

Chapter 12

Customer–Driven Standardization in the Forensic Science Market in England and Wales

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ABSTRACT

This chapter aims to contribute to the nascent, but expanding, body of literature concerned with sociologies of standards and standardization. Specifically, this chapter focuses on the creation of standardized forensic “products” within the marketized forensic science sector in England and Wales. This “menu” of standardized forensic products emerged during a period of significant economic and organizational disruption. The implementation of these codified products created further tensions, demonstrating the unintended consequences, which may flow from incomplete application of standards, incomplete understanding of their effect, and the instrumental use of these same standards, not to achieve efficiencies or harmonization but to affect particular institutional goals, and which are not shared across the wider community of practice.

INTRODUCTION

This chapter aims to contribute to the nascent, but expanding, body of literature concerned with sociologies of standards, and standardisation. In contributing to this field, it aims to answer Timmerman and Epstein’s call ‘for careful empirical analyses of the specific and unintended consequences of different sorts of standards operating in distinct social domains.’ (Timmermans & Epstein, 2010). Thus, the chapter sets out to critically examine the standard-making process, emphasising the complex negotiations required. Further, it exposes the material, historical, and organisational contingencies, which led to the creation of standardised forensic products, surveys their implementation, and explores the ways in which

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these standards became subverted in site-specific contexts. The resulting analysis may be situated within a wider Science and Technology Studies *corpus*. Additionally, it is hoped that the instant case – which focusses on forensic productisation and standardisation – may resonate with socio-legal scholars.

Specifically, this chapter focusses on the creation of standardised forensic ‘products’ within the marketised forensic science sector in England and Wales. This ‘menu’ of standardised forensic products, which emerged during a period of significant economic, and organisational, disruption. The implementation of these codified products created further tensions, demonstrating the unintended consequences, which may flow from incomplete application of standards, incomplete understanding of their effect, and the instrumental use of these same standards, not to achieve efficiencies or harmonisation, but to effect particular institutional goals, and which are not shared across the wider community of practice. Ultimately, the chapter invites us to ask fundamental questions regarding the creation of informal standards within the marketplace:; who should set such standards, and whom should they serve?

The chapter follows Timmerman’s recommended approach, sub-dividing the informal standardisation process into phases of creation, implementation and resistance, followed by a discussion of outcomes. The chapter utilises a case-study methodological perspective, and draws upon results gleaned from documentary analysis, and from original empirical research, conducted throughout the forensic science sector in all four corners of the United Kingdom. It is hoped that this chapter may serve to demonstrate the problems which may potentially arise when standards creation is dominated by one agency, when it does not emerge from consensus amongst stakeholders, when delivery is skewed towards the demand-side, and when those who bear the cost of implementation have little input into the standards creation process.

FORENSIC SCIENCE PROVISION IN ENGLAND AND WALES

The governance of the provision of forensic science services, and the organisational structure and management of individual forensic science laboratories, varies widely between different countries, regions and jurisdictions. Nonetheless, across this varied forensic landscape, providers face similar economic challenges. Commercial imperatives have intruded, to a greater or lesser extent, on scientific autonomy, with most forensic providers now recognising the need to demonstrate a willingness to embrace new management techniques, to internalise regulatory objectives, and to enter into rudimentary forms of competition. However, despite the increasing pressure of commercial imperatives, the overwhelming majority of developed countries still choose to deliver vital forensic services through a system of public provision.¹ The current system of forensic science provision operating in England and Wales is therefore quite, exceptional, insofar as it is achieved through a system of marketised delivery.

The development of marketised forensic provision in England and Wales mirrors similar developments across the domestic sector, where the state is no longer viewed as the only agency suitable to be tasked with the provision of services to the criminal justice system. Within the forensic science sector - as across many other domains - the limitations of the state’s capacity to manage the organisational complexities of social life has been relentlessly highlighted, and long-standing institutional arrangements have been transformed through volatile patterns of policy development and innovation. Hence, what were once state-monopolised powers have increasingly been transferred to private, ‘for-profit’ contractors. These actors are allowed to pursue commercial interests provided that they remain within the constraints established by their contract with the government authorities (and with their private customers), and submit to various forms of monitoring and regulation.

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