

Police farming out digital forensic work to unaccredited labs

Investigations outsourced even as rape trials collapse owing to evidence problems

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More than a dozen police forces have outsourced digital forensic investigative work to unaccredited private laboratories in the past year, while a series of rape cases have collapsed because of problems with digital evidence.

The failure of four trials in two months because digital forensic evidence had not been shared with defence teams has shaken confidence in the criminal justice system and triggered a review of thousands of rape cases by the Crown Prosecution Service.

Now fresh concerns have emerged about the basic quality of digital forensic evidence being used to prosecute serious crimes, including rape and child abuse. One industry figure described the digital forensics market as a “race to the bottom”, saying police contracts had been awarded to the cheapest providers irrespective of whether they complied with quality standards set by the government. The Guardian has learned that:

only a handful of private providers have been audited by the accreditation body, UKAS, to ensure phone and computer data is being extracted in its entirety, data is stored securely and staff vetting procedures are robust.

One of the largest private providers, Sytech, holds a contract covering more than a dozen forces. In March, Sytech had its accreditation revoked after failing an inspection. UKAS said: “Your organisation must cease immediately all related work done under the UKAS accreditation affected by this suspension.” The company’s management promptly informed forces of the suspension, but police continued to send it forensic case work. Sytech had its accreditation re-instated last month.

Baker said his force, Staffordshire, had carried out a risk assessment and as the suspension was not linked to technical procedures, there was deemed to be no additional risk. Gillian Tully, the government’s forensic science regulator, said there was “no excuse” for forces to continue to use unaccredited providers, however. “It’s clearly of concern when contracts are being placed with providers that are not compliant,” she said.

Experts at five companies had serious concerns about the quality of digital evidence admitted in courts. One analyst, specialised in defence work, said the prosecution sometimes “cherry-picked” text messages and images and did “as little work as possible up-front in the hope that [the defendant] pleads guilty”. Another analyst said: “In many cases the prosecution evidence isn’t true.”

The head of a company that carries out prosecution work across the country said laboratories were widely disregarding a requirement to disclose to courts if they were not accredited. He added that “99% of people who are charged are guilty as hell” anyway.

Litany of collapsed cases

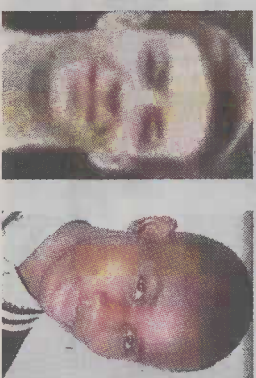
A series of collapsed rape prosecutions over Christmas and new year, mostly due to the failure by police to hand over digital evidence, has sounded the alarm over problems in the process.

The first was that of London student Liam Allan, 22, who was charged with 12 counts of rape and sexual assault. His trial was abandoned after police were ordered to hand over phone records that should have already been provided.

An alleged child rapist, Isaac Itihary, 25, was cleared at Inner London crown court when the prosecution offered no evidence. Material from the complainant’s phone was only handed to his defence shortly before the trial.

In January, Oliver Mears, 19, a student at Oxford University, was charged with the rape of a teenager. He claimed the sex was consensual. He spent two years on bail until social media and a diary were examined by his lawyers.

The CPS offered no evidence in the case against Samson Makele, 28, from London, after his solicitor discovered photographs of him cuddling with the complainant.



▲ Oliver Mears, left, and Isaac Itihary had their cases thrown out of court

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Number of forces in England and Wales - out of 43 - who met the deadline on lab minimum standards