

Criminal Investigation Policies and Procedures

This self-assessment toolkit is designed to help organisations involved in conducting criminal investigations assess their current policies and procedures.

This toolkit has been created to assist organisations. It does not contain a full list of the policies and procedures organisations may require as this is dependent on the type of investigation being undertaken, however it does provide guidance for some of the key policies and procedures your organisation may need.

We understand that there may be occasions when additional support is needed with regards to the creation or review of policies, procedures or strategies, or other investigative processes or techniques. Further information on how we can help your organisation can be found [here](#).

Policy / Procedure / Strategy Name	What it Should Contain	Organisations Comments
Enforcement Strategy / Policy	Organisations involved in carrying out regulatory functions or taking enforcement action should have an enforcement strategy or policy in place. This should contain information which explains how your organisation uses its enforcement powers and when these are likely to be considered. An enforcement strategy should demonstrate how your organisation is transparent and accountable for the actions taken. It should also be used to help decision-makers when reviewing cases for consideration of enforcement action. The strategy should be referred to in order to demonstrate that your actions are proportionate, justified, consistent, fair and targeted.	
Pocket Notebook Procedure	Individuals involved in conducting criminal investigations should be making contemporaneous notes to record	

	<p>material obtained during the course of an investigation. This is a duty imposed on investigators under the Criminal Procedure and Investigations Act 1996. This should be done within their pocket notebook. A good pocket notebook procedure should explain:</p> <ul style="list-style-type: none"> • How pocket notebooks are issued. • How to request a new pocket notebook. • How to use a pocket notebook. • When and what to make entries about. • What to do if the officer does not have a pocket notebook available. • What to do with completed pocket notebooks. • Inspections of pocket notebooks. • Pocket notebook audit log. • What to do if a pocket notebook is lost or damaged. • The retention and disposal of a pocket notebook. • How to use a pocket notebook in court. 	
Exhibit and Evidence Management Procedure	<p>The Criminal Procedure and Investigations Act 1996 places a duty on the investigating officer and the prosecutor to ensure that evidence is secured, and its integrity maintained throughout the course of any criminal investigation and subsequent legal proceedings. A good exhibit and evidence management procedure should explain:</p> <ul style="list-style-type: none"> • What material is. 	

	<ul style="list-style-type: none"> • Types of evidence that may be gathered throughout the course of a criminal investigation and how it can be used. • How to manage certain types of evidence throughout the course of an investigation and any subsequent legal proceedings. • What an exhibit is and how to give an item an exhibit number. • What types of items to exhibit and how to do this. • How to refer to an exhibit within a witness statement. • How exhibits should be documented at the time of seizure or production. • How exhibits should be secured at the time of seizure or production (e.g. exhibit bags, tags, labels etc). • The chain of continuity. • Where exhibits and evidence should be stored securely. • How to maintain an audit trail of the exhibits and evidence. • Original evidence and court proceedings. • The retention and disposal of exhibits and evidence. 	
Witness Statement and Managing Witnesses Procedure	Witnesses play a crucial role in criminal investigations and subsequent legal proceedings. Without witnesses criminal cases would not be heard. Therefore, it is important that organisations have a procedure that their	

	<p>investigators can use when obtaining witness statements. A good procedure should detail the following information:</p> <ul style="list-style-type: none"> • What a witness statement is. • Who can provide a witness statement. • When to obtain a witness statement. • How to ensure that the statement complies with and is admissible under section 9 of the Criminal Justice Act 1967. • How the witness statement will be used. • How to write a witness statement and what information should be included. • How to deal with witnesses who may self-incriminate. • Who can be present when a witness statement is taken. • Categories of witnesses and how they should be managed throughout the course of the statement taking and subsequent investigation/legal proceedings. • When/if copies of witness statements will be released. • Identification of suspects by witnesses. • How officers should deal with witnesses who may be vulnerable, intimidated or interfered with. • How to consider or apply for special measures for witnesses who may be vulnerable or intimidated. 	
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	<ul style="list-style-type: none"> • Liaising with witnesses and keeping witnesses informed. • When to consider taking a Victim Personal Statement or Impact Statement for Business. • How and where original witness statements will be stored throughout the course of the investigation and subsequent legal proceedings. • Witnesses and giving evidence in court. • Information relating to The Witness Charter. 	
PACE Interviewing Procedure	<p>In some criminal investigations, officers may be required to undertake an interview in accordance with the Police and Criminal Evidence Act 1984. These interviews should be undertaken where there are reasonable grounds to suspect an individual of a criminal offence. A good PACE interviewing procedure should contain information on:</p> <ul style="list-style-type: none"> • What a PACE interview is. • The relevant Codes of Practice. • When a PACE interview can be undertaken. • Assessing an individual's fitness to be interviewed. • Equipment and documentation needed for a PACE interview and how to use it. • Audio recording of interviews. • Visual recording of interviews and when this may need to take place. • Voluntary and custody interviews. • PEACE model of investigative interviewing. 	

	<ul style="list-style-type: none"> • Pre-interview disclosure and dealing with legal representatives. • Starting and conducting an interview. • The caution and explanation. • Questioning a suspect. • How to deal with breaks during the interview. • How to deal with faulty equipment. • What a significant statement is and how to introduce one. • What bad character is and how to introduce it. • How to deal with silent or no comment interviews. • What a prepared statement is and how to deal with one. • Roles of individuals within a PACE interview and how to access or manage these. • Interviewing juveniles and vulnerable individuals. • Note-taking in recorded interviews. • Contemporaneous interviews. • Concluding an interview. • Master and working disc management, including the chain of continuity. • Introducing witness evidence or exhibits into a PACE interview. • Retention and disposal of discs. 	
Prosecution File Procedure	Should a decision be made to prosecute an individual for a criminal offence(s), officers should be able to use guidance within the prosecution file procedure to create	

	<p>a high-quality prosecution file for their legal team. This procedure should link in with the organisations Enforcement Strategy or Policy. An organisations Prosecution File Procedure should set out how a prosecution file should be compiled, what forms to use, how to complete them and when a full transcript of any PACE interview is required. The procedure should also detail any quality control measures or approvals needed prior to the file being passed to the Legal Team for review.</p>	
Disclosure Strategy / Procedure	<p>Proper disclosure of unused material is a crucial part of a fair trial. It is essential to avoiding miscarriages of justice. The Disclosure Strategy / Procedure should provide information to the investigator, officer in charge, disclosure officer and prosecutor regarding the importance of correct disclosure. A good Strategy / Procedure will explain how the following apply to the organisation:</p> <ul style="list-style-type: none"> • The roles of individuals. • The responsibilities of individuals. • The Disclosure Manual. • The Attorney General's Guidelines. • Application of the disclosure test. • Relevant material. • Definitions of non-sensitive, sensitive and highly sensitive material. • Disclosure schedules. • Dealing with defence case statements • Continuing duty of disclosure. 	

	<ul style="list-style-type: none"> • Justification of disclosure decisions. 	
RIPA 2000 / IPA 2016 Policy / Procedure	<p>The Regulation of Investigatory Powers Act 2000 sets out the authorisation requirements for covert surveillance carried out by public authorities which is likely to result in obtaining private information about a person. The Investigatory Powers Act 2016 sets out investigatory powers available to law enforcement agencies in respect to, amongst other things, the acquisition of communications data. A good policy should detail the following information:</p> <ul style="list-style-type: none"> • The purposes of RIPA 2000 and IPA 2016. • How other legislation such as the Human Rights Act 1998 applies. • Roles and responsibilities. • The forms and how to complete them. • Details of the three types of covert techniques that can be used. • When these techniques can be used. • What directed surveillance is. • What a covert human intelligence source (CHIS) is. • What communications data is. • Collateral intrusion. • Covert surveillance of social network sites. • The application process. • The authorisation process. • When reviews will be undertaken and by whom. 	

	<ul style="list-style-type: none"> • When to consider a renewal and how to undertake this. • Cancelling an authorisation. • Retaining the data obtained. 	
Open-Source Policy / Procedure	<p>Within criminal investigations, investigators may be able to utilise open-source investigations to gather publicly accessible information to assist with their investigations. Before conducting open-source investigations, officers should be suitably trained to ensure that they know how to access and record material that has been viewed or captured as part of the investigation. Within the open-source policy the following information should be included (this should also link to the organisations RIPA policy/procedure):</p> <ul style="list-style-type: none"> • What open source and internet investigation is. • What is permitted to be accessed. • Who is authorised to access the data (i.e. who has undergone specific training on open source). • What types of incidents open source and internet investigations can be undertaken for. • How should material viewed be recorded. • How should material gathered be stored. • How to deal with volatile data. • Retaining the data obtained. 	