

Norfolk Police and Crime Commissioner (PCC) response to inspections of Norfolk Constabulary published by His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS)

Section 55 of the Police Act 1996 (as amended by section 37 of the Policing and Crime Act 2017) requires local policing bodies to respond to recommendations in inspectors reports within 56 days.

Inspection Title:	HMICFRS – Digital Forensics: An inspection into how well the police and other agencies use digital forensics in their investigations
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Link to Report:	https://www.justiceinspectrates.gov.uk/hmicfrs/wp-content/uploads/inspection-police-other-agencies-digital-forensics-investigations.pdf

KEY FINDINGS:

This thematic inspection conducted by His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS), and commissioned by the Home Secretary, examined how well the police and other agencies use digital forensics in their investigations. The inspection assessed how effective the provision of digital forensics is in forces and Regional Organised Crime Units (ROCs) in England and Wales, and how well they understand and plan for future demand.

The report examines how effective the police are at providing digital forensics to secure evidence of crime and protect victims, capturing evidence from a range of different digital devices, from smartphones to computers. HMICFRS considered whether they understood and could manage their demand, and whether victims of crime were receiving a quality service.

The Inspectorate carried out fieldwork in eight police forces in England and Wales (not including Norfolk Constabulary) and four ROCs in England and Wales between February 2022 and June 2022. The Inspectorate also visited the National Crime Agency, British Transport Police, the City of London Police, His Majesty’s Revenue & Customs, and the Crown Prosecution Service. In addition to this they spoke with the National Police Chiefs’ Council lead for digital forensics and the Forensic Regulator and visited an independent digital forensic laboratory.

HMICFRS structured the inspection into the following areas:

- understanding current demand
- prioritisation
- capability and capacity
- training and accreditation; and
- future plans

HMICFRS found that the police have found it difficult to keep up with the pace of rapid advances in digital and social media. In many cases, it found that the approach taken in digital forensics has been to react to technology in ways that are too slow, piecemeal and unstructured. Furthermore, the Inspectorate found that some Police Officers simply don't understand the potential of digital forensics in investigations, nor do they understand what systems and processes are required to get the most effective examination of digital devices. In many forces, a few specialists are trying to manage an overburdened system. In some cases, this is happening with poor leadership, a lack of training and accreditation, and insufficient grip and oversight.

If things don't change, victims will continue to be let down by a system that is struggling to cope with the sheer scale of digital devices that require examination. This will continue to frustrate the criminal justice process and result in offenders not being brought to justice.

Recommendations:

There were nine recommendations made by HMICFRS in their report, three of these were directed to forces and Chief Constables across England and Wales, and these are detailed below using the same numbering contained within the report itself:

Recommendation 2

By December 2023, each force in England and Wales should develop a governance and oversight framework to better understand the local demand for digital forensics.

Recommendation 4

By September 2023, the National Police Chiefs' Council and all forces within England and Wales need to include the management of digital forensic kiosks in their governance and oversight frameworks.

Recommendation 8

By November 2024, Chief Constables should integrate digital forensic services under their existing forensic science structure.

CHIEF CONSTABLE RESPONSE TO REPORT AND ANY RECOMMENDATIONS:

This HMICFRS report into Digital Forensics entitled, “An inspection into how well the police and other agencies use digital forensics in their investigations” was a thematic inspection conducted by His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS). In this inspection, HMICFRS examined the provision of digital forensics in police forces and regional organised crime units. This included whether both understood and could manage their demand, and whether victims of crime were receiving a quality service.

Whilst Norfolk Constabulary was not one of the eight forces inspected, the report provides nine recommendations, three of which were specific to police forces in England and Wales. Norfolk Constabulary accepts all three recommendations published and will continue to progress in these areas to achieve all the standards outlined. The force’s Protective Services Command, which is a joint command with Suffolk Constabulary, have reviewed the force position against each recommendation arising from this HMICFRS inspection and has clear plans to achieve each area.

The force’s own vision is to deliver exceptional policing for the people of Norfolk. Underpinning this is protecting our communities, building and sustaining trust, and delivering exceptional services.

Recommendation 2

By December 2023, each force in England and Wales should develop a governance and oversight framework to better understand the local demand for digital forensics.

There is already a mechanism in place to look at demand on the Digital Forensics Unit (DFU) and performance against this demand though Command level and force level performance boards.

It is accepted that digital forensic demand is much wider than this. Whilst this approach is more based on the short to medium term, the implementation of the Digital Forensics project across both Norfolk and Suffolk will look at the longer-term prediction of demand and how force assets and processes can be best used to manage this. Within this project both a strategic and tactical level board will provide the governance and oversight as suggested in the recommendation and will look at the totality of demand across all commands.

Recommendation 4

By September 2023, the National Police Chiefs' Council and all forces within England and Wales need to include the management of digital forensic kiosks in their governance and oversight frameworks.

A specific operational board was set up to manage the use of digital forensic kiosks across both Norfolk and Suffolk. There is considerable demand for expansion of this technology as a result of the widespread involvement of mobile phones and tablets in every-day life. There has already been discussion that the Digital Forensic project articulated above will take on the responsibility for the governance and oversight of this issue. The project will include Quality Management representation to ensure consideration of future accreditation standards.

Recommendation 8

By November 2024, Chief Constables should integrate digital forensic services under their existing forensic science structure.

Again, it will be through the Digital Forensic Board and project that the structures and underpinning processes for the management of digital forensics are considered and agreed. Norfolk (and Suffolk) has a distinct Quality Management Team managing UKAS accreditation across both wet and digital forensics, this team reports directly to the Head of Protective Services so ensuring independence.

The force predicts the continuing increase in demand from digital forensics and will ensure that the alignment of resources and governance is best suited to provide the highest levels of service to both forces.

PCC RESPONSE TO REPORT AND ANY RECOMMENDATIONS:

Norfolk Constabulary was not one of the forces inspected by HMICFRS. Nevertheless, HMICFRS' recommendations are as applicable in Norfolk as they are in any of the forces that were inspected. I am pleased to see my Chief Constable's endorsement of the HMICFRS report together with comprehensive statements against recommendations about how Norfolk Constabulary would take work forward to implement these recommendations in conjunction with Suffolk Constabulary.

It is paramount that Norfolk Constabulary ensures its practices are robust enough to deal with ever evolving digital technology to effectively protect victims of crime. The HMICFRS report has identified that forces are too slow in modifying their investigative approaches alongside updating their equipment/technology to accommodate for digital and social media advancements. As a result, further strain and demand has been put on Officers and Digital Forensics Teams across the nation, which in turn has led to a significant backlog of devices which remain unexamined. Equipping the workforce with modern and innovative tools and technology whilst maintaining an effective and efficient policing service are key aspects in sustaining Norfolk Constabulary, which are the foundations for Pillar 1 of my [Police, Crime and Community Safety Plan for Norfolk](#). However, I am concerned about budget forecasts and the impact funding pressures may have on all capabilities of this ilk. We are entering the realms of 'robbing Peter to pay Paul' in response of crises, which has potential to be detrimental to sustaining the digital forensic capability as expected by this HMICFRS report.

The Chief Constable has indicated how the issues identified will be addressed. It is my intention, as part of my scrutiny function as the Police & Crime Commissioner, to monitor the progress being made and to examine such progress during my quarterly and public PCC Accountability Meetings. The Chief Constable's responses to this scrutiny will, I hope, reassure Norfolk's public that action is being taken to ensure that Norfolk Constabulary is being maintained whilst effectively protecting victims of crime.

For Office Use Only:

- ✓ Response forwarded to HMICFRS Section 55 Responses
- ✓ Response forwarded to Chief Constable
- ✓ Response forwarded to Police and Crime Panel
- ✓ Response published on the OPCCN website