

FIAD Committee Meeting 16th October 2018

Regus, Birmingham

The meeting opened at 11am.

ACTION

1 Attendance:

Jacque Pestell	JP	FIAD Chair
Clive Evans	CE	FIAD
David Spreadborough	DS	FIAD
Jake Blythe	JB	FIAD
Lucy Neale	LN	FIAD
Anya Hunt	AH	CSFS
Nicola Schumacher	NS	CSFS
<i>Gill Tully joined from 11.30am to 1.30pm.</i>	GT	FSR

2 Apologies for absence

There were no apologies for absence.

The Forensic Science Regulator (FSR) Dr Gillian Tully was joining the meeting at 11.30am. A presentation had been prepared. The aim of the meeting was to discuss how FIAD can support the FSR with standards and accreditation for image analysis.

JP gave an overview of the new FIAD committee. This was a smaller focussed group. FIAG had met with the previous Regulator Andrew Rennison a number of years ago and nothing had come from that meeting. JP and the new FIAD committee were keen to change that and work with the FSR moving forward.

Notes on the presentation (*copy available if required*):

The presentation largely led by a concern that the judiciary do not know what image analysts do. This is a concern that GT also shares.

In today's world there are numerous varieties of imagery evidence available. Not just CCTV! There is familiarity with imagery but not an understanding of its complexity. This lack of understanding exists within the police, judiciary, and legal profession. Image analysis is not just looking at pictures.

The value of drafting a primer for image analysis was discussed. GT noted that the drafting of the primers is run and led by the judiciary, they choose the topics covered, but this can be influenced.

(Ref slide 13) There are limitations to image analysis that image analysts are aware of but that the courts are not aware of. This slide contains a list of analytical considerations that image analysts take into account as part of their work.

(Ref slides 14/15) There are also technical considerations within image analysis. Light conditions etc. affect whether CCTV recorded within the usual visible spectrum. Outside of the normal visible spectrum (near infrared/infrared recordings) colours etc. are changed. See examples in slide 16.

(Ref slides 17-20) A further issue that arises is on the topic of 'playable copies'. Often lawyers/barristers are given playable copies of footage. These are fine for a general overview only but create problems due to degradation of the image, the level of detail in the image, the proportions within image (aspect ratio). There is a much better level of data in an original copy. The police and judiciary need to understand that assessments made from a playable copy as opposed to an original

copy are very different. It is important to remember that the full image is evidence, each pixel is a piece of evidence and the original copy is needed to see this.

(Ref slide 21-28) Temporal compression (moving images). Different manufacturers deal with this in different ways. The complexity of macro block analysis is not something that the lay person is aware of. DS was in a meeting with collision investigators recently and they were unaware of macro block analysis. GT noted that DSTL is currently working on a project for collision investigators on frame rate etc.

(Ref slide 32) Image comparison. The primary concern is that image analysis needs to have someone who understands image comparison. In this example there may be aspects of the device that are of interest to a firearms expert. For example at Eurofins the image analyst will write a report in regards to the aspects of image comparison and then send the report to a firearms expert for them to report on the aspects of the actual item as the subject matter expert.

There was discussion about the importance of having the right delineation between experts and the right combination of experts. Where does image analysis start and end. There is the question of what is the expertise that image analysts have to draw certain conclusions.

GT questioned where does the image analyst's expertise stop and another expert's expertise start? For example in slide 32 this image would need to go to a firearms expert to look at items such as scratches etc. as may be firearms expert who can assess on this. Some of the marks and wear and tear may be usual for this particular firearm and so the firearms expert can report on this. There was further discussion on this.

GT it is important to make sure that image analysis evidence is not taken into areas that are not within the image analyst's subject matter expertise, an example being the average occurrence of types of tattoos. It is important to look at the legal basis on this. There is quite a lot of case law/legal precedence on this which GT has recently written a paper on that has gone to her advisory council.

It is important for an expert's conclusion to be within their area of knowledge and expertise. Another example would be the case of a damaged car. The image analyst could prepare an image showing the comparison of a broken light and chip in windscreen, question is whether you need an expert for this, can the court not conclude for themselves that this is the same vehicle. A further point is that expert evidence is necessary only when the court needs it.

It is important to assess who has the right expertise in regards to what question is being asked.

GT understands and appreciates the expertise of image analysis. No one else can do this and the court needs it. Competency assessment is key here. Individuals can have more than one area of expertise, but need to work out how to measure that expertise and show competency.

DS feels that it is the reliability and authenticity of the original evidence / image that is where the area is falling down. That is the image analyst's role. Need to work with other experts who need image analysis to make sure this part is done correctly.

GT added that run the risk of criticism by the courts and damage to reliability of evidence by pushing beyond what is the demonstrable evidence an image analyst can show they are expert to give.

(Ref slide 33) Unqualified experts - there are a number of people within the industry presenting themselves as experts in court and this is very worrying. A lot of education is needed. Also need to look at making sure the right people are making the conclusions.

For GT gaining accreditation in the field will help as experts will have to validate their methods and validate against the Codes of Conduct. This will help against 'bad' evidence. There have been

organisations who have gone for accreditation and UKAS told them to reassess their validation methods. DS seeing issues with some force SOPs being dumbed down for the purposes of accreditation.

Digital evidence transfer system (DETS) were discussed. This is a new system to allow the police and courts to access digital evidence. A number of forces are not keeping the originals but using the DETs due to sheer volume of data and the issue with the storage of video data. Six police forces are piloting DETs. Concern. The project is being run by Digital First on behalf of the NPCC. This might be part of courts modernisation programme. In addition there is a further problem with 'clickshare', whereby screen captures of images will be shown in court rather than the full/original images. There were further discussions on this and the issue of disclosure.

GT noted that she was currently undertaking and review and update of the video appendix to the Codes of Conduct (partly due to concerns regarding facial comparison). DS felt the police forces needed more guidance on this. GT added that the purpose of the appendices were to tell people what must be done and they have to be auditable.

LN is part of the Met's facial comparison team and has been trained in both image analysis and facial comparison and sees that both are intertwined.

GT added that if a statement of principles can be put into place she would work to get the CPS, Home Office and police to sign up to it. There is a need to educate the customer.

DS asked about the acquisition of video as this was at present outside of scope. Currently most acquisition of original images is being done by police officers who may not be trained. This was of concern. Need to look at training and awareness on this. Some forces have been considering training CSIs to do this, but there is a way to go on this. GT plans to revisit. AH asked if there may be a police force willing to act as a pilot for CSIs trained in acquisition. JB added that West Mids have a team dedicated to recovery.

GT left the meeting at 1.30pm.

The FIAD committee meeting as per agenda then commenced.

3 Minutes & Actions from previous meeting March 2018

The minutes of the previous meeting were agreed as a true and accurate record. All actions had now been completed.

In regards to the final action on the Primers this was discussed earlier.

4 Declaration of any other business

- a) House of Lords call for evidence

Evidence had now been submitted for the House of Lords enquiry and the first round of oral evidence had been given. NS had watched and gave a quick overview. This was discussed.

- b) Standardising Methodologies - This had been discussed in the earlier meeting with GT.
- c) Standardising Evaluation/Conclusions
- d) Competency / expertise
- e) CPD/Training
- f) Research and Databases
- g) ENFSI Proficiency Test results

Points b) to g) were discussed as one.

AH needed to look at standardising scope first, and from this would come competency for experts. AH proposed an audit of FIAD members: what they are doing; for whom; what is their area(s) expertise; what training do they have; where are they in line with accreditation; what training do they want; what databases and research resources do you use.

This would create needs analysis matrix and could be conducted as a survey.

From there needed to then look at standardising the scope for image analysts and look at what competency they perceive they have and what they actually have and how to assess and what training is needed. This was discussed in more detail.

JP noted that there was a lot of work about ACE V out there and ACE VR in codes. So really all should be following this. There was further discussion regarding hypothesis.

AH suggested a future workshop around BIAS and managing and working with the customer.

DS also proposed a further CCTV workshop. AH noted there had been a couple of CCTV/Image workshops which had not been well attended. There was a need to engage with the police, College of Policing (CoP).

5 There were no items for information

6 **Date of next meeting**

As per other CSFS divisions would look at quarterly meetings with one face to face and the others as teleconference. Next meeting proposed for January 2019.

7 **Date of next Divisional Chairs teleconference**

15th November. JP would be on the call.

The meeting closed at 3pm.