

# Police Service of Northern Ireland

Policy for Public Disclosure.

HQ Ref: SOCPA 1/09

PD 03/09

## POLICY DIRECTIVE

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### SERIOUS ORGANISED CRIME POLICE ACT (SOCPA) DEBRIEF POLICY

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#### 1. POLICY IDENTIFICATION

**POLICY TITLE:** Serious Organised Crime  
Police Act (SOCPA) Debrief Policy

**POLICY OWNERSHIP:** T/D/C/Superintendent , HOB C1  
**DEPARTMENT** Crime Operations  
**BRANCH** C1 Organised Crime

**POLICY APPROVED BY:**

**CCF REF/OTHER** CCF  
**DATE OF APPROVAL** 7 January 2009

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## **2. POLICY STATEMENT**

The Police Service of Northern Ireland (PSNI) is committed to Making Northern Ireland Safer for Everyone through Professional Progressive Policing. To that end all Serious Organised Crime Police Act (SOCPA) Debriefers will be trained and nationally accredited as being competent to perform the duties required of them. National Policing Improvement Agency (NPIA) approved practitioners will conduct the training. Head of Branch (HOB), C1 will be responsible for maintaining a cadre of police officers sufficient to manage the risk to the organisation. This cadre will consist of police officers across C1, C2 and C3 Branches. All Debriefers will be required to undertake Continuous Professional Development (CPD) to maintain their national accreditation. The Assisting Offender system will be an effective tool in the fight against serious and organised crime, thereby making Northern Ireland a safer community.

## **3. INTRODUCTION**

### **(1) Executive Summary**

- (a) This Policy will set out how the PSNI will manage those persons who wish to avail of Sections 71 to 75 of the Serious Organised Crime and Police Act (SOCPA) 2005. Such persons can become involved in a process where, dependant on entering into a written agreement with Public Prosecution Service (PPS) prosecutors and fulfilling that agreement, they may obtain immunity from prosecution, restricted use in terms of evidence given by them and reduction in sentences for crimes committed.
- (b) It is important that such operations remain covert and they will operate on a need to know basis. A sterile corridor will be established which means in effect that the Debrief Senior Investigating Officer (SIO) and Debrief Manager must protect the integrity of the process and the information provided by the Assisting Offender, in particular between the Debrief Officers and the Investigation Team.
- (c) A police officer from C3 will be appointed to input intelligence from the process and to ensure it is properly disseminated.
- (d) The debriefing process will remain separate from the Investigation Team to maintain the integrity of the process.
- (e) At the commencement of the process a scoping exercise will take place. This is where the potential Assisting Offender will be interviewed under production and in the spirit of Police and Criminal Evidence (PACE) to assess their value as an Assisting Offender. The scoping exercise is authorised by HOB, C1 and will provide information that will allow HOB, C1 to make a clear recommendation to Assistant Chief Constable (ACC), Crime Operations as to whether a full debriefing operation should take place. If circumstances merit the convening of a Gold Group this decision will be made by ACC, Crime Operations; for example if the debrief has been declared a critical incident or is a multi-agency investigation.
- (f) Liaison will take place with the PPS and the Debrief SIO and an agreement will be reached in respect of the order and nature of any statement of evidence to be recorded from the Assisting Offender.
- (g) The PPS have appointed specified prosecutors who are the only prosecutors that can become involved from a PPS perspective in respect of Assisting Offender debriefing, the drawing of a contract and any subsequent review back to the sentencing court.
- (h) ACC, Crime Operations will sign off the Assisting Offender as a witness of truth.

**(2) Aims/Objectives**

- (a) The legitimate aim of this Policy is to ensure that SOCPA debriefs successfully introduce new investigative techniques and procedures into the PSNI and to ensure the new techniques are managed in a professional manner that will stand up to independent judicial examination.
- (b) This Policy aims to ensure that the PSNI comply with the legislative requirements of the Serious and Organised Crime and Police Act 2005 (SOCPA).

**(3) Contribution**

Proper implementation of this Policy will positively contribute to the effectiveness and efficiency of the organisation.

**(4) Application**

This Policy is aimed at all police officers.

**(5) Legal Basis**

The introduction of the Serious Organised Crime and Police Act 2005 (SOCPA), in particular Sections 71-75 of the Act, forms the basis of the statutory requirement on the PSNI to introduce this Policy. Additionally the case of R -v- Blackburn, Royal Courts of Justice, London, confirms the legislation.

**4. IMPLICATIONS OF THE POLICY**

**(1) Financial Implications/Best Value/Continuous Improvement/Efficiency**

The provision of delivering training to police officers will be initially high, this however will level out in the medium to long term.

**(2) Efficiency/Continuous Improvement**

It is anticipated the implementation of SOCPA debriefs in Northern Ireland will lead to increased detection of major criminals and seizure of their assets thereby increasing community confidence.

**(3) Human Resources/Training**

The development and delivery of training to a professional cadre of police officers within the PSNI will be used to supplement and strengthen historical and current serious criminal investigations. Additionally it will improve the effectiveness and efficiency of the organisation as a whole. The cadre will be made up of trained police officers from C1, C2 and C3.

**(4) Partnerships**

Partnerships already exist between Northern Ireland Prison Service (NIPS) and the PPS, both of whom share a statutory obligation in respect of the implementation of the SOCPA legislation.

**(5) Risks**

- (a) Failure to comply with this Policy and procedural guidance will undoubtedly affect the reputation of the Service, future prosecutions and our ability to conduct professional effective investigations. This in turn could lead to criticism of the Service from the Police Ombudsman Northern Ireland (PONI), Professional Standards Department (PSD) or independent judicial enquiries.
- (b) There is a risk that if this Policy is not complied with it will lead to substantial opportunities to maximise the effectiveness of information received from Assisting Offenders being missed. This could lead to a failing in public confidence.

**(6) Bureaucracy**

The introduction and implementation of this Policy will complement the existing legislation and ensure procedures are followed which will enhance PSNI performance in the fight against serious and organised crime. There should be no increased bureaucracy due to the clarification of roles, accountability and reporting procedures.

**(7) Estate**

A consultation process is ongoing to discuss the feasibility of a bespoke debrief facility within the PSNI estate.

**(8) Consultation**

- (a) Serious and Organised Crime Agency;
- (b) Public Prosecution Service (PPS) NI;
- (c) Metropolitan Police;
- (d) BGP (NPIA accredited trainers);
- (e) HOB C1, C2 and C3;
- (f) Northern Ireland Prison Service (NIPS);
- (g) Protective Persons Team;
- (h) Northumbria Police;
- (i) Prison Advisory Service.

**5. HUMAN RIGHTS/EQUALITY/INTEGRITY/FREEDOM OF INFORMATION**

- (1) The Policy is intended to apply to all members of police staff regardless of their background. The Policy takes account of all areas of difference identified under Section 75 of the Northern Ireland Act 1998 and complies with the PSNI Code of Ethics.
- (2) The inclusion of a person onto the SOCPA Scheme will lead to possible impact on an individuals human rights, such as:
  - (a) Article 2 Right to Life;
  - (b) Article 5 Right to Liberty and Security;
  - (c) Article 8 Right to Family Life.

(3) However this is covered by legislation and deemed to be necessary and proportionate.

**6. REVIEW**

This Policy will be reviewed at the end of 12 months by HOB, C1.