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Sussex Police & Crime Commissioner

Mr Roy Wilsher OBE QFSM
HM Inspector of Constabulary
His Majesty's Inspectorate of Constabulary and Fire & Rescue Service
6th Floor – Globe House
89 Eccleston Square
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27 February 2023

Dear Roy,

HMICFRS – An inspection into how well the police and other agencies use digital forensics in their investigations

I write in respect of the recently published findings from the inspection report into how well the police and other agencies use digital forensics in their investigations. I welcome the focus this report provides around the recovery and examination of digital devices and have carefully studied its findings and the constructive recommendations it contains.

The report highlighted that "policing needs to have the right number of staff, properly trained and equipped, to effectively provide digital forensic services." I am pleased to confirm that Sussex Police has already invested in a Digital Forensics Team (DFT) as part of a collaborated service shared with Surrey Police. The DFT is a dedicated unit responsible for analysing and examining electronic equipment, including computers, tablets and mobile phones, to access and retrieve information and data held on these devices.

I acknowledge the increase in demand for digital forensics, with many more crimes and investigations now recognised to include a digital 'footprint'. It is estimated that the DFT is involved in 1.5% of all criminal investigations in Sussex with this position anticipated to increase further in future years. As such, the Force is recognised to have a good understanding of its digital demand, including the different complexities of the submissions made to digital forensics, the timescales involved in the examinations and the effectiveness of the demand management for this support service.

A three-tier structure is used to deliver the digital forensic examinations across both police force areas, with resources allocated to each of the tiers according to demand. The examinations are prioritised by the DFT based on the threat, risk and harm of the investigation, with the level of examination applied to each device determined by balancing the need to follow all reasonable lines of enquiry, with the requirement to respect the privacy of victims and witnesses.

I acknowledge the report found that a "postcode lottery" exists around the length of waiting times for the examination of digital devices depending on the force area. I am reassured to note that 80% of all electronic equipment is analysed and examined in less than one calendar month [from the initial submission] by the DFT. This proportion increases to 89% for digital devices completed within two months, 94% within three months and 98% within 6 months. Only 2% of all digital technology examinations in Sussex currently take more than six months to be completed by the DFT, with almost all of these completed within the calendar year.

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I share HMICFRS' concerns that there was "little evidence that forces had plans in place to respond to anticipated future demand." Sussex Police do not currently used a cloud-based storage solution to comply with the management of police information guidance, although the ongoing challenges of avoiding holding onto unrequired material(s) are acknowledged. I recognise that more needs to be done to work towards the delivery of a cloud-based solution in Sussex to remove the need for police officers and staff to access evidence on physical hard drives and devices at fixed locations by facilitating greater remote access. This approach seeks to maximise further the efficiencies and effectiveness of the policing response delivered.

As always, I discussed the content of the inspection report with the Deputy Chief Constable at my webcast monthly Performance & Accountability Meeting (PAM) on 17 February 2023 to understand better what the Force is doing to progress the three police force specific recommendations contained within [recommendations 2, 4 and 8]. I am pleased to confirm that each of these recommendations has now been addressed by the Force as part of a positive and proactive response.

At the PAM, I was also reassured to note that Sussex Police will seek to achieve accreditation to the appropriate International Organisation for Standardisation (ISO) in forensic science at the earliest possible opportunity when the Forensic Science Providers: Codes of Practice and Conduct become a statutory requirement. This PAM session is available to view on my website through the following link: www.sussex-pcc.gov.uk/get-involved/webcasting/

In my role as Police & Crime Commissioner, I will continue to scrutinise the performance of the Force in this important area to ensure that Sussex Police continues to keep pace with digital forensic technology.

Yours sincerely

Katy Bourne OBE
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