work but only with the consent of the District Procurator Fiscal or their nominated representative following the submission of a report to them enclosing a copy of the police report and setting out the reasons why the forensic science evidence is necessary. In relation to drugs cases see below on cannabis and derivatives.

The guidance in paragraphs 37 to 46 should be read in this context.

## **Non Drugs Cases**

### The report does not disclose a sufficiency of evidence

38. Where scientific examination is required to achieve a sufficiency of evidence, the Procurator Fiscal will instruct the necessary work by submission of a SFI in accordance with paragraph 1 above. In summary cases forensic examination should only be instructed in exceptional circumstances, as per the instructions in paragraph 36 above.

### The report does disclose a sufficiency of evidence

39. Where the available evidence is sufficient without the scientific examination of productions, examination should only be instructed in exceptional circumstances, as per the instructions in paragraph 36 above.
40. If the report discloses a sufficiency of evidence but the Procurator Fiscal requires further work to be carried out (only on the authority of the District PF or their nominated representative), the Procurator Fiscal will complete a SFI in accordance with paragraph 1 above.
41. In such cases where the Procurator Fiscal decides, after the accused pleads not guilty, that an examination should be carried out, a SFI should be e-mailed in accordance with paragraph 1 above.
42. It is essential that the request for forensic analysis is made as early as possible to allow for service at or before the intermediate diet. Instructions should therefore be issued no later than the next working day after the pleading diet. In any case where late instructions are contemplated the case should be discussed with a nominated representative of the Forensic Services. If the accused is to be remanded in custody, discussion should take place with the nominated representative of the Forensic Services prior to the case being marked to confirm that it is possible for the forensic examination to be completed within the custody timescales – summary custody forensic reports should be rare as the timescales directly conflict with the requirements of solemn business.

## **After a report is submitted to the Procurator Fiscal**

### **Drugs Cases**

43. Where there is a sufficiency of evidence but the Procurator Fiscal requires scientific work to be carried out prior to marking the case, the Procurator Fiscal will submit a SFI in accordance with paragraph 1 above. This should only be required in exceptional cases (see para 36 above).
44. In drugs cases summary proceedings may be raised on the basis of presumptive testing (see paragraph 19). In the event that a full analysis is required for trial see para 46 below.
45. In cases where the accused is reported in custody and the Procurator Fiscal has instructed some analysis before the accused's first appearance in court, the full

analysis can continue without further instruction (although the report will require to be specifically requested using a SFI ).

46. Where a drugs case is reported, other than on the strength of a presumptive test or minimum laboratory analysis, there is normally no need for the Procurator Fiscal to instruct further examination of the drugs as the analysis will have been completed before the case is reported to the Procurator Fiscal (although the science report will require to be specifically requested using a SFI in accordance with paragraph 1 above).
47. Where scientific work is required to provide evidence at a summary trial, the Procurator Fiscal will e-mail a SFI in accordance with paragraph 1 above. The scientific report must be submitted to the Procurator Fiscal not later than 10 days before the Intermediate Diet.

### **After a Report is Submitted to the Procurator Fiscal**

#### **Solemn Cases**

#### **Pre-petition Cases**

48. Some analysis may be required by the Procurator Fiscal at the pre-petition stage. Where this is required and the Area PF has authorised, the Procurator Fiscal will discuss the case with the relevant SPSA - Forensic Services Centre before completing a SFI in accordance with paragraph 1 above at the marking stage of the case. (see table below at paragraph 60).

#### **Solemn Cases**

#### **Priority Petition Warrants**

49. In certain circumstances the Procurator Fiscal may have to investigate a case, including the precognition of witnesses, before the accused has appeared in court, for example where there are vulnerable witnesses. The Procurator Fiscal may therefore require forensic examination to be completed at this stage. Where this is necessary, the Procurator Fiscal will discuss the case with the relevant SPSA - Forensic Services Centre before completing a SFI in accordance with paragraph 1 above at the stage of marking the case for a warrant. (see table below at paragraph 60).

## **CFE & FC**

50. The Procurator Fiscal can ask for the accused to be committed for further examination (CFE) for a period of up to 8 days without being able to demonstrate a legal sufficiency of evidence. However, when seeking full committal (FC), the Procurator Fiscal must be able to demonstrate to the court that there is a fully corroborated case. The Fiscal may therefore require forensic examination to be completed between CFE and FC to obtain a sufficiency of evidence. Where this is required, the Procurator Fiscal will discuss the case with the relevant SPSA - Forensic Services Centre before the case papers are sent to court, in order to confirm what can be achieved by FC and before completing a SFI in accordance with paragraph 1 above (see table below at paragraph 60).
51. In exceptional circumstances, work may be commissioned and carried out under the authority of the Senior Investigating Officer, or other appropriate senior police officer, on the verbal instructions of the Procurator Fiscal who will complete the relevant SFI thereafter and e-mail it as soon as possible.

## **Custodies**

52. When an accused person is detained in custody after full committal, time for further investigation is very limited. The Procurator Fiscal's Office will intimate the name of the members of staff with whom the allocated Forensic Services Personnel can discuss the extent of the scientific examination. This will be the solemn legal manager. The precognoscer who has been allocated the case may also seek to have an early meeting or discussion with the Senior Investigating Officer.
53. The Procurator Fiscal will submit a SFI not later than the next working day after FC – *where possible forensic examination should be instructed the day after CFE to offer the relevant SPSA - Forensic Services Centre a further week to complete the work.* A full scientific report requires to be submitted to the Procurator Fiscal within 42 days of Full committal in solemn cases.
54. The Procurator Fiscal must be advised as soon as any circumstances arise which may result in the target date being missed. The Procurator Fiscal may agree an alternative timescale with the relevant SPSA - Forensic Services Centre including provisional scientific reports as necessary.
55. Where it is apparent to the relevant SPSA - Forensic Services Centre that work cannot be done within the specified time scale, the matter must be discussed with the Procurator Fiscal and a timescale agreed together with the provision of any preliminary or provisional scientific reports thought necessary as work advances.

## **Bail Cases**

56. Where an accused person is liberated on bail, the Procurator Fiscal's Office will intimate the name of the member of staff to whom the case has been allocated for precognition. The precognoscer or the solemn legal manager may discuss the case with the Senior Investigating Officer before completing a SFI specifying the productions to be examined, the analysis required and the date by which it is to be completed. The form will be submitted in accordance with paragraph 1 not later than 7 days after CFE
57. Where bail has been granted, the scientific report should be received within 5 months of the instruction.

## **Investigation of Deaths**

58. In the event that a report of a death requires further inquiry which is not connected to a criminal inquiry, the Procurator Fiscal will instruct and authorise any necessary scientific work in accordance with paragraph 1 above.
59. The Procurator Fiscal requires to complete the investigation within the 12 weeks of the date of death. The Procurator Fiscal will instruct any scientific work not later than 7 working days after the cause of death has been established and the scientific report will be submitted not later than 7 weeks after the instruction.

## **Complaints Against the police**

60. Generally, the scientific analysis will have been carried out before the report is submitted to the Area Procurator Fiscal. However, if any further scientific analysis is required by the Area Procurator Fiscal this will be instructed in consultation with relevant Complaints and Discipline Department. The Full Scientific report will be submitted to the Area Procurator Fiscal not later than 7 weeks after the instruction.

## Time Limits for Scientific Analysis

61.

	The Procurator Fiscal will issue instruction (by e-mailing the standard form in accordance with paragraph 1 <b>not later than...</b>	An Interim Report (for the purpose of establishing a sufficiency) will be submitted to the PF <b>not later than...</b>	The Full Scientific report will be submitted to Procurator Fiscal <b>not later than...</b>
<b>Summary Cases</b>			
Custody	The next working day after the pleading diet		10 days before the intermediate Diet.
Priority Bail	The next working day after the pleading diet		10 days before the intermediate diet
Bail	The next working day after the pleading diet		10 days before the intermediate diet
<b>Solemn Cases</b>			
CFE custody	(The Procurator Fiscal will discuss the case with the relevant laboratory <u>before</u> the case papers are sent to court and then submit a SFI) The same day as CFE	By 4pm on the day before FC	
FC custody	The next working day after FC if necessary but the next working day after CFE wherever possible		42 days after instruction in Sheriff and Jury cases. 42 days after FC in High Court cases
Priority Bail	7days after CFE		60 days after the instruction
Priority Petition Warrants	At the marking stage		4 months after the instruction
Pre-petition Cases	At the marking stage		42 days after the instruction
Bail	7 days after CFE		5 months after the instruction

<b>CAP</b>	7 working days after receipt of the full report		7 weeks after the instruction
<b>Death</b>	7 days after cause of death established		7 weeks after the instruction

62. "Priority Bail" is a bail case which the Procurator Fiscal has identified a need to prepare the case close to the timescales envisaged in custody cases. These include cases involving vulnerable or child witnesses or accused, cases vulnerable to a challenge on grounds of ECHR delay and Murder cases.
63. If in individual cases there are exceptional circumstances which render the relevant timescale impossible, the relevant SPSA - Forensic Services Centre should intimate this to the Procurator Fiscal. If required the Gateway will facilitate resolution of this issue in terms of paragraph 10 above.

## **ANNEX 1 : Presumptive Testing and Minimum Laboratory Analysis**

### Cannabis and its derivatives

Cannabis can be identified by:

- ◆ a presumptive test carried out in the laboratory by two forensic scientists or technicians or by two suitably experienced officers; **or**
- ◆ a presumptive test carried out by one forensic scientist or technician or a suitably experienced officer **corroborated** by an admission as to the nature of the drug or by other evidence tending to identify the drug.

Corroboration is required because the matter can go to trial in summary cases on the basis of the presumptive test. If due to other circumstances relating to either the offence or the offender, full analysis is thought necessary, such analysis will take place only with the consent of the District Procurator Fiscal or nominated representative. The Procurator Fiscal Depute will submit a copy of the report to the District PF or nominated representative with a minute setting out the reasons why analysis is necessary.

### Diamorphine

Although the presumptive test cannot distinguish between Diamorphine and Morphine, Morphine would not normally occur as a brown powder – it would be expected as a liquid or in tablet form.

The presumptive test is reliable in the environment it operates in – i.e., where there are other indications of what the substance is.

### Ecstasy

The definition in Schedule 2 to the Misuse of Drugs Act is generic covering a number of substances generally referred to as Ecstasy. Ecstasy is labelled as:

“a controlled drug, namely a compound, or compounds of the type specified in paragraph 1(c), Part I of Schedule 2 to the aftermentioned Act commonly known as “ecstasy” and being a Class A drug in terms of said Act”.

Consequently, although the presumptive test for ecstasy cannot differentiate between MDA, MDMA, MDEA and MBDB, it is of no moment. Whichever particular variant of the drug is involved, the reference to the generic paragraph will cover them all.

To augment the reliability of the presumptive test result, the tablet itself will usually bear a logo familiar to police officers. The presumptive test for ecstasy type drugs is the same as for Diamorphine, and a blue-black colour is observed, which is simple to interpret.

### Amphetamines

The presumptive test cannot distinguish between Amphetamine and Methylamphetamine. Methylamphetamine is a class A drug and Amphetamine is a class B drug. The level of Methylamphetamine in Scotland is de minimis and therefore the crown should label the substance as Amphetamine. If a plea of not guilty is tendered there will be a full analysis. The label should be reviewed upon receipt of the full

analysis.

### Cocaine

An immunoassay test can be used to indicate the presence of cocaine. A presumptive colour test may also be carried out.

### Substance suspected of containing lysergic acid diethylamide (LSD)

A suitable presumptive test or gas chromatography mass spectrometry (GCMS) analysis can be used to indicate the presence of lysergic acid diethylamide (LSD).

### Substance suspected of being magic mushrooms (containing psilocin)

A suitable presumptive test or gas chromatography mass spectrometry (GCMS) analysis can be used to indicate the presence of psilocin or an ester of psilocin in fungus.

### Substance suspected of containing methadone

A suitable presumptive test or gas chromatography mass spectrometry (GCMS) analysis can be used to indicate the presence of methadone.

**ANNEX 2 :**

**E-mail contact details for SPSA Forensic Service Centres:**

**Aberdeen – [forensic.lab@grampian.pnn.police.uk](mailto:forensic.lab@grampian.pnn.police.uk)**

**Dundee – [pfsldadmin@tayside.pnn.police.uk](mailto:pfsldadmin@tayside.pnn.police.uk)**

**Edinburgh - [SPSAForensicLabEdinburgh@lbp.pnn.police.uk](mailto:SPSAForensicLabEdinburgh@lbp.pnn.police.uk)**

**Glasgow - [forensicadmin@strathclyde.pnn.police.uk](mailto:forensicadmin@strathclyde.pnn.police.uk)**

**and**

**E-mail contact details for Police Forensic Gateways:**

**Grampian - [ForensicScienceGateway@grampian.pnn.police.uk](mailto:ForensicScienceGateway@grampian.pnn.police.uk)**

**Lothian and Borders - [ForensicScienceGateway@lbp.pnn.police.uk](mailto:ForensicScienceGateway@lbp.pnn.police.uk)**

**SCDEA - [ForensicScienceGateway@scdea.pnn.police.uk](mailto:ForensicScienceGateway@scdea.pnn.police.uk)**

**Tayside - [forensic.science.gateway@tayside.pnn.police.uk](mailto:forensic.science.gateway@tayside.pnn.police.uk)**

**Strathclyde - [ForensicFiscalReqs@Strathclyde.pnn.police.uk](mailto:ForensicFiscalReqs@Strathclyde.pnn.police.uk)**

**Northern - [gordon.greenlees@norther.pnn.police.uk](mailto:gordon.greenlees@norther.pnn.police.uk)**

**Dumfries and Galloway - [Gary.Coupland@dg.pnn.police.uk](mailto:Gary.Coupland@dg.pnn.police.uk)**

**Central - [forensusb@centralscotlanld.pnn.police.uk](mailto:forensusb@centralscotlanld.pnn.police.uk)**

**Fife - [Stuart.Welsh@fife.pnn.police.uk](mailto:Stuart.Welsh@fife.pnn.police.uk)**

**ANNEX 3 :**

**STANDARD FORENSIC INSTRUCTION**

For Lab Use

**Crown Office and Procurator Fiscal Service**  
Standard form for the instruction of Scientific Work

*SECTION 1*

**PF REFERENCE**

**POLICE CRIME REF**

<b>NAME OF LEGAL MANAGER</b>	<b>GRADE</b>	<b>DIRECT DIAL/E-MAIL ADDRESS</b>

	<b>ACCUSED/DECEASED NAME</b>	<b>DATE OF BIRTH</b>
<b>1</b>		
<b>2</b>		
<b>3</b>		
<b>4</b>		
<b>5</b>		

*SECTION 2*

HIGH COURT/ SH & JURY/ SUMMARY/ DEATH/ PRE-PROCEEDINGS  delete as appropriate	CUSTODY/ PRIORITY BAIL/ BAIL/ n/a  delete as appropriate
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<b>COURT DATES (WHERE KNOWN)</b>			
<b>SUMMARY</b>		<b>SOLEMN</b>	
Pleading Diet		CFE	
Intermediate Diet		FC	
Trial			
<b>DEATH</b>		<b>PRE-PROCEEDINGS</b>	
Has FAI been instructed?		Target date	
Court dates (if known)			

SECTION 3

Productions to be Examined	<b>Nature and Extent of Examination</b>	Date Report Required by

To be sent to the Forensic Science Gateway

**STANDARD FORENSIC INSTRUCTION**

**Crown Office and Procurator Fiscal Service**  
Standard forms for the instruction of Scientific Work

*PF REFERENCE*

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Productions to be Examined	<b>Nature and Extent of Examination</b>	Date Report Required by



## ANNEX 4

### **Satisfying corroboration requirements when assistants are used in laboratory casework**

#### ***PROPOSAL***

This paper produces a revised proposal for corroboration in terms of Section 281 of the 1995 Act and the test set out in Birmingham that each signatory to a Forensic Science Report will be able to give sufficient evidence of any fact or conclusion as to fact contained in the Joint Report.

For the avoidance of doubt it is essential that the forensic examination and report should satisfy the statutory provision and the interpretation of the provision by the court. This note provides guidance on how this should be done.

The procedure for both chemistry and biology follows a similar process and this is referred to below.

At any point in the process the Assistant can refer the case back to the Supervising Officer or other Authorised Forensic Scientist for guidance or further instructions and this will be annotated in the case file.

The process:

Stage 1 – Following receipt at the laboratory, a case may be allocated to an assistant or may be self-selected by an assistant. In either event before any work is started, a Supervising Officer will be appointed. A written record will be kept on the file of the appointment and the Supervising Officer who will be the lead signatory to the Report. All casework is initiated and performed under the direction and control of the Supervising Officer, an Authorised Forensic Scientist who will be one of the signatories to the Joint Report. At all times the case will be under the control of the Scientists.

The first stage involves the Supervising Officer discussing the case with an Assistant. This discussion may not be face to face and may be by written communication. Any instructions and communications will be recorded on the file. The Assistant will not normally be an authorised Forensic Scientist. Assistants are Forensic Scientists or Technicians who have appropriate academic qualifications and have completed the training appropriate to their role/task and may in the fullness of time become Authorised Forensic Scientists.

At the first stage, the Supervising Officer must agree the way forward, i.e. the process which will be followed. The work will be conducted under standard operating procedures and this will be recorded on the file.

In order to achieve this it may be that the Assistant will be tasked with assessing the case against the examination request and will draft a written instruction which is reviewed by the Supervising Officer. Only when the Supervising is satisfied that this instruction is appropriate will s/he approve and authorise the work. The Supervising Officer need not sign the labels attached to the productions at this stage. The agreed

instructions will be noted in the case file and signed/initialled and dated by the Supervising Officer.

This initial discussion and input by the Supervising Officer is considered to be crucial in the process. . It should only be in exceptional circumstances that the initial Supervising Officer will not be one of the Reporting Officers.

In the event that the initial Supervising Officer does not become one of the Reporting Officers, in which case it is essential that the agreed instructions are reviewed, accepted and adopted by the eventual Reporting Officers (with or without amendment) and this documented on the file.

The role of the corroborating scientist will be in accordance with standard operating procedures. The corroborating scientist can contribute to the discussion of the analysis and interpretation, and issue instructions at any stage in the process.

Stage 2 – the Assistant will open the label productions and note a description. Depending on the production and the type of analysis the Assistant will describe, weigh, obtain etc any sample which is required to allow the analysis to be carried out. This will be recorded on the file by the Assistant.

Trace cases are those involving paint/glass/glass/blood/clothing fibres etc. There will be only 1 production open on a work station at any time during the initial examination / recovery / sampling stage. All reasonable precautions should be taken in accordance with standard operation procedures to avoid cross contamination.

In trace cases any visible staining/debris is noted by the Assistant and, if debris is being removed, this will be witnessed by a colleague and debris sample collected by the Assistant. If there is staining or a blood pattern, this will normally be witnessed later. This is in accordance with standard operating procedures. The colleague could be one of the Reporting Officers, an Unauthorised Forensic Scientist or a Technician. The details of this person should be recorded on the file. All Assistants will have appropriate academic qualifications and have completed the training appropriate to their role/task and may in the fullness of time become Authorised Forensic Scientists.

The process used by the Assistant is governed by standard operating procedures under the supervision and direction of the Supervising officer.

If the staining/debris is not visible there is no mandatory requirement for witnessing of the process of recovery by the Assistant.

Stage 3 - the agreed samples are analysed following standard operating procedures.

In for example drugs cases the samples are analysed on the various instruments. There is an independent quality control check including a check on the loading sequence by a colleague (as above).

In trace cases the results will be discussed between the Supervising Officer or other Authorised Forensic Scientist and the Assistant. The Supervising Officer may, at this stage, instruct further work to be carried out by the Assistant. The further work will also be carried out in accordance with standard operating procedures.

*Stage 4 – the First Reporting Officer will review the case file and carry out his/her own independent assessment which will involve checking instructions, notes, and results, and signing labels.*

S/he will prepare or commission a draft report once s/he is satisfied with his/her independent assessment. If the draft report is commissioned it may be drafted by an Assistant for approval by the Reporting Officer.

Stage 5 – the Second Reporting Officer will then receive the case file and carry out an appropriate review of the case. In some cases such as drugs and volume crime this will simply be a limited independent assessment, involving checking over the file/case notes, the productions and signing the attached labels. In more complex cases (e.g. involving blood pattern or similar evaluation/interpretation issues) it will be necessary to review in greater depth in order to ensure that the conclusions of the report are fully shared and supported by both Reporting officers

Both Reporting Officers will thereafter approve and sign the Joint Forensic Science Report.

Stage 6 – the Joint Report is authorised. The Report and productions are then returned to the appropriate person/organisation.

N.B. It is essential in law that these processes are followed. The processes are designed to ensure the integrity of reports and that the signatories can speak to report contents and conclusions in keeping with Section 281 as set out overleaf and approved in the Birmingham case.

## **Annex A**

### Section 281(2) and (3) Criminal Procedure (Scotland) Act 1995

(2) At the time of lodging an autopsy or forensic science report as a production the prosecutor may intimate to the accused that it is intended that only one of the pathologists or forensic scientists purporting to have signed the report shall be called to give evidence in respect thereof; and, where such intimation is given, the evidence of [one of those pathologists or forensic scientists] shall be sufficient evidence of any fact or conclusion as to fact contained in the report and of the qualifications of the signatories, unless the accused, not less than

(i) in the case of proceedings in the High Court, seven days before the preliminary hearing;

(ii) in any other case, six days before the trial; or (in either case)

by such later time before the trial as the court may in special circumstances allow, serves notice on the prosecutor that he requires the attendance at the trial of the other pathologist or forensic scientist also.

(3) Where, following service of a notice by the accused under subsection (2) above, evidence is given in relation to an autopsy or forensic science report by both of the pathologists or forensic scientists purporting to have signed the report, the evidence of those pathologists or forensic scientists shall be sufficient evidence of any fact (or conclusion as to fact) contained in the report.

## **Annex B**

Birmingham v HMA 2004 SCCR 354

“However, in the circumstances of the present case we find that the preliminary work which was accepted by each of the signatories was performed by suitably qualified assistant forensic scientists working within the same laboratory and in accordance with recognised laboratory procedures. The work was monitored for adherence to those procedures. They worked as subordinates in relation to the signatories who adopted their work as the basis on which they applied their own expertise in determining the existence and significance of matches between the DNA profiles. We are satisfied that, on the evidence which was led at the trial, each of the signatories could competently give hearsay evidence in regard to the work which had been performed by the assistant forensic scientists, and accordingly there was no break or deficiency in the evidential chain.”