

Police Service of Northern Ireland

ABSTRACT – This Policy establishes the standards, and sets out the guidance, that will govern the carrying out of investigations within the Police Service of Northern Ireland

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POLICY DIRECTIVE

INVESTIGATIONS CARRIED OUT BY THE POLICE SERVICE OF NORTHERN IRELAND

1. POLICY IDENTIFICATION

POLICY TITLE:	Investigations Carried Out by the Police Service of Northern Ireland
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POLICY APPROVED BY:	ACC Drew Harris, Crime Operations Department
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2. POLICY STATEMENTS

- (1) The Police Service of Northern Ireland (PSNI) is committed to working with communities and partners to make Northern Ireland safe, confident and peaceful. To that end, all investigations conducted by the PSNI will be carried out by appropriately trained staff in accordance with the relevant legal provisions and guidance. All investigators within the organisation will be trained, assessed and registered as being competent to perform the duties required of them.
- (2) The PSNI aims to be the finest, personal, professional and protective police service in the world. To achieve this, all investigators will be required to undertake continuous professional development to maintain their registration and will be encouraged to develop their investigative skills.
- (3) The PSNI is committed to challenging the status quo, keeping red tape to a minimum, always at the forefront of value for money and effective practice. To this end, investigators will demonstrate competence and continued professional development through streamlined and, where possible, pre-existing processes.

3. INTRODUCTION

(1) Executive Summary

This Policy establishes the standards, and sets out the guidance, that will govern the carrying out of investigations within the PSNI.

(2) Origin

- (a) The Police Reform Act 2002 and the Police Reform White Paper (2001) highlighted the need for the Police Service to professionalise all aspects of police investigations, to address issues such as inconsistent standards of investigation, failing community confidence in the police, high attrition rates and the lack of benchmarked standards in Policing (Home Office, 2003).
- (b) The Professionalising Investigation Programme (PIP) is a national project being led by the Association of Chief Police Officers (ACPO) and was developed in accordance with the Home Office, the National Policing Improvement Agency (NPIA) and Skills for Justice.
- (c) The December 2006 Report from the Criminal Justice Inspection Northern Ireland, entitled "Handling Volume Crime and the use of Police Bail" identified significant shortcomings in the PSNI's practice, policy and procedures in the investigation of volume crime. The Report recommended that "the Professionalising Investigation Programme to train officers to an agreed common standard of investigation is implemented as soon as practicable".

(3) Aims/Objectives

This Policy Directive aims to set out the standards and procedures that the PSNI will adhere to in carrying out investigations, as well as the mechanisms within the organisation that will ensure proper training and registration of all investigators.

(4) Contribution

- (a) This Policy Directive supports the Chief Constable's vision for the Service by promoting a more professional approach to investigating reported incidents at all levels.
- (b) This Policy Directive will contribute to achieving the goals set out in the Policing Board's Policing Objectives 2010 - 2013, namely Performance Indicator 5, which aims to increase confidence in the fairness and effectiveness of the criminal justice system; Performance Indicator 8, which aims to increase the detection rate for violence with injury crimes by 10% points; Performance Indicator 10, which aims to increase the percentage of recorded crimes detected and Performance Indicator 13, which seeks to increase the detection rate for burglaries.

- (c) This Policy Directive also supports the requirements of Articles 2 and 3 of the Code of Ethics, entitled "Police Investigations".
- (d) The Baseline Assessment by Her Majesty's Inspectorate of Constabulary (HMIC), dated October 2006, identified the professionalisation of the investigative process as a crucial factor in the development of the effective investigation of Volume Crime and Serious Crime.

(5) Application

- (a) This Policy is aimed at all those (officers or staff) who fulfil an investigative role within the organisation. This Policy Directive represents best practice within the PSNI. However, the fact that an investigator may not fulfil all or some of the requirements for the role they fill at any given time does not in any way affect the lawfulness of any otherwise lawful act done by that investigator or by those under their supervision or command.
- (b) There are four levels of investigator within the organisation:
 - (i) The Level 1 Investigator, who will be an investigator at a level equivalent to Constable or Sergeant involved in the initial investigation of serious crime and/or in completing investigations of volume crime.
 - (ii) The Level 2 Investigator, who will be a dedicated investigator, at a level equivalent to Constable or Sergeant rank in a CID Office, attached to an investigative role within Crime Operations Department or involved in the investigation of fatal Road Traffic Collisions.
 - (iii) The Level 2 Supervisor, who will be a dedicated investigator, at a level equivalent to Inspector or Chief Inspector who supervises the work of Level 2 investigators but who is not a Level 3 investigator.
 - (iv) The Level 3 Investigator, who will be a Senior Investigating Officer (as defined within the ACPO Murder Investigation Manual) managing major investigations into serious crime, such as murder and other complex matters.

(6) Legal Basis

- (a) The aims of the Policy Directive support officers in meeting the requirements of Section 32, paragraph (1) of the Police (Northern Ireland) Act 2000, which states that "it shall be the general duty of police officers... where an offence has been committed to take measures to bring the offender to justice."
- (b) "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, or whether a person charged with an offence is guilty of it. This will include:
 - (i) Investigations into crimes that have been committed;
 - (ii) Investigations whose purpose is to ascertain whether a crime has been committed, with a view to the possible institution of criminal proceedings;
 - (iii) 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;
 - (iv) Charging a person with an offence includes prosecution by way of summons.'

- (c) While the definition refers specifically to criminal investigations, the principles set out in this document will apply equally to other types of investigations, eg, road traffic matters, anti-social behaviour, professional standards enquiries or investigations conducted on behalf of Her Majesty's Coroner." (ACPO Practice Advice on Core Investigative Doctrine, NCPE, 2005, p. 13)
- (d) The Human Rights Act 1998 requires that actions of public authorities be in accordance with the European Convention on Human Rights (ECHR). Article 2 of the ECHR requires that suspicious deaths be the subject of an effective investigation. The European Court of Human Rights has said that the "essential purpose of (an Article 2 compliant) investigation is to secure the effective implementation of the domestic laws which protect the right to life...."¹.
- (e) For a criminal investigation to comply with Article 2, it must be:
 - (i) effective, in that all reasonable lines of enquiry must be pursued and that it must be carried out professionally. Adherence to the standards set out in this Policy will assist in satisfying this obligation;
 - (ii) independent;
 - (iii) reasonably prompt;
 - (iv) open to public scrutiny, as far as possible;
 - (v) family-centred, as far as possible.
- (f) Credible allegations of serious physical violence will require an investigation to be carried out, in order that the requirements of Article 3 of the ECHR be satisfied. All investigations must be carried out in such a manner that the right to a fair trial, as protected by Article 6 of the ECHR, is complied with. In practical terms, compliance with the provisions of the Police and Criminal Evidence (Northern Ireland) Order 1989 or other legislation allowing for the arrest and detention of suspects, and with the provisions of the CPIA and other relevant legislation, will ensure compliance with Article 6.

4. IMPLICATIONS OF THE POLICY

(1) Financial Implications

- (a) The provision of training to all investigators will have medium to long-term financial implications for the organisation, ranging from the design and delivery of the training, to the costs arising from attendance at courses.
- (b) The improvement in investigative standards is also essential to delivering a high quality policing service to the community.

(2) Efficiency

The comprehensive implementation of the Professionalising Investigation Programme in Great Britain has led to an increase in sanctioned detections, more offenders being brought to justice and a reduction in ineffective Crown Court trials (NCPE, July 2006). It is anticipated that measures taken to improve the quality of investigations in PSNI will similarly improve the effectiveness and efficiency of investigators within the organisation.

¹ *McKerr v. United Kingdom*, judgment of European Court of Human Rights dated 4 May 2001), paragraph 111.

(3) Training

The development and delivery of training products will require the allocation of resources. However, this investment will lead to the production of strong training resources that can be regularly and repeatedly used to substantially improve the quality of investigations within the PSNI.

(4) Human Resources

The need to assess and register investigators will result in additional responsibilities for the Human Resources Department in the establishment and maintenance of relevant structures within the organisation. However, it will result in the establishment of a system that will allow the clear and objective measurement of the performance of investigators and development of their skills, where necessary.

(5) Bureaucracy

The Investigators' assessment and registration process will unavoidably result in increased but limited administration for investigators and their assessors. This will be built around existing duties of assessment and quality assurance of investigations. Steps have been taken to minimise the bureaucratic impact of this Policy by using the existing Performance Management and Development system - Annual Performance Review (APR) to support the registration and re-registration of existing investigators.

(6) Risks

- (a) Failure to comply with this Policy and the procedural guidance in relation to the training, assessment and registration of investigators, could affect both the Police Service's ability to investigate reported incidents professionally, ethically and effectively, in particular those classified as serious or critical incidents.
- (b) Such failure could result in legal liability for the PSNI or for individual officers, as a result of a finding that an investigation did not comply with the requirements of the Human Rights Act 1998.
- (c) Similarly, failure by the organisation to adopt the standards set out in relation to investigations could lead to a loss of public confidence in the ability of the PSNI to carry out investigations. This could also lead to criticism by Her Majesty's Inspectorate of Constabulary (HMIC).
- (d) There is a risk that some investigators will fail to achieve the required standards. This risk will be controlled through the development of a strong training and development programme. Mechanisms to address the development need of candidates will also be implemented.

(7) Consultation

Internal and external consultation has taken place with the following:

- (i) Deputy Chief Constable;
- (ii) ACC, Crime Operations;
- (iii) ACC, Operational Support Department;
- (iv) ACC, Criminal Justice;
- (v) ACC, Urban Region;
- (vi) ACC, Rural Region;

- (vii) Head of Human Resources;
- (viii) Head of Policy and Performance, Crime Operations;
- (ix) Head of Operational Development Programmes;
- (x) Head of Leadership Development Programmes;
- (xi) Professional Standards Department;
- (xii) Head of Foundation Programmes;
- (xiii) Head of People Development;
- (xiv) Occupational Psychologist, Human Resources;
- (xv) Head of Crime Training;
- (xvi) The Police Ombudsman of Northern Ireland;
- (xvii) Heads of Branch, Crime Operations Branch;
- (xviii) Response Officers and Supervisors, 'B' and 'D' District;
- (xix) D/Sergeants and D/Constables, CID, Crime Operations Branch, 'B' and 'D' District;
- (xx) Human Resources Managers, Crime Operations Branch, 'B' and 'D' District;
- (xxi) NPIA;
- (xxii) District Commanders;
- (xxiii) Equality & Diversity Unit;
- (xxiv) Legal Services Branch (Human Rights);
- (xxv) The Police Federation for Northern Ireland;
- (xxvi) The Superintendents' Association of Northern Ireland;
- (xxvii) Human Resources Managers, Crime Operations Branch, 'B' and 'D' District;
- (xxviii) Lead Internal Verifier.

(8) Internal Policy Links

- (a) Policy Directive No 07/08, entitled "Internal Verification Policy" will govern references to Internal Verification within this Policy Directive.
- (b) Service Procedure No 02/09, entitled "Managing Unsatisfactory Performance of Police Officers" will govern references to unsatisfactory performance within this Policy Directive.
- (c) Policy Directive No 05/08, entitled "Police Officer Promotion Policy" and Policy Directive 08/08, entitled "PSNI Performance Management and Development System Annual Performance Review (APR)" should be read in conjunction with this Policy Directive.

5. HUMAN RIGHTS/EQUALITY/UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (UNCRC)/CODE OF ETHICS/FREEDOM OF INFORMATION

- (1) This Policy is deemed to be Human Rights compliant; consideration has been given to United Nations Convention on the Rights of the Child (UNCRC), it has been screened for Section 75 considerations and complies with the PSNI Code of Ethics.
- (2) Sections 1 – 6 of this Policy are suitable for disclosure in accordance with the Freedom of Information Act 2000 as part of the Police Service's Publication Scheme. However the accompanying Procedures and Guidance contained in Section 7 and Appendix 'A' are suitable for internal dissemination only.
- (3) **Equality**
 - (a) Special Assessment Needs. Consideration will need to be given by assessors for candidates who may have special assessment requirements including issues of culture, diversity, language, religious requirements, learning style/ability and physical ability.
 - (b) Investigators with any kind of disability will be assessed **ONLY** on their ability to do the job. It will be very rare that the disability will affect the judgement of the assessor; however it may affect the way in which the assessor carries out an assessment, eg if a candidate has dyslexia the assessor may decide to ask verbal questions rather than written ones.

6. REVIEW

- (1) The owner of the Policy will review this document in 12 months time and will consider, by way of consultation, whether there is still a requirement for the Policy and what the impact of the Policy has been, as well as other relevant matters.
- (2) Interim reviews may also be prompted by feedback, challenge or change in legislation.
- (3) Feedback or queries relating to this Policy should be addressed to Policy Planning and Performance, Crime Operations, Brooklyn.

7. CANCELLATION

Policy Directive 02/08 – 'The Professionalising Investigation Programme' is hereby cancelled.