

## **An inspection into how well the police and other agencies use digital forensics in their investigations. Response from Simon Foster, West Midlands Police and Crime Commissioner.**

The inspection letter was published on 1<sup>st</sup> December 2022 and contains findings on how effective the police are at providing digital forensics to secure evidence of crime and protect victims. Digital evidence includes CCTV footage, electronic and storage devices, Internet of Things (IoT) and routers amongst other forms.

Digital data is identified, collected, examined and analysed by the force's Digital Forensics team, who ensure that it is not tampered with, to be used to obtain intelligence for use in investigations or as evidence in criminal proceedings.

The inspection took place between February and June 2022 and West Midlands Police (WMP) was one of eight police forces visited. The inspection provided recommendations, for forces to work towards resolving key areas of concern. These include better understanding local demand, prioritisation, training and future planning.

### **1. Understanding Local Demand**

The inspection recommended that by December 2023, each force in England and Wales should develop a governance and oversight framework to better understand the local demand for digital forensic services. This recommendation was in response to findings that senior leaders lacked understanding on current demand, causing long delays in some investigations together with victims and witnesses not having access to their mobile phones for months.

Whilst the Digital Forensics Team at WMP aim to enhance their service by consistently conducting 'Horizon Scans' for up and coming opportunities or threats, force leads within the team have informed the office of struggles with allocated budgets to pro-actively react to some of these opportunities or threats. The need for increased funding to improve the service was recognised within the inspection; for example, its fifth recommendation calls on the Home Office to review digital forensic budgets and ensure that future additional funding supports the national digital forensic strategy.

In terms of future demand, WMP utilises software applications called Socrates and VERSE to show what devices will be submitted to the forensics department. These applications produce reports on a daily, weekly and monthly basis so that the team can track demand and flex resources where needed. In addition, reports are analysed on a quarterly basis, so that the team can forecast and understand expected demand.

### **2. Prioritisation**

The inspection specified that wider safeguarding issues and the views of victims and witnesses should be better prioritised when assessing which digital devices require examination. WMP utilise the Data

Protection Notice series of forms which must be authorised by someone of at least Inspector rank and clearly outline the data that the digital forensics team should be extracting and examining for a device.

The team also has a Victim Identification Officer, who helps identify children or vulnerable persons subject to sexual abuse and utilise the Child Imagery Abuse Database to send notifications to other police forces and work with Public Protection Units (PPUs). This early identification of sexual offences has safeguarded numerous children from harm or additional harm.

It was found that some forces have lengthy waiting times for examinations to begin. WMP have different waiting times depending on case priority. Urgent cases are aimed to be examined as soon as possible or within 24 hours. RASSO cases are expected to be examined when the victim and witness is available. Digital Forensics leads have informed the office that WMP were recently successful in receiving additional funding for resources, including ten laptop kits and a scene attendance van to assist in the prioritisation of RASSO cases.

Priority submissions should be examined within 90 days, but current WMP waiting times are around 6 months. Standard submissions should be examined within 150 days, however current waiting times are around 12 months. The office has been informed that this backlog is similar to other forces, with some forces being in an even worse position and it is expected additional funding will help to reduce this backlog.

Additionally, the inspection recommended a further recruitment of Digital Media Investigators (DMIs) to help reduce demand by improving the initial decision-making at crime scenes about whether or not to seize devices. In WMP the role for these staff is Digital Forensic Officer (DFO), and this role receives intense and ongoing competency training. As part of a Priority Based Budgeting (PBB) request, WMP has had a slight uplift in the number of DFOs from April 2022, but the department faces ongoing issues around recruitment and retention that are part of a national dilemma of losing trained DFOs to the private sector.

### **3. Training**

The inspectorate found that educational opportunities need to be improved for frontline investigators and responders, including more access to College of Policing digital forensics programmes. At WMP, a proportion of the Learning and Development budget is designated for the digital forensics team, and staff are aware of the training available. However, the office has been informed that due to the niche nature of some courses involving certain hardware and applications, it can be difficult to justify their requirement, especially due to budgetary constraints.

As recommended in the inspection, the content of digital courses needs to be better tailored towards investigations and the needs of victims. This is a concern shared by force leads who have stated that the College of Policing offerings are not adequate, when it comes to the requirement of the ongoing skillset in training DFOs, as besides a basic course, there is little on offer.

### **4. Future Planning**

A further key finding from the inspection was the need to understand current demand and anticipate future demand which factors in developing and novel technologies. This includes the necessity to securely store digital data and pursue the opportunity to incorporate cloud-based storage. We asked leads within the

Digital Forensics team concerning this matter and were informed that WMP are currently regarded as one of the leading forces, both within the UK and internationally around innovation in the cloud for Digital Forensics.

In May 2022, WMP launched a Digital Review Tool which allowed a small number of investigators to remotely review data. Subsequently, the force has won awards for their work on this tool from the UK IT Awards and the British Legal Technology Awards. The office has also been informed that since August 2022, evidential data is archived via Microsoft Azure which has allowed for better tracking of data, ensures that it is more secure and reduces overall financial costs.

WMP are in the forefront for this, with several other forces having visited to gain a better understanding of using Azure within their own forces. Indeed, other progressive work by WMP was recognised by the Inspectorate, including the force's investment in two digital crime scene managers, who are part of the wider crime scene investigation department. The inspection documented this conscious decision to integrate digital forensic services within traditional forensic disciplines and viewed it as a sensible next step in the evolution of digital forensic services.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Simon Foster', written in a cursive style.

**Simon Foster**

**West Midlands Police and Crime Commissioner**