

POLICY

**Title: Investigation**

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Policy Holder	D/Supt Investigations Department
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Approved by

Legal Services	✓ 18.03.16.
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Note: By signing the above you are authorising the policy for publication and are accepting accountability for the policy on behalf of the Chief Constable.

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Note: Please send the original Policy with both signatures on it to the Norfolk CPU for the audit trail.

Index

1. Summary.....	3
2. Introduction.....	3
3. Scope.....	3
4. Core Investigative Doctrine.....	4
5. National Intelligence Model (NIM).....	4
7. Roles and Responsibilities.....	5
9. Flowchart 1: The Stages of Criminal Investigation.....	8
10. Investigator Deployment.....	12
11. Deployment Guidelines.....	13
12. Major Investigations.....	13
13. Serious & Complex Investigations.....	14
14. Priority & Volume Investigations.....	15
15. Specialist Investigations.....	15
16. Investigator Development & Performance Management.....	16

Legal Basis

(Please list below the relevant legislation which is the legal basis for this policy). You must update this list with changes in legislation that are relevant to this policy and hyperlink directly to the legislation.

Legislation/Law specific to the subject of this policy document

Section	Act (title and year)
	Police & Criminal Evidence Act 1984 (PACE) Code C
	Criminal Procedure & Investigations Act 1996 (CPIA) (section23(1)) Code of Practice
	Prosecution of Offences Act 1985
	Regulation of Investigatory Powers Act (RIPA) 2000
	Youth Justice and Criminal Evidence Act, 1999

Other legislation/law which you must check this document against (required by law)

Act (title and year)
Human Rights Act 1998 (in particular A.14 – Prohibition of discrimination)
Equality Act 2010
Crime and Disorder Act 1998
Health and Safety at Work etc. Act 1974 and associated Regulations
General Data Protection Regulation (GDPR) and Data Protection Act 2018
Freedom Of Information Act 2000
The Civil Contingencies Act 2004

Other related Documents:

- National Occupational Standards (NOS) for Investigation (Skills for Justice)
- Practice Advice on Core Investigative Doctrine (ACPO Centrex 2005)
- ACPO Guidance on the National Intelligence Model

- Code for Crown Prosecutors
- Attorney General's Guidelines on Disclosure of Information in Criminal Proceedings
- Joint Operational Instructions for the Disclosure of Unused Material
- Major Incident Room Standard Administrative Procedures Manual on exhibit management
- Allocation of Investigations Standard Operating Procedure

1. Summary

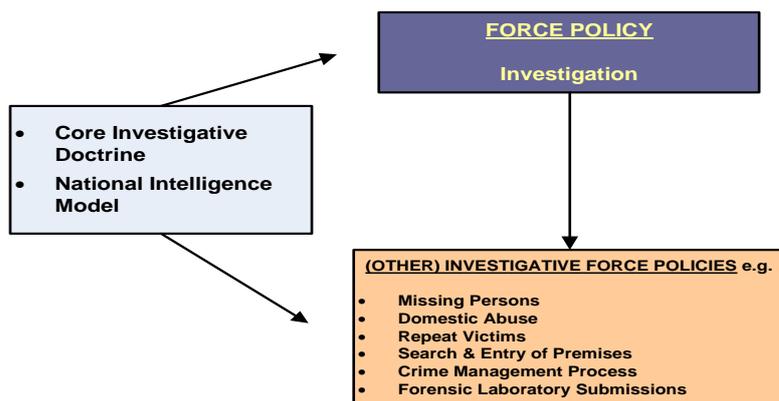
- 1.1 This policy document sets out the key principles applying to criminal investigation and a framework to support the conduct of investigations, enabling Norfolk Constabulary to deliver a more professional, ethical and effective investigation capability.
- 1.2 It includes an overview of the investigation model and associated processes at each investigation stage and provides guidance to support managers in the deployment of resources to all categories of investigation.
- 1.3 This document has been drafted in accordance with the principles set out in the Core Investigative Doctrine and reflects the National Occupational Standards (NOS) for investigation developed by Skills for Justice.

2. Introduction

- 2.1 This policy document provides a framework to support the conduct of investigations as appropriate to the circumstances in each case and is aligned to strategic and tactical NIM processes.
- 2.2 This policy reflects the guidelines on investigative good practice as set out in the **Core Investigative Doctrine**. Its purpose is to ensure that the Constabulary manages its investigations in accordance with those key principles and that all investigations are conducted in a professional manner by suitably qualified staff who are competent in the investigative National Occupational Standards (NOS) relevant to their role.

3. Scope

- 3.1 To support the embedding of professional investigation into the organisation, good practice recommends that this policy should not be viewed as a stand-alone document or adhered to in isolation, but should sit above a series of force policies on specific areas of investigation:



This policy should therefore be read in conjunction with the following documents:

- [Practice Advice on Core Investigative Doctrine \(ACPO Centrex 2005\)](#)
- [ACPO Guidance on the National Intelligence Model](#)

4. Core Investigative Doctrine

- 4.1 The Core Investigative Doctrine provides definitive national guidance for all investigators on the key principles of criminal investigation, irrespective of the nature or complexity of the investigation.
- 4.2 The **Practice Advice on Core Investigative Doctrine (ACPO Centrex 2005)** is a strategic overview of the investigative process, providing a framework for investigative good practice. Its purpose is to provide investigators with the skills and knowledge they require to conduct investigations in a competent manner, inspiring confidence in the investigator and the wider criminal justice system.

5. National Intelligence Model (NIM)

- 5.1 Launched by the National Criminal Intelligence Service (NCIS) and adopted by the Association of Chief Police Officers (ACPO) in 2000, the National Intelligence Model (NIM) is a business model for law enforcement that provides intelligence senior managers can use to help them formulate strategic direction, make tactical resourcing decisions and manage risk.

6. Definition of Investigation

- 6.1 A **police investigation** may relate to criminal or non-criminal activity and includes all investigations within the scope of the Criminal Procedures and Investigations Act 1996, professional standards enquiries or investigations conducted on behalf of Her Majesty's Coroner.

6.2 The Criminal Procedure and Investigations Act 1996 (CPIA) Code of Practice under Part II of the Act defines a **criminal investigation** as:

‘An investigation conducted by police officers with a view to it being ascertained whether a person should be charged with an offence’. This will include:

- Investigations into crimes that have been committed;
 - Investigations whose purpose is to ascertain whether a crime has been committed, with a view to the possible institution of criminal proceedings; and
 - Investigations which begin in the belief that a crime may be committed, for example when the police keep premises or individuals under observation for a period of time, with a view to the possible institution of criminal proceedings;
 - Charging a person with an offence includes prosecution by way of summons.’
- 6.3 Definitive guidance on the **key principles of investigation**, irrespective of nature or complexity, is provided within [Practice Advice on Core Investigative Doctrine \(ACPO Centrex 2005\)](#). Investigations will be conducted in a manner consistent with that guidance.

7. Roles and Responsibilities

7.1 **Executive;** The Deputy Chief Constable has responsibility for the Force investigation portfolio, including the following areas:

- Ensuring that a force investigation policy is in place;
- Ensuring that investigative capability is appropriate to meet defined investigation standards.
- Accountable for ensuring that the requirements arising from investigation policy are included within other force policies that support or enable compliance with those requirements, in particular those policies dealing with:
 - Human Resources - including selection for role, learning and development, assessment, registration and personal records;
 - Resource allocation;
 - Contact management and response;
 - Forensic investigation;
 - Audit and quality assurance;
 - Priority and volume crime.

- Ensuring that the force standards for investigation are defined in terms of the use of investigative staff and other resources (e.g. forensic provision) and that systems are in place to monitor service delivery and the realisation of business benefits;
- Ensuring that provision for learning and development of investigators is appropriate to enable them to achieve competence in relevant National Occupational Standards (NOS) to conduct investigations to the force defined standards for investigation.

7.2 Head of Local Policing;

- As owner of the Force investigation policy, the Head of Local Policing has accountability for ensuring that review and audit processes are in place to monitor compliance with that policy;
- Responsible for ensuring that all investigators have access to current investigative knowledge with provisions for regular revision arising from legislative or procedural change, identified good or effective practice, and developments in forensic or other investigative support capability;
- Responsible for monitoring the provision for learning and development of investigators to ensure that they are appropriate and that this is reviewed against strategic and tactical requirements;
- Responsible for monitoring provision and development of resources for investigation to ensure that they are appropriate to meet defined investigation standards and that this is reviewed against strategic and tactical requirements;
- Responsible for ensuring that quality assurance processes are in place to include sampling of investigation quality and that this informs individual and organisational development.

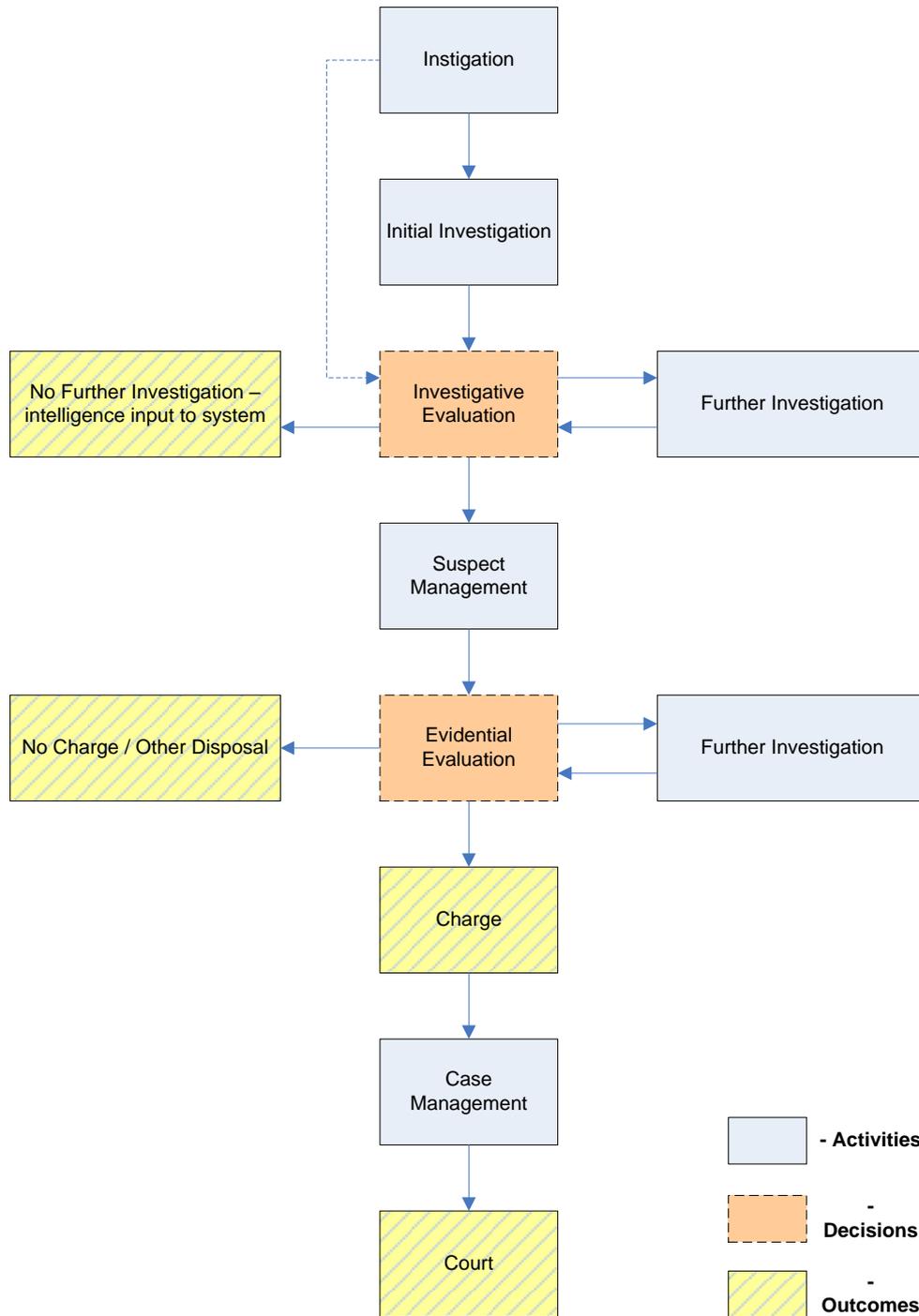
7.3 Head of County Policing Command (CPC);

- Accountable for compliance with investigation policy across all districts within the CPC;
- Responsible for ensuring that the provision of investigative resources is appropriate for CPC needs and that these are reviewed against strategic and tactical requirements;
- Responsible for ensuring that quality assurance processes are in place to include sampling of investigation quality within the CPC and that this informs investigator development, supported by the PDR system;
- Responsible for ensuring development of investigators within an effective PDR process.

8. Investigation Principles

- 8.1 The investigation model detailed within the Core Investigative Doctrine will be utilised for all investigations undertaken by the Force.
- 8.2 The model is illustrated below (Chart 1) and shows each stage of the investigation process (for further information on each of the stages, see Section 4.4.1 - 4.4.7 of the [Practice Advice on Core Investigative Doctrine \(ACPO Centrex 2005\)](#))

9. Flowchart 1: The Stages of Criminal Investigation



(i) Instigation

The instigation of criminal investigations can occur in a number of ways:

- Reports from the general public such as attendance at police stations, phone calls, online and to patrol officers;
- Referral by other agencies;
- Intelligence links to other crimes (linked series);
- Re-investigation as a result of new information, cold case or other type of review;
- Discovered as a consequence of other police actions.

(ii) Initial Investigation

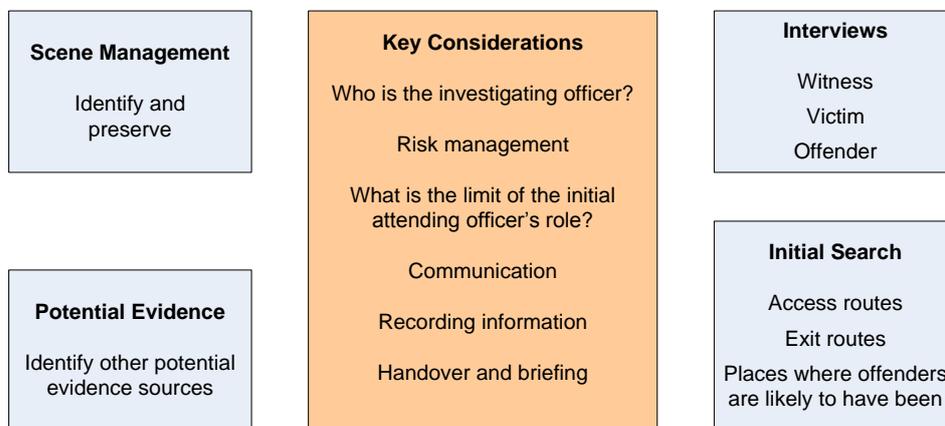
Not every report of a crime will require an initial investigation.

Officers initially deployed to an incident are likely to have a number of competing demands placed on them as they arrive. Before they can begin an investigation they may have to:

- Deal with a violent situation;
- Provide first aid and call for medical assistance;
- Reassure victims and witnesses;
- Prevent public disorder.

Once these immediate priorities are dealt with, officers should plan how best to conduct the investigation.

The key factors they should consider are as follows:



(iii) Investigative Evaluation

Progress in a case involves making valid decisions about the value and meaning of the material gathered and selecting appropriate lines of enquiry to follow. The investigator has to continually evaluate material.

Even where crimes have been through a formal evaluation process, investigators should continue to carry out their own evaluations as new material becomes available.

(iv) Further Investigation

Where a crime or intelligence packages are allocated for further investigation, investigators should develop a clear plan of how they intend to bring the investigation to a successful conclusion.

The investigative plan should be based on a rigorous evaluation of the material that has been gathered to date and should include:

- The specific objectives of the investigation, these will depend on the unique circumstances of the crime and the material that has already been gathered;
- The investigative strategies that are to be used to achieve those objectives;
- The resource requirement of the investigation. In many cases this will be limited to the investigator, crime scene examination and forensic analysis of the material recovered from the scene or the suspect. In more complex cases resource allocations will be greater. It is part of an investigator's responsibility to articulate their resource requirements to managers.

Investigators should ensure that all new material is evaluated and that the investigative plan is revised accordingly. All investigative plans should be accurately recorded.

(v) Suspect Management

A suspect is defined as: someone who the police would have to caution under **paragraph 10, Code of Practice C, PACE 1984** if they wanted to interview them.

This definition requires that:

'There must be some reasonable, objective grounds for the suspicion, based on known facts or information which are relevant to the likelihood the offence has been committed and the person to be questioned committed it.'

The identification of a suspect provides an opportunity to use a range of investigative strategies that focus on that individual.

(vi) Evidential Evaluation

This is undertaken when investigators believe there is sufficient material to justify charging a suspect. It uses the same techniques as the investigative evaluation but the additional test of admissibility is applied to the material.

Crown prosecutors work closely with investigators to ensure that the charges used are the most suitable for the material that is available.

Any decision to prosecute is made by applying the 'Code for Crown Prosecutors' to the facts of the case.

N.B. Crown Prosecutors must always act in the interests of justice and not only for the purpose of obtaining a conviction.

(vii) Case Management

Once the suspect has been charged there are a number of matters which investigators must manage before a case goes to court. The CPS have responsibility for the prosecution of the case after a suspect has been charged. If further investigative action is required investigators will liaise closely with the CPS.

Additional Material

There is the possibility that new material will become available after charge. This material may affect the eventual outcome of the case. If investigators have been thorough during the course of the investigation the impact of new material should be minimal. All new material must be evaluated and any reasonable lines of enquiry that are identified must be pursued.

Disclosure

Part I of the Criminal Procedure and Investigations Act 1996 and the **Attorney General's Guidelines on Disclosure of Information in Criminal Proceedings and the Joint Operational Instructions for Disclosure of Unused Material (JOPI)** contain specific instructions on disclosure.

The investigator has to manage the disclosure process, which includes:

- Retaining all relevant material;
- Recording all retained material;
- Ensuring that the retained material is revealed to the prosecutor.

File Preparation

Accurate and full record keeping is essential throughout an investigation. Investigators should check that all records have been fully completed and that there are no matters to be resolved.

Exhibit management is an important part of file preparation. In complex or serious cases investigators should refer to the Major Incident Room Standard Administration Procedures (MIRSAP) manual on exhibit management. In volume or less serious crime it is still a fundamental principle that any exhibit is properly numbered and labelled, sourced and provenanced by a witness.

Defence Liaison

In most cases, post-charge liaison with the defence will be carried out by or in association with the CPS.

10. Investigator Deployment

- 10.1 All investigations will be conducted in a professional manner by suitably qualified staff.
- 10.2 All Norfolk Constabulary staff engaged in the investigative process will be trained, qualified and registered to one of three nationally recognised levels of competence (dependent on their role), thereby gaining formal recognition of their ability to conduct investigations to a national standard based on recognised good practice.
- 10.3 As part of the PDR process all investigators will be assessed by their line manager against a set of investigative NOS appropriate to their role and level of investigation using work-based assessment methods and naturally occurring evidence.
- 10.4 All investigators conducting priority and volume/serious and complex investigations or managing major investigations will be granted Professional Registration status, subject to them demonstrating the required level of competence as set out in appropriate NOS. Their PDR and CPD (Continuing Professional Development) details will be recorded and maintained on a **Local Professional Register** which will be held and maintained by Human Resources.
- 10.5 In addition, all Senior Investigation Officers (SIOs) will be required to have their professional status accredited at a national level via the **National SIO Register**, held and maintained by the College of Policing.
- 10.6 In order to maintain their professional status through PDR, investigators will be expected to (i) demonstrate the required levels of competence on a consistent basis and (ii) record details of their attendance on training courses, conferences, workshops etc., as evidence of ongoing CPD.

11. Deployment Guidelines

- 11.1 Investigative Standards; Staff deployed to manage or conduct an investigation or undertake activity as part of an investigation, will be competent in the relevant NOS for investigation, as appropriate to their role and the requirements for that investigation.
- 11.2 Staff that are undertaking learning and development programmes to achieve competence in relevant NOS (in order to conduct investigations at a level consistent with the NOS) may be deployed, provided that additional guidance and support is available – both to those members of staff and for the monitoring and review of the investigation that they are conducting.
- 11.3 Interviewing Standards; For all investigations undertaken, the minimum interviewing standard that staff will have attained is Tier 2 for interviewing witnesses, victims and suspects.
- 11.4 Categories of Investigation; The following guidelines are intended to support managers in the deployment of resources to specific categories of investigation:

12. Major Investigations

- 12.1 A designated Senior Investigating Officer (SIO) who is currently registered on the National SIO Register, having demonstrated competence in the investigative **NOS 2G1 – Manage major investigations** will be appointed to lead the investigation.
- 12.2 Examples of Major Crime Investigations could include:
- Murder/Manslaughter;
 - Large scale rape investigations where the offender is unknown;
 - Kidnap and abduction;
 - Missing person enquiries (in certain circumstances);
 - Work related deaths;
 - Serious and complex child abuse investigations.
- 12.3 The following Serious Crime categories may also warrant a higher level of investigation;
- Rape;
 - Robbery / armed robbery;
 - Aggravated burglary;
 - Serious violence offences;
 - Serious disorder offences;
 - Suspicious deaths;
 - Serious firearms offences;
 - High value fraud;

- Serious offences requiring substantial investigative effort.

NB. The circumstances of individual cases within these categories will determine the required level of investigative input/resource.

13. Serious & Complex Investigations

13.1 A designated Investigating Officer (IO) registered on the local register as competent with **NOS 2G3 – Conduct serious and complex investigations** will be appointed to lead the investigation.

13.2 The IO will consider the deployment of a Tier 5 trained interview co-ordinator who is currently registered on the local register as competent with **NOS 2H7 – Manage and co-ordinate interviews for complex or major investigations**.

13.3 Other than on initial response or for the purpose of ‘fast track’ enquiries, the interviews with any victim or key or significant witness, will be conducted by a Tier 3 victim/witness trained interviewer who is currently registered on the local register as competent within **NOS 2H5 – Plan, conduct and evaluate specialist interviews with victims and witnesses**.

13.4 Interviews with any suspect may be led by a Tier 3 advanced suspect trained interviewer who is competent with **NOS 2H6 – Plan, conduct and evaluate specialist interviews with suspects**.

13.5 The IO will ensure that other enquiries in support of the investigation and interviews with other witnesses are conducted by staff with competence in the relevant NOS (i.e. to the PIP level) appropriate to the enquiry that they are conducting.

13.6 Examples of Serious & Complex Investigations could include:

- Rape;
- Robbery / armed robbery;
- Aggravated burglary;
- Serious violence offences;
- Serious disorder offences;
- Suspicious deaths;
- Serious firearms offences;
- High value fraud;
- Serious offences requiring substantial investigative effort.

13.7 The following Priority Crime categories may also warrant a higher level of investigation;

- Burglary dwelling;
- Serious non-dwelling burglary;

- Robbery;
- Vehicle crime;
- Crimes involving vulnerable victims;
- Sexual offences;
- Violent crime causing injury;
- High value thefts;
- Possession of controlled drugs with intent to supply.

NB. The circumstances of individual cases within these categories will determine the required level of investigative input/resource.

14. Priority & Volume Investigations

14.1 A designated Investigating Officer (IO) registered on the local register as competent with **NOS 2G2 – Conduct priority and volume investigations** will be appointed as investigating officer.

14.2 Priority and volume investigations may be defined as any investigation which, through volume or other circumstances, has a significant impact upon the community, in any given location and the performance of the local police.

14.3 Examples of Priority & Volume Investigations could include:

- Burglary dwelling;
- Serious non-dwelling burglary;
- Robbery;
- Vehicle crime;
- Crimes involving vulnerable victims;
- Sexual offences;
- Violent crime causing injury.
- High value thefts;
- Possession of controlled drugs with intent to supply.

14.4 The following Local Crime categories may also warrant a higher level of investigation:

- Violent crime not causing injury;
- Possession of drugs;
- Any other crime not in above categories designated for further investigation e.g. criminal damage, theft.

NB. The circumstances of individual cases within these categories will determine the required level of investigative input/resource.

14.5 All other local crime categories will be dealt with by SNT staff (e.g. Criminal Damage, Theft).

15. Specialist Investigations

15.1 Areas of specialist investigation include:

- Safeguarding and Investigations Command;
 - Adult Abuse Investigation
 - Child Abuse Investigation
 - Public Protection
 - Human Trafficking / Prostitution
 - Rape and Serious Sexual Offences
 - Covert Surveillance (level 1)
- Serious and Organised Crime
- Economic and Computer Crime
- Road Policing
- Financial Investigation

NB. This policy should be read in conjunction with current force policies for each of these specialist areas).

15.2 A designated Investigating Officer (IO) registered on the local register as competent with **NOS 2G3 – Conduct serious and complex investigations** will be appointed to lead the investigation.

15.3 The IO will consider the deployment of a Tier 5 trained interview co-ordinator who is currently registered on the local register as competent with **NOS 2H7 – Manage and coordinate interviews for complex or major investigations**.

15.4 Other than on initial response or for the purpose of ‘fast track’ enquiries, the interviews with any victim or key or significant witness, will be conducted by an investigator who is currently registered on the local register as competent within **NOS 2H5 – Plan, conduct and evaluate specialist interviews with victims and witnesses**.

15.5 Interviews with any suspect may be held by a Tier 3 advanced suspect trained interviewer who is competent with **NOS 2H6 – Plan, conduct and evaluate specialist interviews with suspects**.

15.6 The IO will ensure that other enquiries in support of the investigation and interviews with other witnesses are conducted by staff with competence in the relevant NOS (i.e. to the PIP level) appropriate to the enquiry that they are conducting.

15.7 Escalating an investigation; where it is felt that a higher level of investigation is warranted (e.g. further investigation by a specialist investigator), consultation should take place with the respective Detective Inspector who will be responsible for making that decision based on the individual circumstances of each case.

16. Investigator Development & Performance Management

16.1 Investigators are responsible for the quality of their own performance and are accountable for the impact they have on any investigation.

Investigators are also responsible for their own professional development.

- 16.2 Supervisors and managers are critical to the effective deployment and management of investigators and are required to undertake monitoring and review of investigations to the extent and frequency as defined in the Force CIS guidelines (see section on 'Crime Investigation Timescales' in the Force Policy on **Crime Management Process**).
- 16.3 Individual performance will be monitored and evidenced with the PDR process and wherever possible, opportunities for development activity should be supported by supervisors and managers.