By definition ‘Volume Crime’ includes the majority of offences which are committed in England and Wales, and as such have a significant impact on many victims.

If the Police Service is to have an impact on Volume Crime, then effective investigation should form a key part of the crime reduction strategy.

This manual is directed toward front line staff including those working in communications, crime desks, uniform, CID and scenes of crime work to ensure that each fully play their part in the investigation. ACPO Crime Committee believe that successful investigation will disrupt the activities of many prolific offenders leading to a further reduction in crime.

ACPO Crime Committee are confident that this manual will make a valuable contribution to best practice in the investigation of Volume Crime.

DCC Paul Garvin

*On behalf of ACPO Crime Committee*
THE PRINCIPLES OF HUMAN RIGHTS

This policy has been audited for Human Rights Compliance by the ACPO Policing and Human Rights Team, in October 2001.

Consideration has been given to the compatibility of this policy and related procedures with The Human Rights Act; with particular reference to the legal basis of its precepts; the legitimacy of its aims; the justification and proportionality of the actions intended by it; that it is the least intrusive and damaging option necessary to achieve the aims; and that it defines the need to document the relevant decision making processes and outcomes of action.

This policy has the possibility to engage the following articles of the European Convention on Human Rights (ECHR):

Article 1, Protocol 1: Protection of property.
Article 2: Right to life.
Article 3: Prohibition from torture, inhumane or degrading treatment.
Article 5: The right to liberty and security of person.
Article 6: The right to a fair hearing or trial.
Article 8: The right to respect for private and family life.
Article 10: Freedom of expression.

A full explanation of the Articles can be found in the Human Rights Act 1998.

It is generally recognised within ECHR law that the responsibilities of the likes of police extend not only to taking positive action to protect these rights and freedoms but also includes a failure to act or to take steps to protect them. It is therefore vitally important that the legal parameters of each of these rights and freedoms must be carefully considered by all officers and at every stage of policing.

There is a presumption too that convention rights can only be interfered with by any kind of state action where the Convention expressly allows it. These conditions are set out within wording of each of the Articles. The rights provided for in Article 8 – the right to privacy and Article 10 each has qualifications attached to them. The first part of the respective Article provides the right and the second specifies permissible qualification. In general terms, the rights can only be interfered with:

1. Where the action is prescribed by law, and
2. It is ‘necessary in a democratic society’ and for one of the following reasons:
   - National security
   - Territorial integrity
   - Public safety
   - Preventing disorder or crime
   - Protecting health
   - Protecting morals
   - Protecting the rights of others.
Human rights should be considered throughout the processes that are referred to in this document. Such consideration should include the reasons to support any potential interference with human rights with reference to:-

**Justification:** It is important that the investigation and any course of action that is to be taken is justifiable and that such justification could stand up to scrutiny. Matters that should be considered include:

1. The **legal basis** for the investigation; and
2. Whether the investigation pursues a **legitimate aim** (e.g. prevention of crime, public safety, protection of the rights of others).

In addition to this, all the other options that were considered and the reasons for not making use of them should be documented.

**Proportionality:** A balance must be struck between the importance of the aim of the investigation and any adverse effect on the individual and/or the community. Investigators need to take account of the likely impact on the victim, suspected offender and the community when they consider whether the investigation or any course of action is proportionate to the aim.

**Intrusiveness:** Prior to any decision that could have intrusive consequences, any other less intrusive options that might have achieved the same aim must be carefully considered.

**Necessity:** The decision–maker must ensure that the proposed actions are necessary as opposed to desirable.

In the application of this policy the Police Service/Force/Constabulary will not discriminate against any persons regardless of sex, race, colour, language, religion, political, or other opinion, national or social origin, association with national minority, property, birth, or other status as defined under Article 14, European Convention Human Rights.
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On average, 20% of a patrol officer’s daily duty time is spent dealing with volume crime and it is essential that the time is used productively and is concentrated on the outcomes, not outputs.

By its very nature, volume crime offences affect many people and it is therefore incumbent upon the Police Service to investigate crimes of this nature in an effective and professional manner. However, there is concern that the standard of investigation into volume crime has deteriorated over recent years. This may be due to a belief by officers that volume crime offences are less serious, difficult to detect and that merely recording the details of them is sufficient. If standards are to improve this culture must be addressed and officers made aware that they are not merely “clerks” but crime investigators.

The aim of this manual is to identify and promote professional, ethical and “best practice” standards in volume crime investigation. This is done by identifying a number of minimum standards that should be observed. In drawing up the manual ACPO Crime Committee have striven not to be too prescriptive or restrictive, but have tried to provide a basic framework for professional action.

The manual addresses 5 main areas of the Volume Crime Investigation Process:

1. Call Handling and Initial Response
2. Scene Assessment
3. Evidence Gathering
4. Witness Management
5. Suspect Handling

Intelligence is a thread throughout this manual.

This manual is intended to serve the needs of front line police staff. Supervisors and managers have a pivotal role to play in this regard.

**What is “Volume Crime”?**

The Working Party identified that the following crime types should be included within this category:

- Street Robbery
- Burglary - Dwelling
- Burglary Non-Dwelling
- Theft (including shoplifting)
- Vehicle Crime - Theft of
- Vehicle Crime - Theft from
- Criminal Damage
- Drugs (link with acquisitive crime)
1. CALL HANDLING AND INITIAL RESPONSE

Introduction

Although this publication is aimed at officers attending scenes of volume crime and conducting investigations, it is important to remember that the evidence and intelligence gathering trail commences with the initial contact between the person reporting an offence and the police.

Whereas the initial point of contact may vary between Forces, the skills required to successfully commence evidence gathering do not. Call takers, whether police officers or civilians working in communications centres, crime desks or enquiry desks, must have the availability to obtain all relevant information in a professional and courteous manner, adopting a sympathetic and reassuring approach when necessary, and they must be able to record details accurately in the prescribed format.

The above paragraph defines what may be felt as the minimum acceptable standard of customer care to be given. The twin pressures of the high volume of calls received and the requirement to meet performance targets results in call takers perceiving their role as being simply the first stage in the crime recording process consequently, victims of crime receive the minimum standard which, in terms of evidence and intelligence gathering, is deficient.

Call takers are actually the first stage in the evidence gathering and investigative process and should ensure that the correct advice is given to the public in respect of basic crime scene preservation for example, do not tidy up broken glass or board windows. This is particularly important in calls graded as a lower priority, as there may be a considerable delay before an officer actually attends the scene.

1.2 First Contact with the Police by the Victim of Crime

In most instances the first contact between the police and a person reporting a burglary or a theft of or from a car, will be through the crime desk or communications room. The police or civilian staff in these units must be considered to be a member of the investigative team. The information they elicit from the first telephone call can be used to prioritise the job and identify useful forensic evidence for subsequent collection by the scientific support staff.

The effective management of a crime scene commences when the police receive the crime complaint. The person receiving should:

1.2.1 Obtain Relevant Information

• Request name/address and contact telephone number of person reporting
• Ascertain what has happened, where and when the incident occurred.
1.2.2 Establish if Immediate Response is Required

Ascertain if:
- Life is threatened
- Someone is badly injured
- Person(s) are in the act of committing the crime or have been detained
- Action is needed to secure physical evidence due to weather conditions
- Action is needed to prevent further crime from being committed
- The victim is old or infirm or vulnerable or in need of support?

1.2.3 Obtain Supplementary Information

- Obtain description of person(s) including clothing, directions of travel
- Obtain directions to the scene if location not known
- Ascertain if other services are required, e.g. doctor, ambulance, council.
- **In relation to vehicle crime** consider the following questions:
  i) Anything seen or heard by the IP/informant or family?
  ii) Anything reported, seen or heard from any other source?
  iii) Any evidence left at the scene (glass, implement, other vehicle, cigarette ends etc.)?
  iv) Does the owner, or anyone who regularly uses the vehicle, smoke a particular brand of cigarettes?
  v) Does anyone else have access to the vehicle?
  vi) Has the vehicle been to a local garage for repair recently?
  vii) How many keys are there to the vehicle?
  viii) Can all of the keys be accounted for?
  ix) Are there any known/likely suspects (i.e. disputed ownership)?
  x) Is there CCTV covering the area/scene of the offence?
  xi) Is there security lighting covering the area/scene of the offence?
  xii) Is the vehicle usually parked in the location from where it was taken?
  xiii) When does the vehicle excise licence expire?
  xiv) When does the MOT expire?
  xv) Is the vehicle on finance?
  xvi) Is the vehicle up for sale?
  xvii) Does the vehicle have a tracker fitted?
  xviii) How much petrol was in the vehicle when it was taken?
  xix) Has the vehicle been stolen before (as far as I.P. is aware)?
  xx) Has the vicinity been checked?
  xxi) Has the owner conducted house-to-house in the vicinity?
  xxii) What was the MO of the offence (if known)?
  xxiii) Any other relevant information?
1.2.4 Provide Advice and Guidance

- Assure caller of police response
- Inform caller of response time in accordance with Force Policy
- Advise caller not to disturb the scene and about preservation of evidence.

1.2.5 Dispatch Appropriate Response

- Detail officer to attend within the time scale given to the victim
- In cases of immediate response dispatch appropriate resources
- Upon confirmation of the crime by the first attending officer, arrange attendance of Scientific Support, taking into account any crime scene attendance criteria. Obtain an approximate time of arrival to the scene and communicate this to the first officer for the information of the victim.

1.2.6 Maintain Record

In accordance with force procedures ensure that a record is maintained concerning the incident and that all records are legible, accurate and contain all necessary information. Be aware that these may be disclosed in the event of the prosecution of the offender(s).
1.3 Gradation of Response

Whereas individual Forces adopt various methods of grading the priority of calls received, it is imperative that these methods ensure the appropriate resources are allocated to an incident to ensure a professional and effective response.

Although some volume crimes may appropriately be dealt with by crime desk staff, the following should be visited:

i) where the victim is vulnerable due to their age or some infirmity
ii) offences which may be racially motivated
iii) bogus official or distraction type offences
iv) where key witnesses need to be interviewed
v) where forensic evidence may be available
vi) where the offence is one of a series or linked to other offences
vii) where victims have received injuries
viii) where the complainants themselves request a visit from the Police - albeit that the response might be delayed.

Where crimes are dealt with by telephone investigation recourse should be made to Appendix A, which contains advice in respect of Scientific Support Unit (SSU) scene attendance.

1.4 Allocation of Further Resources

Given that each crime has a unique blend of factors, which will determine what response, and type of investigation is appropriate, it is impossible to set out rigid instructions in respect of what further resources should be allocated.

Where offenders have been disturbed before completing an offence, they are likely to attempt another offence shortly afterwards. Consideration should be given to the use of other resources being deployed in the area after an initial search for concealed offenders has concluded. Dog Section Officers should be utilised for tracking over escape routes, particularly in open areas.

Consideration should also be given to recording intelligence and ensuring that it is available to any other officer attending a crime scene through a command and control system, such as the details of getaway car including the make, colour, model and any part registration number used in this type of crime, descriptions of suspects, sightings of known criminals near to the scene and any other details known about a suspected offender or even the victim if they are known to be violent, make allegations etc. A police officer forewarned with this type of intelligence is forearmed and should be better equipped to deal with that crime scene.
2. SCENE ASSESSMENT

When assessing crime scenes, officers should be aware of likely evidence sources, identify and protect them accordingly. There are a variety of contact or trace materials likely to be found at a scene of crime including fingerprints, blood and body fluids, footwear marks and abandoned clothing and tools, all of which could provide intelligence links to named suspects. In addition evidential material in the form of glass, paint, fibres, hairs and tool-marks can provide strong corroborative evidence to link a suspect with a crime scene or eliminate a person from police enquiries.

The most common sources of evidence are included in Appendix B. Articles left by suspects in abandoned motor vehicles, such as cigarette butts, drinking vessels etc., can provide DNA intelligence.

DISCLOSURE

The responsibilities for complying with the Criminal Procedures and Investigations Act (CPIA) begin as soon as a crime scene is attended or investigation into an offence commences.

The responsibility rests with the initial officer dealing with the matter to:

Retain - Record - Reveal

If details of enquiries undertaken, property retained at the scene or left in the care of third parties are not properly recorded the task of the officer eventually completing the disclosure schedules is immeasurably more difficult.

The decisions about which lines of enquiry to follow, what is discounted and what is scheduled for later, may appear obvious to the officer at the scene. This will not be the case for the officer subsequently reviewing the case file and trying to ascertain what material exists and whether the investigation undertaken is commensurate to the level of the offence alleged. The better the initial investigation and recording of that investigation, the better the chance of securing a connection.

REMEMBER - Disclosure starts at the commencement of your work - it is not the final task.

DNA DATABASE AS AN INTELLIGENCE TOOL

The National DNA database is an intelligence tool which affords great potential in the investigation of Volume Crime. The size of the National DNA database is increasing and as is the awareness of the power of DNA profiling within the police. In support of this the FSS has produced a DNA handbook entitled ‘DNBA - Present & Correct’ which is accompanied by a training video which illustrates the use of DNA profiling in the investigation of a domestic burglary.

Officers must be mindful that unnecessary visits by other police officers or specialists is a waste of resources and provides a poor quality of service and customer care to the victim who has to constantly repeat the same information.
2. SCENE ASSESSMENT

2.1 First Officer Attending Scene

The actions taken by the first officer when attending a crime scene are crucial to any subsequent successful forensic examination and increase the potential to recover all available evidence. Officers must be mindful that they are investigators and their conduct when carrying out a thorough and professional crime scene investigation will provide the best chance of identifying the offender.

The role of the first officer attending the scene is to provide the initial personal police contact and continue the investigative process.

This will be achieved by:-

1. Communicating with the victim or witness
2. Assessing and preserving the scene. Preserving evidence
3. Considering health and safety risks
4. Initiating any urgent action and appropriate support services response
5. Completing relevant documentation
6. Providing advice and guidance
7. Completing initial enquiries.

2.1.1 Communicate with the Victim

- Attend within the time scale given to the victim.
- Communicate with the victim. Provide clear explanation of what the police response will be. Be aware that ‘first impressions count’.
- Consider the needs of the victim, e.g. medical, removal from the scene, attendance of a friend, family member or Victim Care/Victim Support Officer.

2.1.2 Assess and Preserve the Scene / Preserve Evidence

- Assess potential for physical evidence at the scene
- Make visual search of immediate vicinity for discarded items
- Obtain details of suspect(s)
- Identify entry and escape routes
- Consider physical search for suspect(s). Take into account the effect this may have to the ability of the Dog Section Officer to perform effectively
- Identify possible locations for concealed stolen property, i.e. refuse bins, bushes, concealed areas and other similar locations
- Record all actions taken.

Preserve Evidence

Officers should always be mindful of contamination and the continuity of property preserved for forensic examination especially with regard to DNA evidence.
Take necessary steps to preserve physical evidence:
- Minimise disturbance by persons within the scene
- Cover/move items at risk from the elements
- Remove wet items to a dry location
- Give advice to victim with regard to preservation issues
- Consider DNA evidence by preserving such items as drinks cans, chewing gum, cigarette ends etc.
- In respect of stolen motor vehicles, consideration should be given to the preservation of cowlings for fingerprints.

2.1.3 Consider Health and Safety Risks
Take action to minimise risks to the victim, yourself and other personnel who attend the scene. Consider potential risks from:-
- Body fluids
- Broken glass
- Sharp objects
- Damaged electric’s
- Poor lighting conditions
- Climbing risks
- Agitated victim/witness/suspect.

2.1.4 Initiate any Urgent Action and appropriate Support Services Response
Including the arranging of scientific support to attend the scene, immediate enquiries etc.

Dog Section: be aware of the destruction that the handler and dog may cause to the forensic evidence at the scene. View this against the potential the officer may provide in tracing the offender(s), identifying an escape route and recovery of property.

Air Support: consider the appropriateness air support in the pursuit of suspects or recovery of property.

CID: establish if the crime requires the attendance of CID in accordance with Force Policy.

Supervision: establish if the crime warrants the attendance of a supervisor.

Scientific Support: attendance to the scene should be in accordance with any crime scene attendance criteria. Obtain an estimated time of arrival and communicate this to the victim.

Scientific Support should always be requested to scenes where there is evidence of:
- Blood
- Fingerprints
- Footwear marks
- Tool Marks
2. SCENE ASSESSMENT

2.1.5 Complete Documentation

• Complete crime report
• Ensure that the victim is provided with relevant crime and other reference numbers
• Take cognisance that all documentation, especially ‘early’ description of suspect, could be subject of disclosure.

2.1.6 Provide Advice and Guidance

• Inform the victim of the service provided by Victim Support and the referral system
• Provide basic crime prevention advice
• Inform the victim of the process of the police investigation. Provide realistic expectations of police response
• Inform the victim of the appropriate police contact point
• Obtain consent for release to the media of personal details and details of the offence
• Be positive and honest.

2.1.7 Complete Initial Enquiries

• Carry out all immediate lines of enquiry to identify person(s) responsible
• Where possible, inform victim prior to carrying out any house-to-house enquiry
• Maintain contact with the victim wherever possible; even if there are no developments the victim is reassured by the police interest
• Pursue lines of enquiry that may lead to the recovery of stolen items
• In the case of a stolen motor vehicle enquire if other vehicles have been stolen or abandoned nearby.
• Carry out an intelligence check of any named suspects (including nicknames, modus operandi and descriptions of offenders) and suspect/sighted vehicles in the vicinity of the scene.
• Carry out checks regarding similar crimes committed in the same area including repeat victimisation and investigate any information which may be relevant in linking crime scenes and identifying suspects etc.
2. SCENE ASSESSMENT

2.2 Crime Scene Examiner

The scene assessment made by the first attending officer is critical in establishing whether there is any value in requesting the attendance of the Scientific Support staff.

The information that was gathered by the crime desk, together with the record of attendance of the first officer should be available to assist the Scientific Support staff in making their initial scene assessment.

The Scientific Support Officer (SSO) should be fully aware of the risks of contamination at a scene and wear the appropriate protective clothing. The current DNA techniques are extremely sensitive and the SSO must be aware of the possibility of contaminating the scene and the precautions necessary to avoid this.

Any samples collected at the scene should be fully documented and packed to ensure proper integrity and continuity of the exhibit.

The Forensic Science Service (FSS) has produced a series of aide memoir to assist the officer’s decision making (see Appendix C). These documents are called:

* Critical Success Factors - In Offences involving Broken Glass
* Critical Success Factors - In Offences involving Footwear Impressions
* Critical Success Factors - In Assault Cases (non-sexual) involving Blood or Fibres
* Critical Success Factors - In Auto-crime and Break-In cases involving Fibres.

The role of the Crime Scene Examiner (formerly SOCO) is to undertake the forensic examination of the scene. This officer must conduct the scene examination methodically, impartially and in a highly proficient manner.

This will be achieved by:-

1. Attending the scene, making contact with the victim
2. Assessing the scene (forensically)
3. Considering health and safety risks
4. Carrying out a forensic examination of the scene
5. Completing Relevant Documentation
6. Providing advice and guidance
7. Maintaining continuity and integrity of samples
8. Disseminating the results of the examination
9. Liaising with officers who have attended the crime scene(s)
10. Researching any related crime scenes and recovered items which may be linked.
2. SCENE ASSESSMENT

2.2.1 Attend the Scene / Make Contact with the Victim

• Provide clear explanation of why you are there and what your role is
• Request victim to inform you of what they think has happened
• Be professional as first impressions count.

2.2.2 Assess Scene

• Reassess initial preservation action in view of current weather conditions/information received.
• Review extent of scene by questioning the victim and visual examination. Establish scene boundaries and approach path.
• Establish point of entry and egress.
• Assess potential evidence at the scene, the recovery techniques required and any additional. Specialist equipment/support needed.
• Identify any items that may have been left at the scene by suspects, e.g. cigarette ends, cans, bottles, and tools.

2.2.3 Consider Health and Safety Risks

• What immediate health risks are present (as for first officer check list)
• Wear appropriate protective equipment
• If in doubt, confer with supervisor and do not enter the scene.

2.2.4 Carry Out Forensic Examination

• Adopt search and examination techniques appropriate to the scene and circumstances of the crime
• Locate and record evidence in order to provide or improve matters under investigation
• Ensure potential evidence is not damaged, degraded, contaminated or lost
• Undertake search in a manner which ensures health and safety of self and other personnel
• Obtain victim’s permission prior to the examination of valuable items or their removal from the scene for that purpose.

2.2.5 Provide Advice and Guidance when Examination is Complete

• Explain to the victim how to clear up, what has been found/removed from the scene, what will happen to elimination fingerprints etc.

2.2.6 Complete Relevant Documentation

• Record relevant data pertaining to the examination accurately and contemporaneously in accordance with Force Policy and legal requirements
• Establish who has legitimate access to the scene and obtain elimination fingerprints where required.
2. SCENE ASSESSMENT

2.2.7 Maintain Continuity and Integrity of Samples

- Ensure samples are packaged and labelled prior to leaving the scene
- Ensure samples are stored and retained in appropriate conditions until required and that their location is suitable recorded.

2.2.8 Disseminate the Results of the Examination

The results of the examination should be communicated to all the relevant personnel including the victim, investigating officer, intelligence officer etc.

Full details of the offence and circumstances of the examination should also be included on the laboratory submission form (MGFSS). The forensic scientist may tailor his examination based on the information provided. Any conclusions or opinions the forensic scientist may express will also be based on the details provided in the initial submission.

**NB** It is important that the scientist has as full an understanding of the case and the circumstances of the incident as possible.

Liaise with Officers who have Attended the Crime Scene(s)

Research any Related Crime Scenes and Recovered Items which may be Linked
3. EVIDENCE GATHERING

Introduction

The object of recording and investigating crime is to detect the crime and arrest the offenders, not merely to record the fact that a crime has been committed!

A thorough and conscientious approach to the recording and investigation of all crime is of paramount importance in determining whether a crime enquiry will be successfully concluded. By investigating all leads correctly the police give themselves a more realistic chance of detecting crime and in that way provide a better service to the public in general.

3.1 The Investigative Process

3.1.1 Statements from Victims or Witnesses

Statements should be obtained from all key witnesses at the earliest opportunity in order to enhance evidential integrity and content. Consideration must be given to the individual circumstances of the witness at the time, taking into account such factors as their emotional state.

The amount and accuracy of the information that witnesses can provide can be determined by the way in which they are interviewed. More complete and accurate information is associated with factors such as allowing for free recall, good rapport, open-ended questioning, and sensitivity to the negative effects of leading questions and patience.

Witness statements that merely record details of modus operandi and property stolen, while ultimately necessary for a successful prosecution, add little to the investigative process.

3.1.2 Location and Seizure of CCTV Tapes

Although research undertaken indicates that evidence from CCTV tapes is of probative evidential value, in only 2% of cases it is a valuable investigative tool, particularly in terms of identifying fruitful lines of enquiry, for example, the type of vehicle used to commit offence.

The presence of both public and privately owned and operated CCTV systems in the vicinity of an incident should always be considered and available relevant recordings should be seized as soon as possible before any evidence is lost through disposal or over-taping. Tapes which contain material of evidential value, should be copied as soon as practicable in accordance with Force procedures in order to minimise the risk of corrupting the material by repeated playing. Tapes seized should be sealed and have an exhibit label completed and attached on receipt.

In view of the obligations placed upon officers in respect of disclosure, it is recommended that care be taken to seize those CCTV tapes that are likely to be of evidential nature. Simply seizing all CCTV tapes in a given geographical area will cause unnecessary, wasted effort. Investigating officers should have easy access to records of all CCTV systems operating in a particular geographical area to facilitate expeditious enquiries.
3. EVIDENCE GATHERING

3.1.3 House-to-House Enquiries

Officers attending crime scenes should ensure that house-to-house enquiries are conducted at points of entry and exit, escape routes and scenes of abandoned property. Records should be kept of who has been spoken to and what information has been provided. Consideration should be given to conducting enquiries with tradesmen and legitimate visitors to the vicinity such as window cleaners and newspaper deliverers. When conducting such enquiries, officers should avoid using expressions such as "Have you seen anything suspicious?" as such questioning precludes witnesses from mentioning facts that, although not suspicious, are relevant. Simply asking the question "What have you seen?" will elicit much more information.

As conducting house-to-house enquiries will publicise the commission of an offence, where practicable, they should not be carried out without the consent or knowledge of the victim.

The enquiries undertaken should be conducted with total regard for the privacy of landowners/householders. The least intrusive and damaging practices must be pursued.

3.1.4 Recording of Action Taken

The officer should record action taken in relation to enquiries at or in the vicinity of a crime scene on the relevant part of the crime report. Where applicable any relevant information not contained in a witness statement should be recorded in the officer’s pocket notebook. All relevant information should be transferred to the Crime Report on the computerised crime recording system and the reporting/investigating officer should ensure that all information is accurately recorded and transferred.

3.1.5 Computerised or Artists Composite Likeness

Where witnesses have viewed an offender then investigating officers should consider the use of this investigative tool. However, where a suspected person is identified the system should not be used. Consideration should be given to arrest and formal identification procedures.

Investigating officers should not show a witness photographs before they compile a computerised or artists composite likeness and there should be no discussion regarding the descriptions given by other witnesses. Where more than one witness is to provide a computerised or artists composite likeness, care must be taken to ensure they do not contaminate each other by discussing their individual descriptions.

Before utilising this investigative tool, officers must probe the witness to ascertain whether any subsequent identification will satisfy the test set out in R v TURNBULL and officers should determine which of the above methods is the most appropriate to use. *(Chapter 4 4.1.4 refers to R v TURNBULL).*

i) Computerised or artists composite likeness should be considered, where a witness is able to describe the features of an offender.

ii) Artist’s impression should be considered where a witness can provide a fuller description or viewed the offenders profile.

In determining which method to employ, each witness must be assessed individually. The overriding factor, to maximise evidential integrity and value, is to ensure that the process is completed as soon as practicable, ideally within 24 hours.
3.1.6 Showing of Album/Computerised Image Capture

Where a suspect has been identified or the witness is to prepare a computerised or artists composite likeness the showing to witnesses of albums of photographs or digitally captured images should not be undertaken.

The showing of albums of photographs or digital images should be conducted in accordance with the provision of Code of Practice D of the Police and Criminal Evidence Act 1984.

The showing of a photograph album or computerised image capture should be considered where:
- A witness is unable or unwilling to make a computerised or artists composite likeness
- Time constraints render the use of a computerised or artists composite likeness impractical.

3.1.7 Identification Parades

Where it is necessary when dealing with a suspect, to revert to an Identification Parade and the witness is ‘vulnerable’, it is essential to ensure evidential integrity, by completing the process as soon as practicable.

3.1.8 Interrogating Intelligence and Crime Recording Systems

Information and intelligence are powerful tools for an investigator as an ‘active’ minority of criminals commit the majority of volume crimes. Investigating officers should be fully aware of the existence and operation of relevant systems and the information they can provide. All investigating officers should realise that for any intelligence system to be effective it must be fed with intelligence and accessed regularly. Every effort must be made to ensure that entries are recorded accurately and comprehensively, particularly in respect of crime recording.

Officers should be mindful of the need to research other crimes occurring in the same area, including the modus operandi, point of entry and exit, escape routes, time and day of offence, stolen/damaged property, recovered and abandoned property, descriptions and details of any suspects and vehicles used etc. Scene linking can lead to the development of the offenders profile to alert other officers who may know, suspect or sight the offenders when they visit similar crimes or are carrying out general patrol duties. It may also be possible to task informants armed with this information to ascertain the identity of an offender.

3.1.9 Liaison With Others Having Particular Knowledge

Officers should be aware of sources both internally and externally which could provide assistance or information to their investigation. These include:
- Local Community Officers
- Divisional or Force Intelligence Unit Personnel
- Neighbourhood Watch co-ordinators
- Benefits Agency
- Local Authority Housing Departments
- Tasked Informants
- Registered Contacts.

3. EVIDENCE GATHERING

It is essential that officers are encouraged to ‘recruit’ contacts within their locality, however, they should also be made aware of protocols that may exist with local agencies.

3.1.10 Circulation of all Relevant Information

In order to be beneficial information should be disseminated to individuals who can best utilise it.

Descriptions of offender, unusual modus operandi, identifiable property stolen and other noteworthy factors, should be circulated initially at a local level via intelligence units and then at a Force level and beyond by Force Intelligence Bureau if appropriate.

Consideration should be given to utilising ‘Crimestoppers’, particularly in respect of offences where the identification of suspects from photographs, video or similar means is required. The local media should be considered in instances where witnesses are sought, as well as the identification of offenders, all media releases being co-ordinated through press liaison officers.

3.1.11 Recording of Action Taken

In order to comply with the requirements of the Criminal Procedure and Investigations Act 1996, it is important that investigators record accurately and completely what action they have taken. The requirement placed upon supervisors to ensure investigative standards are met and procedures adhered to, also necessitates the need for accurate and thorough recording of actions carried out and their outcome.

3.1.12 Initial Circulation

In order to obtain the maximum benefit of evidence initially gathered, circulation of offender descriptions, vehicles involved and identifiable property stolen must be carried out at the earliest opportunity. Every effort should be made to ensure these circulation’s are accurate in view of the disclosure obligations imposed by CPIA and the initial description of suspects must be recorded.

3.1.13 Completion of Crime Report

Crime Reports should be completed accurately with as much information as possible, particularly in respect of the modus operandi, in order to facilitate meaningful comparative case analysis and linking of series and scenes of crimes.

The use of enhanced modus operandi information has been proved to improve a primary detection rate of burglary dwelling house offences by 5%. An example of an enhanced modus operandi is as follows:

"Unknown person(s) force entry to UPVC front door using unknown bladed article, enter property via forced front door, apparently enter living room and switch on TV. Person(s) remove settee cushion, putting it in an upright position, apparently leave living room without taking any property, enter downstairs landing area via dining room door and take house key from table in that area. Unknown person(s) then search upstairs rooms in an untidy manner..."
and steal property from one bedroom, apparently enter second bedroom and empty handbag onto bed, as well as searching through cupboard in an untidy manner. Unknown person(s) then egress as entry. The kitchen does not appear to have been entered or searched. The key taken is a house key for the burgled premises and gives full access to the burgled premises via the front door. Even though the house was searched, there are a number of valuables which were not taken, i.e. two personal computers, one video recorder, one CD Hi-Fi, thirty CDs and a number of Play Station games.”

Although the time taken to complete is obviously greater the benefits of it as an investigative tool for analysing and linking crimes are obvious.

Officers should also ensure the following points are adhered to:

- A detailed list of stolen property and its identifiable features must be obtained either immediately, or at the earliest opportunity. Descriptions such as 4 x compact discs or a set of golf clubs are not acceptable.
- Consideration should be given to the possibility that the aggrieved person may have photographs of the stolen property.
- A comprehensive suspect(s) description is/are obtained and properly recorded to help in the linkage of crimes and improve the changes of obtaining successful matches with unknown person searches.
- Details of all witnesses should be properly recorded, including whether or not a statement has been obtained. The reasons why witnesses have not provided statements should also be recorded.
- In order that crimes can be properly monitored by supervisors and for disclosure purposes, the investigating officer has a responsibility to ensure that a full record of the overall investigation is maintained. For example:
  i) Identify houses/premises visited and resulted obtained
  ii) Names of persons spoken to, including their full particulars and a brief account of what the person said
  iii) Steps taken to identify suspect(s)/trace vehicles used/recover stolen property.

3.1.14 Enquiries - Stolen Property

Although thieves tend to have regular handlers, to whom they dispose of stolen property, this is not always the case and investigating officers should always consider other outlets for property such as antique and second-hand shops, car boot sales, pawnbrokers and sales through classified advertisements, internet auction sites. Specialist or unusual items may be sold through trade journals or auctions.

3.1.15 Distraction Burglaries

See Appendix D
3. EVIDENCE GATHERING

3.2 Supervision

The role of supervisors in respect of volume crime is to ensure that each crime receives a thorough and professional investigation which maximises the potential for detection and gives the best possible standard of quality of service and "customer care" to the victim. The responsibility placed upon supervisors applies at every stage of the investigative process from the initial receipt of the call through to the conclusion of court proceedings and beyond, if necessary.

First line supervisors, normally Sergeants must ensure that crime recording procedures are accurate and ethically sound and that all crimes are fully investigated before finalisation. Supervision must ensure that investigators are given sufficient time to conduct enquiries and that individuals are given the training, support and guidance necessary to enable them to fully develop their investigative potential. Sergeants should understand that the role of crime desks in respect of volume crime investigation is an administrative one; they are not the supervisors of investigators and sergeants must not place supervisory responsibilities on crime desk staff.

Second line supervisors, normally Inspectors, are responsible for ensuring the quality control of all aspects of the crime investigation process by utilising an agreed dip sampling process. This process should include a physical check on the quality, accuracy and ethics of crime recording, as well as contact with victims to ensure the appropriate quality of service is being delivered.
4. WITNESS MANAGEMENT IN RELATION TO VOLUME CRIME

Introduction

The Police and Criminal Evidence Act 1984 Codes of Practice provide a general principle that all citizens have a duty to help the police in the prevention of crime and apprehending offenders. When a police officer is investigating an offence he is entitled to question any person from whom he thinks useful information can be obtained. The fact that the person is unwilling to assist does not effect the officers entitlement.

Investigating officers cannot successfully carry out their role without the full co-operation and assistance of victims of crime and accordingly care and support is of paramount importance.

Witnesses can make crucial contributions to all crime enquiries. In addition to providing useful leads in investigations, as eyewitnesses they may also give vital evidence such as picking out an offender from an identification parade, recovering a weapon or stolen property and supplying intelligence on potential suspects and also local offenders.

Many people will only ever become a witness to an incident once in their lives. As such they will be unfamiliar with the process, their obligations to it and whom they may turn to for advice. It is important that whenever a police officer is dealing with a witness they fully appreciate this and deal with them accordingly. Remember that their evidence given in court may be critical to obtaining a conviction.

Officers should attend crime scenes as quickly as possible and allocate as much time to the victim as is reasonably practicable making every effort to minimise the traumatic effects of the crime. Victims should be dealt with in a sympathetic and reassuring manner and given practical advice and support.

Officers should always support victims in accordance with the Victims Charter by:

• Responding to complaints of crime as promptly as the circumstances require and allow
• Outlining to them the investigatory process
• Providing a reference point for any future enquiries or further information
• Recording full details of any loss or injury
• Making readily available a victims of crime leaflet
• When appropriate providing details to Victim Support Service
• Giving particular consideration to victims who are especially vulnerable.

Officers should be sympathetic, courteous and patient with victims. They should also be realistic about the prospects of detection and the recovery of stolen property.

After giving a statement, witnesses should be given written information containing:

i) Officers details and point of contact;
ii) Procedure for Court appearance;
iii) Telephone number for advice/assistance.
This should assist the witness by reassuring them and providing a point of contact for the future.

All victims should be asked at the time they report a crime whether they wish to be notified of the developments. Thereafter the investigating officer should keep them updated. If the investigation is reallocated to another officer the victim should be informed.

It is essential that both victims and witnesses are aware how important their assistance is in maintaining law and order.
4. WITNESS MANAGEMENT IN RELATION TO VOLUME CRIME

4.1 Statements

Statements play a vital role in both the criminal and civil legal systems. By using written statements those involved in the judicial process can read what a witness would say if they were present and as such they play an integral part by acting as an information filter in the legal system. The reasons for their importance are:

- They enable a quick check to be made of the evidence in order to determine whether a case is suitable for court.
- They allow for evidence to be accepted in court by other parties when it is not in dispute (Section 9 Criminal Justice Act 1967).
- They enable the witnesses evidence to be recorded quickly after an incident.
- They enable the court to reach a verdict.

As memories deteriorate with the passage of time statements should be obtained from key witnesses at the earliest opportunity. This ensures their evidential integrity and content. Consideration should always be taken of the individual circumstances of the witness and their emotional state.

The amount and accuracy of information that a witness can provide is determined by the way in which they are interviewed. A more complete recall of information is usually associated with factors such as having a good rapport, patience, open ended questions and showing sensitivity to the negative effects of leading questions.

Officers should consider that a written statement is the ‘shop window’ of their work and therefore their professionalism is on display. Witnesses, magistrates, judges, solicitors and supervisors form their opinion of an officer’s credibility and that of the police service on the quality of statements.

4.1.1 When to Take a Statement

Witness statements should be obtained, from complainants and key witnesses, in the following instances:

- When a crime is detected (they should be taken as directed in the PTI Manual of Guidance for the submission of Prosecution Files -incorporating the Narey Guidance)
- In undetected cases where there is a suspect whether identified by name or description only. Such statements should only be taken if the description is of evidential value i.e. distinguishing feature such as limp, tattoos or scar. They need not be taken if the description provided is of a general nature i.e. youth wearing baseball cap and dark tracksuit.
- The complainant or witness does not live locally.
- The complainant or witness lives locally but the crime was committed in another force area.
- The complainant or witness is elderly and may later have difficulty in remembering details.
- Where there are positive lines of enquiry, which indicate a likelihood of detection.
- The crime relates to a sexual offence or serious assault.
- Where there is an expectation that the witness will not be available at a later date.
4. WITNESS MANAGEMENT IN RELATION TO VOLUME CRIME

• Where there is doubt as to the authenticity of a complaint.
• A Supervisor directs.

A negative statement is taken when a witness states that they did not see or hear anything and cannot therefore help. Such statements are important as they prevent a witness coming to court at a later date and conjuring up a story to help a guilty friend. This applies particularly when dealing with alibi evidence.

4.1.2 General Matters in Relation to Statement Taking

If further statements are required they should be separate documents not additions to existing statements. Such additional statements should begin ‘Further to my previous statements(s)...... ’. Both statements should be retained and submitted.

All statements should be in the first person and speech should be direct. Slang and swear words should be avoided unless they are relevant. An example would be using direct speech of the threatening language used prior to an assault. This helps to convey to the court the personality or strong feelings that either the witness or defendant possess.

Officers should avoid using leading questions and should record statements in an active style i.e. ‘I posted the letter’ rather than ‘The letter was posted’.

Consideration must be given to the offence or incident and those elements that will be required to establish or prove it. An offence can only be proved from the evidence. It is important that the basics are not forgotten i.e. prove that the person was deceived or that an item was stolen. Witness statements, which merely record the details of the MO and list the property stolen, are ultimately required for a successful prosecution but add little to the overall investigative process.

Witnesses should not be allowed to exaggerate. If an officer suspects that a witness is embroidering the truth they should be tactfully reminded of their obligation and that what they say in their statement is what they will be expected to say at court whilst under oath. If this is not sufficient an explanation of the criminal offences of perjury or giving false evidence should be given (Section 9 Criminal Justice Act 1967).

Consideration may need to be given to interpreters, appropriate adults, ethnicity and so on.

The Youth Justice & Criminal Evidence Act 1999 has provided opportunities for Vulnerable or Intimidated witness’s to be subject to "Special Measures". These may include:

• Giving their evidence via a video link
• Additional protection such as screens in the court
• Removal of wigs and gowns
• Video evidence in chief

To be afforded these measures the witness must be identified as Vulnerable or Intimidated at the earliest stage. Further guidance should be sought through the Criminal Justice Department and reference made to the prompts for identifying Vulnerable and Intimidated witnesses.

Consideration should be given to an early strategy meeting with the CPS in these cases. The MG6 will play an important part in informing the prosecutors of the abilities of the witness.
An assessment of the witness’ potential ability to give evidence by the officer writing the statement can be a great help to the advocate. Factors on which the assessment should be made include:

- The intelligence of the witness;
- How well the witness can talk and whether or not they have a good understanding of the English language;
- Whether the witness is likely to be sad, angry, sincere or excited when giving evidence;
- Whether they are likely to stick to their evidence;
- Any physical defects such as a stammer, deafness.

Any notes that are made in the process of compiling a statement must be retained and disclosed as unused material. They may also be used to negate or confirm subsequent statements by the same witness.

In cases when a witness retracts their initial statement this action should be viewed with caution and consideration given as to whether they have been intimidated. It may be advisable to obtain a second statement giving the reasons for their retraction and whether the original statement was correct. A retraction statement does not necessarily mean that proceedings will be aborted.

If a witness is reluctant to support a prosecution or wishes some other course of action to be taken, this should be noted in the statement. It pre-warns the officer in the case and the prosecutor of the attitude of the witness and this may well have a bearing on the subsequent decision whether to prosecute.

Child witnesses have been afforded certain protective measures in the courts for some years, these are extended in the Youth Justice & Criminal Evidence Act 1999. Only an appropriately trained officer should interview a child witness and guidance should be sought at the earliest opportunity from the relevant child protection unit.

The police should seek the whole truth and not just those parts that support the case. When complete a statement should as far as possible be in chronological order, make sense and be accurate.

4.1.3 Statement Content

A statement should identify the witness and provide details of status, occupation, position held, relationships, and so on. It is important that the home address of the witness is not revealed in the body of the statement unless it is relevant to the offence i.e. the statement relates to a burglary at the witnesses home.

Police officers do not need to state where they are posted in the body of their statement. When a police officer is acting as an expert witness they must include their professional qualifications.

If possible each separate event in the statement should be enclosed in a separate paragraph. It is advised that the content of each paragraph be checked with the witness as it is written.

The witness should be encouraged to describe the offender in as much detail as possible. In cases of multiple suspects when a suspect has been described once they should subsequently be referred to as Male number 1 or Male number 2. Witnesses should not state in the statement whether they would recognise the offender again, such information should be
conveyed to CPS on a form MG6.

Whenever relevant a description of the witness should be included in the text. This is particularly important in public order and assault cases. It is important that locations and injuries are fully described.

It is essential that accurate descriptions of property are included in the statement, even small items of identifiable property can lead to a crime being detected. Any marks or damage that the owner would be able to recognise again should be recorded.

Hearsay is information given to a witness by another as to facts not within the witnesses knowledge. It should be avoided whenever possible. However, if there is doubt about whether something is hearsay or not include it in the statement, if necessary it can be excluded later.

Officers are often confused possibly because of the complicated admissibility rules of hearsay evidence about when to include intelligence into witness statements. If the intelligence is directly relevant to the case being considered it should be included and the decision regarding admissibility will be taken by the Crown Prosecution Service. If the intelligence is not relevant it should not be included in the witness statement but should be recorded in the officers pocket note book and the force intelligence log updated.

Police jargon or slang should be avoided. ‘Bad’ language should not be used unless reporting direct speech. It is important that the witness’s words or phrases are used.

Medical or technical witnesses should be asked to explain matters in simple English. Their qualifications and experience should be included in the statement. Police officers need to describe visible injuries on victims in their own statements as well of those of the victims. This is particularly important when minor injuries are sustained and no medical evidence is available.

SURNAMES and PLACE NAMES should be in block capitals.

4.1.4 Identification

Large proportions of witness statements contain details about a person’s identity. Whenever identification is an issue the content of a witness statement should address the issues outlined in R v TURNBULL.

These are as follows:-
1. How long had the witness had the suspect under observation and at what distance?
2. The quality of the light.
3. Whether observation was impeded in any way and, if so, how.
4. Whether the witness had any previous knowledge of the suspect and, if so, how long and under what circumstances.
5. Whether the witness had any special reason for remembering the suspect.
6. How long elapsed between the incident and any subsequent identification of the suspect.
7. Whether there are any material discrepancies between the description of the accused given to the police by the witness when first seen and his actual appearance. It is
essential that the record of the first description of suspect(s) be retained for disclosure purposes. Additionally reference should be made on the MG6 to any differences between the statement description and the actual description.

The issue of whether the witness had previously been shown any photographs with a view to identification should be addressed elsewhere in the file.

4.1.5 Foreign Language Statements
In the case of a person making a statement in a language other than English consideration should be given as to whether they fall into the Vulnerable category.

1. The interpreter should take down the statement in the language in which it is made and the person making the statement should sign it.
2. An official English translation should be made in due course by the interpreter.
3. The interpreter should then make a statement introducing both the original foreign language statement and the English translation as Police Items and certify that the translation is accurate.

4.1.6 Vulnerable and Intimidated Witnesses
Vulnerable and intimidated witnesses are defined as such by Sections 16 and 17 of the Youth Justice and Criminal Evidence Act, 1999.

Vulnerable witnesses are:

- Children under 17 at the time of the hearing
- Individuals with a mental disorder (as detailed under the Mental Health Act)
- Individuals with a significant impairment of intelligence and social functioning (for example, people with learning disabilities, autism etc.); and
- Individuals who have a physical disability, or who are experiencing a physical disorder (this would include people with hearing or speech impairments).
- Intimidated witnesses are those likely to experience fear or distress, by virtue of their circumstances or those of the offence, to the point that the quality of their evidence might be impaired. Such witnesses might include:
  i) Those who have experienced domestic violence
  ii) Those who have experienced past or repeat bullying
  iii) Those who self neglect and self harm
  iv) Due to the nature of the offence (e.g. sexual offences, rape)
  v) Racially aggravated offences
  vi) The racial or ethnic origin or religious beliefs of the witness
  vii) The domestic, social and employment circumstances of the witness
  viii) Any religious beliefs or political opinions of the witness
  ix) Those who are eligible due to their age.

- Individuals who are likely to be or who have been subject to intimidation due to:
4. WITNESS MANAGEMENT IN RELATION TO VOLUME CRIME

i) The behaviour of the defendant, his family or associates or anyone who is likely to be a defendant or a witness in the proceedings

ii) The relationship of the witness to the defendant.

Vulnerable and intimidated witnesses will be eligible to be considered for “Special Measures” when the Youth Justice and Criminal Evidence Act, 1999 has been implemented. Given that a commencement order for this legislation is still awaited and that implementation is likely to be phased when it is, further guidance should be sought from Criminal Justice Departments in the event of a witness being identified as being vulnerable or intimidated.

4.1.7 Exhibit Identification and Continuity

Exhibits produced in a statement MUST be allocated a reference number and an exhibit label should be signed at that time. Each item of property should be identified with a different police item number rather than for example ‘a bag of clothing’ each item should receive a different police item number unless there are a multiple of the same property for example a box containing 50 Mars Bars.

(For examples of exhibit continuity see Appendix E).

It is essential that continuity can be shown for all exhibits recovered. Any person who handles an exhibit should sign and date the label and make reference to it in their statement. Without such proof any evidence recovered during an investigation may subsequently become inadmissible in court.

4.1.8 Business Documents

When producing business documents such as invoices, bank statements or computer printouts as evidence they are admissible only if certain conditions are satisfied.

A witness statement is required from an appropriate member of the business to the effect that the document was created or received in the normal course of that business and that the information contained in the document was supplied by a person who had or may reasonably have been supposed to have had personal knowledge of the matters dealt with (Section 24 Criminal Justice Act 1988).

4.1.9 Computer Records

There are additional requirements for the admissibility of computer records. A witness statement is required to show that the computer was operating properly, was being used correctly so that neither the production of the document or the accuracy of its contents was affected.

4.1.10 Competency and Compellability of Witnesses

See Appendix F
4.1.11 Concluding a Statement

When the full text of the statement has been written the witness should be asked to read it and initial any alterations. Such alterations should be single lines through the words to be ignored. Any insertions should not be written between lines or in margins. A letter should be placed at the point of the required insertion e.g. ‘a’ at the first insertion, ‘b’ at the second and so on. The text of the insertion should be added at the end of the statement, before signature, and should be marked with the letter of the insertion.

When the contents of the statement have been agreed, the witness should sign each page and under the last line of writing on the final page.

The CJA certificate on the first page should then be read and if necessary explained to the witness. If the witness is a juvenile and an appropriate adult is present they must also sign each page.

Any blank spaces at the end of the statement should then be struck out by the officer and initialled by the officer taking. The rear of the statement must be endorsed with the availability dates for the witness to attend court.

If the statement is made by a person who cannot read it, the officer taking the statement will read it over to him before he signs it and will then add at the end of the statement the following:

‘The witness being unable to read the above statement, I ...

(Name/ rank/no) of ... (Division/Sector/ Branch) read it to him/ her before he/she signed it.

Dated the ...day of ... 20... Signed .......

The address used on police officers statements should be their usual place of work.

4.1.12 Video / Audio Interview of Significant Witnesses

Outside of the provisions of the Youth Justice and Criminal Evidence Act, video interviews should only be considered for most serious cases, i.e. Robbery

Significant witnesses are those that:

• May have been, or may claim to have been, an eyewitness or witness to the immediate event in some way.

• Were involved in a particular relationship with the victim or have a central position in the enquiry.

The use of these techniques can be advantageous in terms of maximising the recall of a witness and the process by which the recall is captured.

Research would suggest that a good proportion of the information provided by witnesses does not register with the interviewing officers. The recording of the information gathering phase allows officers to revisit it during the process of recording a written witness statement.

Authority to carry out this type of interview will only be given by a Senior Investigating
Officer. The use of such techniques should be detailed in the relevant policy books and will normally only apply to the more serious cases.

Experience would suggest that the use of this technique should be used on limited basis and be specifically targeted. It should not be used in a ‘Scatter Gun’ approach.

In granting such authorities SIO’s need to give consideration to the evidential issues that will arise in the future. Such issues being whether a transcript is required, the likelihood of the prosecution being able to play the tape in court, the use in isolation, by the defence, of harmful excerpts from the tape and so on.

Under no circumstances, should an SIO authorise the interview of any person using these methods, if they are suspected of involvement in the case under investigation. Under such circumstances, interviews under the Police and Criminal Evidence Act 1984, treating the person as a suspect should be undertaken.

It should be noted that at the conclusion of the information gathering process there is still a need to record a paper witness statement. Such a statement should include the fact that the information gathering phase was either video or audio taped and a cross-reference to the tape exhibit number should be recorded.

If during the interview process there is a need to take a break, for example in order to have refreshments, then either the recording can cease or continue. If the recording continues then care must be taken to ensure that inappropriate/irrelevant conversations between the witness and interviewers do not take place. If the recording ceases then reference must be made to this when it is recommenced. Witnesses should be asked to confirm that no interviewing has taken place during the period of the break.

Generally two trained officers should be used and whenever possible there should be a different interview team for each witness. The planning of the interview is important and there should be a briefing either by the SIO or a nominated interview co-ordinator, as it is essential that the team understand the objectives and aims of the interview.

It is useful to have a ‘Time Spot’ schedule of the content of a tape created using these techniques.

The material obtained during these processes is relevant material under the Criminal Procedures and Investigations Act 1996 and are therefore subject to disclosure requirements.

4.1.13 Admissions and/or Requests for Immunity

If a witness admits, during the process of taking a witness statement, that they were a party to the crime that is being investigated, officers should caution the witness and cease the interview. They should either arrest the person or inform them that they are not under arrest and that they can leave at any time. Immediate liaison should take place with a Supervisor.

If the witness admits involvement in criminal activity that is not connected to the matter for which a witness statement is being sought, the person should be cautioned and told whether or not they are under arrest.

If no arrest takes place the interviewing officers then need to decide whether to continue with the interview or not. This will be very much dependant on the seriousness of the offence being investigated as against the seriousness of the offence admitted. If in doubt officers should consult with either the SIO or a Supervisor.
If the decision is to continue with the interview, the officers should, after the caution, inform the witness/suspect that they are not under arrest and can leave at any time. The witness should then be informed that:

‘The Police are not in a position to offer you any kind of immunity from prosecution regarding your involvement in the offence of ... You will be officially interviewed about your involvement in that matter at a later time. You will not be asked any questions about that at this time. Do you consent to continue with this interview?’

If consent is forthcoming, the interview can be completed. If not the interview should be concluded and the admitted matter dealt with. If the witness declines consent and seeks or continues to seek immunity for the other criminal activity then the interviewers should end the interview and seek guidance from the SIO or a Supervisor.

Interviewing officers should be aware that such admissions, as outlined above, may well be ‘Unsolicited Comments/ Significant Statements’. Therefore the recording requirements of the Police and Criminal Evidence Act 1984, Code C, Paragraph 11.13, should be complied with.

**4.1.14 Witness Statements from Suspects**

There are occasions when persons who are being interviewed, as suspects, deny involvement but claim to have been witnesses. If officers intend to record witness statements from such persons then care needs to be taken and whenever possible advice from a Supervisor, Decision-Maker or the CPS should be sought.

In general terms if a person, who is being interviewed under caution, claims to be a witness and not a suspect, the interview should continue. The aim being to obtain as much information from the suspect as possible.

At the conclusion of the interview(s) a decision will need to be made regarding any action in terms of prosecution. If no such action is taken an approach can be made to obtain a witness statement. No such approach should be made until the prosecution decision has been made.
4.2 After Care and Follow Up

It is important that victims are kept informed about the progress of their case. Follow-up contact should be made in all cases unless there is a justifiable reason for not doing so. Contact must always be made in the following circumstances:

- Offences of domestic burglary
- Victims who are vulnerable through age, infirmity or other circumstances
- Victims of assault
- Victims of sexual offences
- Victims of racially or homophobic motivated offences
- Repeat victims
- When the course of justice is being prevented by intimidating witnesses
- In cases requiring further information (additional stolen property list)
- Where proceedings are pending.

The purpose of the follow up contact should not be simply to offer reassurance but as an investigative tool to gather information of the offence under investigation and any other matters in respect of which the victim may have information about. This is of particular relevance where victims reside in ‘high crime’ areas.

The other reasons for further contact with victims is to seek their views on:

- Cautioning the offender
- Any reparation process if applicable
- Suitable bail conditions to protect witnesses and appropriate methods of dealing with breaches.
- Suitability of Home Detention.

Whilst the victims views may not necessarily determine the eventual outcome it is important that they have the opportunity of expressing an opinion.

4.2.1 Victim Personal Statement Scheme

This scheme allows victims a more formal opportunity to say how they have been affected by the crime. The statement will become part of the case papers, and should help all the criminal justice agencies subsequently dealing with the case to take more informed decisions.

The procedure is optional for victims, and victims should not feel pressurised into making a victim personal statement unless they want to. Victims can say as much, or as little as they wish, and in their own words. Statements could range in content from a simple request to be kept informed of case developments, to be put in touch with Victim Support or other support agency, or they could describe in some detail the victim’s fears about the offender, about the possibility of being a witness, or other more far reaching effects.

In the vast majority of cases the victim personal statement will be taken by the police. It will accordingly be the responsibility of the police to link the statement with the case papers and to ensure that any action necessitated by the content of the victim personal statement is put in hand.
The victim personal statement is not a substitute for other requirements. It will not obviate the need, for example, for the completion of other forms detailing compensation sought where this is appropriate.
4.3 Repeat Victimisation

Research indicates that victims of crime and other incidents may be targeted for subsequent victimisation. This is particularly relevant in relation to offences of burglary, assault, and racial and homophobic crime.

The psychological effects on the victims of crime can be immense. Being subject to further similar offences can be debilitating. Therefore it is essential that effective steps be taken to prevent further victimisation.

It is likely that the repeat incidents will occur soon after the initial victimisation. Acknowledging this enables an appropriate preventative response to be made quickly. Likely victims must be identified immediately and subject to a targeted crime reduction initiative.

Every victim should be asked whether they have been subject to other offences. If they have, officers should ensure that suitable steps are taken. The primary means to prevent repeat victimisation is to arrest and prosecute the offender.

A victim-based approach involves target hardening whereby steps are taken to make a repetition of the offence more difficult or too risky for the criminal. Whilst such measures are useful in giving people a sense of security, care must be taken to avoid developing a siege mentality or encouraging people to change their personal activity to an unreasonable extent.

A graded response where the measures introduced become more elaborate as the number of offences a victim has been subjected to increases is recognised as good practice.

The following may assist in preventing further victimisation:

- Police response and investigation
- Scenes of crime attendance
- Tactful letter explaining the possibility of a further offence has increased
- Advice to quickly repair damage at the point of entry
- Advice on home/business security to reduce the risk of further offences
- Provision of property marking equipment and window stickers
- Use of ‘Cocoon Watch’ (asking neighbours to be extra vigilant)
- Use of covert police visits at the relevant times
- Visit by a specialist Crime Prevention Officer
- Use of crime pattern analysis and intelligence to link other similar offences which may have other evidence available
- Increased visible patrols
- Fitting of temporary alarm or CCTV equipment.
4.4 Compensation

Victims of crimes can be have compensation awarded in some cases. To assist with compensation claims it is useful if records are kept of any extra expenses incurred as the result of the offence, for example medical expenses or costs of repairing or replacing property. Likewise loss of earnings and other income received as the result of the offence (e.g. Social Security benefits) should also be recorded. It is important that the relevant documentation is retained.

**Criminal Injuries Compensation Authority (CICA)**

Persons that are injured as the result of a crime of violence can apply for a payment from the Criminal Injuries Compensation Authority. The responsibility for making the claim lies with the victim.

**Compensation from the Offender**

When someone is convicted the criminal court may order the offender to pay compensation for injury, loss or damage suffered because of the offence. This is unlike the CICA claim and the police must apply it for.

It is important that victims are asked whether they would like to receive compensation. If they would like to be considered they should be given a form to record accurate details of the losses with supporting documentary evidence. This information will be passed to the CPS who will ensure that the court is made aware.

The court will consider compensation in every appropriate case and decide whether to order the offender to pay. In making this decision the court will take into account the offenders circumstances and ability to pay. If the court does decide to pay it is important that the victim is aware that it may not be for the full amount of the loss suffered.

If the court decides to make an order against the offender they will be required to the money to the court who will in turn forward it to the victim. If the offender has enough money the compensation will normally be paid in a lump sum. However, in most cases the court will allow the offender to pay by instalments.
4. WITNESS MANAGEMENT IN RELATION TO VOLUME CRIME

4.5 Witness Intimidation and Harassment

The police must be committed to the support of witnesses and victims of crime if they are to pursue one of their primary functions of detecting and reducing acts of crime and disorder. Criminals can go to great lengths to avoid conviction and this may extend to the intimidation and manipulation of witnesses.

The police have a duty of care to witnesses and victims. To ensure continuing public support and goodwill it is essential that they be provided with reassurance and support.

Clearly witnesses can feel vulnerable when they provide information to assist police investigations. Whilst witness protection is an essential part of serious crime investigation, to a lesser extent it is also very relevant in connection with volume crime where a series of relatively minor criminal matters can ‘blight’ the quality of life in a whole neighbourhood. If witnesses do not feel confident to come forward with information then a whole community can be effected by the activities of a few.

Certain witnesses suffer from a fear of reprisals, from the defendant or other connected persons, if it were to become known that they have assisted the police by making a statement prior to being called to give evidence. Others will be content to make a statement but will be fearful of the consequences of giving oral evidence in court because of potential reprisals. Whilst others are fearful only of the procedures involved in attending court to give evidence.

All witnesses must feel reassured that the police are taking their welfare seriously. If the witness is fearful of making a statement or giving evidence because of the possible repercussions the interviewing officer may reassure them. It is essential that the reassurance does not include any promises of action that may give an unreasonable raise of expectations.

A witness should never be offered any incentive or inducement to provide a statement of evidence. Officers must never encourage a witness to make a statement on the pretext that they will not be called to give evidence in criminal proceedings.

To assist security at the home address of the witness, their address should normally be recorded only on the rear of the statement unless this is unavoidable. An example would be where the witness is the complainant in a charge of domestic house burglary when it would be evidentially necessary for the witness to record his or her home address in the body of statement.

Where the officer recording the statement or the OIC becomes aware of the potential for a witness to be intimidated it is essential that they give appropriate advice. This will include advice on how to how to contact the local police station at any time.

Witnesses must be advised on the appropriate use of the 999 system should events make this necessary. It must be explained to the witness that the 999 police operator will not have any knowledge of that particular police enquiry unless entirely separate arrangements have been made by the OIC.

The intimidation of a witness is an arrestable offence under Section 51 Criminal Justice and Public Order Act 1994. Any officer who becomes aware that intimidation is or is likely to take place must investigate the matter with diligence and bring the matter to the attention of his/her supervisor without delay. Other legislative measures that can be used to deal with intimidation and harassment are also available.
The Protection from Harassment Act 1997 makes it a criminal offence to make another person fear violence will be used against them. It also makes it an offence to cause harassment by ‘stalking’. If an offender has been convicted and the victim subsequently suffers harassment or a fear of violence a criminal court may make a ‘restraining order’ to stop the unwanted activity continuing. Breach of the order can result in a prison sentence.

When a person’s anti-social behaviour causes harassment the police or local authority may apply to the magistrates court for an Anti-Social Behaviour Order. In such cases the victim need not appear in court or be identified as the court can take evidence from professional witnesses. Such orders last for not less than two years and disobedience can lead to a prison sentence.

In some cases it may be more appropriate for those effected to seek an injunction from a civil court to put a stop to harassment. Breaching an injunction is an arrestable offence.

Whenever intimidation or harassment occurs it must be treated as confidential information and brought to the attention of the CPS via form MG6. Such issues may be dealt with under the CPIA disclosure rules or Public Interest Immunity procedures. It is also important that officers are aware of disclosure with any matter that may be considered sensitive. Intimidated witness may be vulnerable under the Youth Justice and Criminal Evidence Act and therefore eligible for special measures.
4. WITNESS MANAGEMENT IN RELATION TO VOLUME CRIME

4.6 Media

Victims of crimes can find themselves in the position of being today’s news. This is particularly the case in relation to more unusual offences when a witness or a victim may because of the unique circumstances find that their story is newsworthy. In such cases the media want to speak to them about their experiences and how it is effecting them and their family or business.

We must not lose sight of the fact that victims of crime and witnesses are ordinary people suddenly thrust into the limelight through no choice of their own. The fame they receive through media exposure is not out of choice.

To become a victim of any crime is distressing. Victims invariably feel vulnerable, angry and upset. Recounting their experiences is often very painful. However, the media is singularly the most powerful group in society and appeals for information through them can be crucial to the investigation of crime.

At no time is a witness or a victim ever obliged to give interviews, however they may decide that they want to tell their story. Exclusive interviews should never be organised and officers should make it clear that the police cannot instruct the media as to what they will publish or broadcast. The use of the media enables the police or the victim to:

- Make an appeal
- Make their views known
- Pay tribute to other victims/relative/family/friends
- Thank people that have helped them
- Reply or correct something that has already been published.

The decision whether to release details of a crime should not necessarily be influenced by the wishes of the victim/witnesses. There is generally no reason to withhold details of an incident purely on the basis that the victim does not wish to be identified.

Whilst the police will not reveal the names, address or telephone number of any witness or victim unless they have specifically given permission to do so. This may not prevent a journalist from finding their identity by a number of other methods and contacting them. Under the Press Complaints Commission’s Code of Practice journalists should not persist in telephoning or questioning individuals after having been asked to desist.

Witnesses and victims should be made aware that a ‘human angle’ to any story makes it more appealing to the media. An appeal from the person affected by a crime has much more impact than a police spokesperson talking about the same incident in a detached way. This benefits both the police and the victim by attracting more media coverage. Journalists will prefer to name the person involved as it gives the story extra credibility, however they would prefer an anonymous interview rather than none at all.

Witnesses and victims should be advised about what the media will be looking for from them. This basically will be for them to speak honestly about their experiences and feelings. If they are uncertain what to say because of an on going investigation they should be advised accordingly.

Journalists regularly attend Magistrates, Crown and Coroner’s Courts and are privileged to report everything that is said there. It is impossible to prevent a court report appearing in the media and journalists will at the conclusion of proceedings often seek the views of those involved.
4.7 Court Attendance

Witnesses should be informed that the police will try to catch the criminal but they may not always succeed. Even if a criminal is caught there are many reasons why they may not be prosecuted. These include there not being sufficient evidence to charge the person, the suspect is young or mentally disordered, a reprimand or final warning is deemed to be appropriate or the suspect is already facing more serious charges for other offences.

Once a person is charged the Crown Prosecution Service take over the case. They will decide whether there is sufficient evidence to provide a realistic prospect of a conviction and whether a prosecution would be in the public interest.

Witnesses should be aware that whilst the CPS do not act directly on behalf of individual victims or represent them in criminal proceedings they do carefully consider the interests of victims when deciding where the public interest lies.

When the witness is formally warned to attend court an information pack including the leaflet ‘Witness in Court’ will be sent to them. This pack contains information tailored to the individual court concerned and is designed to assist the witness find the court building. It offers further advice on what they should expect to happen when they are called to give evidence coupled with information on how to claim expenses. The leaflet will outline the role the Witness Service, anecdotal evidence suggests that this service has been found useful in supporting the witness through the trauma of attending court.

Special care is particularly needed in relation to child witnesses aged 17 or under. The use of Child Familiarisation Workers can be useful in reassuring child witnesses. They can arrange visits to the court, demonstrate the use of video links and generally prepare the child for the court appearance.

The majority of cases are dealt with at Magistrates Court, however more serious cases are dealt with the Crown Court.

Witnesses should be given the opportunity of providing dates that they would like to avoid, although they must appreciate that there are times when cases have to proceed even though it might not be convenient for individual witnesses. An explanation of the system of provisional trial dates whereby a Crown Court Trial is listed to be heard in ‘The week commencing...’ may be useful.

When cases are adjourned or a witness is cancelled by the CPS at short notice the witness should be notified as soon as practicable. If they are to be required at a later date further availability information should be obtained from them.

Witnesses will often want to refresh their memories prior to giving evidence at court. This is best done in a court ante-room where there is no contact with any other person involved in the case. Witnesses should not be coached in giving their evidence. A witness can only refresh their memory from a statement if:

- It was made at a time that they had a distinct recollection of the facts stated therein; and
- It was made by or under their supervision or, if not made by them, it was read by them at a time they had a recollection of the facts stated.

Pre trial meetings between witnesses and police officers involved in a case to discuss the evidence to be given or to rehearse are not permitted. The witness should be discouraged from comparing statements or talking to other witnesses before the trial about what they
will say in the witness box. Where two witnesses have been involved in the same incident there is no objection to them refreshing their memories from notes made in collaboration.

Witnesses should be updated on court dates and the outcomes of cases.
5. SUSPECT HANDLING

Introduction

When dealing with this section of the manual it was decided to deal with a person when he or she may first fall under suspicion to incorporate the important aspect of stop search powers.

The suspect handling procedure then seeks to follow a logical sequence of actions to be taken from arrest to charge. In practice, some actions will be taking place simultaneously as officers carry out different tasks. Also it will not always be possible to follow a predetermined set of actions particularly when dealing with more than one suspect.

The searching of premises is also included in this section as the evidence that may be obtained is closely related to the person under investigation.

To demonstrate a team approach in dealing with volume crime the contributions that can be made by personnel other than the investigating officers are included. These will include custody staff, SSO’s and scientific support.

Finally, before commencing the main body of this section one important point must be made. As a service, the Police are quite rightly victim focused. However, they will also be judged on how they treat those people they deal with as suspects. As such, Officers must act in a fair and ethical manner in their dealings with those under suspicion or in custody. This will help maintain the support of the majority of the public that the police enjoy at the present time.
5. SUSPECT HANDLING

5.1 Stop and Search

5.1.1 Powers

A valuable tool to be used against those involved in volume crime, is the power to stop and search suspects. The powers to search people and vehicles are found under various statutes. However, for the purpose of this manual the powers most likely to be exercised will fall under the Police and Criminal Evidence Act 1984 Section 1. These are as follows:-

To search for any article where the officer is reasonably suspicious that the suspect/vehicle has with him, or in the vehicle:

- Stolen goods
- Anything connected with committing theft or deception
- Any offensive weapon.

5.1.2 Pre-Search

Before carrying out the search it is good practice to consider questioning the suspect about his behaviour or reasons giving rise to the reasonable suspicion. This may eliminate or confirm the necessity of a search being conducted. Once the need for a search is established prior to the search commencing, the officer must:

- If not in uniform show his/her warrant card.
- Give his/her name and the police station he/she is attached to.
- State the object of the search.
- State the grounds or authorisation for undertaking it.
- State that a record of the search will be made and if the person being searched is not given one at the time, he may apply to a named police station within a year for a copy.

5.1.3 Conduct of Search

- All reasonable steps to minimise embarrassment to the person being searched must be taken.
- Reasonable force may be used but this should be a last resort and the co-operation of the person is to be sought.
- It is not possible to be prescriptive about the length of time a search should last, but it should be reasonable for what is being sought. For example, looking for a small package containing drugs may mean a more intensive search than for a car stereo, which is less easily concealed.
- The search must be conducted at/or nearby where the person or vehicle was first detained.
- Searches in public must be restricted to superficial examination of outer clothing.
- In public there is no power to remove any clothing other than an outer coat, jacket or gloves.
- A more thorough search, e.g. removal of a shirt, must be done out of public view which may include a police van or police station if nearby.
Any search involving more than the removal of outer clothing and footwear may only be made by an officer of the same sex as the person searched.

Cognisance must be given to the purpose of searches and the aspect of proportionality must form part of the decision making process. There must be a minimum degree of intrusion when conducting searches.

### 5.1.4 After Search

Unless it is impracticable to do so, e.g. large numbers involved, the officer must make a written record of the search. The records will usually be made at the time unless circumstances such as other immediate duties prevent this. The record must be made on the approved national search record. It will include the name, address and date of birth of the person searched if provided. There is no power or obligation to insist on this if the person refuses all or any of these details.

The record shall include the following information:

- The name of the person searched, or (if he withholds it) a description of him.
- A note of the person’s ethnic origin.
- When a vehicle is searched, a description of it, including its registration number.
- The object of the search.
- The grounds for making it.
- The date and time is was made.
- The place where it was made.
- The results.
- A note of any injury or damage to property resulting from it.

All forces should have a system that ensures all search records are checked by supervision to determine that searches have been carried out lawfully, ethically and professionally. This will allow identification of any officer who needs guidance or instruction in the stop and search procedures.

Additionally, the collation of these records will assist in supplying the following information:

- Intelligence re those persons stopped e.g. associates and where suspected of committing crime.
- The areas where volume crime is being committed are those where resources are being directed to.

Where powers allow, stop searches are to be encouraged and provided they are done in a professional and sensitive manner, will provide both a deterrent and method of detection in relation to volume crime.
5.2  Arrest

5.2.1  Search of Suspect

Where prisoners have been transported by police vehicle, the vehicle should always be searched for any item which may have been hidden or disposed of by the suspect.

An officer may search any person immediately under the following circumstances:

• Reasonable grounds for believing the arrested person may present a danger to himself or others.
• For anything which he might use to escape from custody.
• For anything which may be evidence of an offence.

Once the prisoner is transferred to the police station, the custody staff have the following responsibilities in relation to his property:

• Ascertain what property he may have acquired unlawfully.
• Ascertain what property may be harmful while in custody.
• Be responsible for the safe keeping of any other property taken from him and which remains at the police station.

To achieve this the Custody Officer will ensure the prisoner is searched. Those items suspected to be unlawfully obtained will become subject of the investigation.

5.2.2  Search of Premises

In addition to the powers relating to the search of the suspect, given the correct circumstances the police also have a right to enter and search premises for a suspect or evidence relating to the offence for which the suspect has been arrested or a similar offence.

The following guidelines as to when those powers may be exercised are as follows:-

Section 17 of PACE allows a constable to enter and search premises to arrest or detain a suspect under certain circumstances, these include:

• Executing a warrant of arrest in criminal proceedings or a warrant of commitment issued under Section 76, Magistrates Courts Act;
• Arresting a person for an arrestable offence;
• Arresting a person under:
  i) Section 1 Public Order Act, 1936 (prohibition of uniforms in connection with political objects),
  ii) Sections 6 to 8 or 10 of the Criminal Law Act, 1977 (offences relating to entering and remaining on property – NOTE: the constable must be in uniform to exercise this power),
  iii) Section 4 Public Order Act 1986 (fear or provocation of violence),
  iv) Section 76 Criminal Justice and Public Order Act, 1994 (failure to comply with an interim possession order property – NOTE: the constable must be in uniform to exercise this power);
• Arresting a child under Section 32(1A) Children and Young Persons Act 1969 who has been remanded or committed to local authority accommodation (by virtue of Section
5. SUSPECT HANDLING

23(1) Children and Young Persons Act 1969);

- Re-capturing a person who is unlawfully at large and is liable to be detained in a prison, remand centre, young offenders institution or training centre or in pursuance of Section 53, Children and Young Persons Act 1933 (this relates to children and young persons who are guilty of grave crimes who is liable to be detained in any other place); and

- Re-Capturing any person who is unlawfully at large and who the constable is pursuing.

The above powers are only exercisable if the constable has reasonable grounds for believing that the person is on the premises. In this section police officers may use reasonable force to effect an entry (Section 117 Police and Criminal Evidence Act [PACE], 1984).

“Premises” would include: vehicles, tents, etc. (Section 23 PACE, 1984).

Section 32 of PACE allows a constable to enter and search premises for evidence under certain circumstances, including:

- To enter and search any premises where the suspect was when he or she was arrested or was immediately before arrest for evidence relating to the offence for which he or she was arrested.

  This power may only be exercised if the constable has reasonable grounds for believing that such evidence may be found on the premises.

Section 18 of PACE allows a constable to enter and search premises for evidence (other than items subject to legal privilege) under certain circumstances, including:

- To enter and search any premises that are occupied or controlled by a person who has been arrested for an arrestable offence for evidence that relates to:
  
  i) That offence or
  
  ii) Some other arrestable offence which is connected to or similar to that offence.

  This power may only be exercised if the constable has reasonable grounds for believing that such evidence may be found on the premises. An officer exercising this power needs to have the authority of an inspector or above unless the premises are searched before the suspect is taken to the police station in circumstances where the presence of the suspect is necessary for the effective investigation of the offence.

5.2.3 Search Warrants

If it is thought there is reasonable suspicion that a premises needs to be searched then a warrant may be applied for. Although the intention may also be to arrest a suspect, the powers mentioned earlier cannot be used until an arrest is made. Therefore, where stolen property, drugs or other items need to be seized a warrant will need to be sworn out. This will prevent a situation where the suspect, or someone else on the premises will be alerted to the police interest and therefore given the opportunity to dispose of evidence.

5.2.4 Conduct of the Search

Whether under a warrant or not, the extent of the search should only be to achieve the object of the search. Once the objective of the search has been achieved, the search has to cease.

All searches must be conducted with due consideration for property and any occupiers. No disturbance other than what is necessary should be caused.
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If required, reasonable force can be used to gain entry where the co-operation of the occupier cannot be obtained.

All property seized must be accurately recorded and a copy of the record given to the owner/occupier of the premises.

All Forces have to maintain a register of searches conducted at divisional police stations.
5. SUSPECT HANDLING

5.3 Pre-Interview

5.3.1 Unsolicited Comments
During the course of an arrest or search the suspect may make an unsolicited comment which may have some significance to the enquiry. When this occurs the following actions are to be carried out:

• Record of comment and time to be signed by the maker;
• If practicable the suspect shall be given the opportunity to read and sign it as correct, OR
• Indicate the aspects he considers inaccurate.

Any refusal to sign to be recorded.

5.3.2 Intelligence Checks
Upon arrest, every person must be subject to whatever intelligence checks can be made. Primarily these will be:

• PNC check
• In force intelligence check
• Local Warrants
• Local intelligence/Phoenix search on MO may reveal other offences for which they may be responsible
• Scientific Support Office.

The more that is known about the suspect will assist officers in how to deal with them and increase the opportunity to connect them with more crimes they have committed. This may also be done forensically.

5.3.3 Technological Support
Technological Support for the taking of various impressions and samples that could be taken to assist in enquiries. In isolation they may not further the enquiry and therefore it is necessary to search against files and databases that are available. These include:

**Automatic Fingerprinting Systems**: N.A.F.I.S enables the retrieval of information and linking of marks which are accurately stored within the database. The benefits of the system when running to its full potential greatly assist in dealing with volume crime. Forces should have systems in place which check the standards of fingerprints prior to submission.

**Footwear Database**: S.I.D (Shoemark Identification Database) will identify the type of shoes from the treadmark and can be used to link any shoemarks from a crime scene to the type of shoe worn by a suspect. Expert evidence will still be required for court to connect specific treads to a shoe seized as an exhibit.

**DNA**: database which is managed by F.S.S at Birmingham.

**Smart Water**: some premises are now equipped with equipment that has the capacity to spray suspects with an identifiable liquid solution. This will remain on the suspect day or even weeks after regular
5. SUSPECT HANDLING

washing. It becomes fluorescent under an ultra-violet light. The light itself is an inexpensive item and can be wall-mounted in custody areas.

**IT Databases:** used for recording property stolen to be checked for any items seized from suspects that are thought to be unlawfully obtained.

Benefits using technology will result in:

- Increased detection of crime.
- More property returned to owners.
- Enhances public image/increase confidence of Police Service.
- Support crime reduction initiatives.
5.4 The Suspect as a Crime Scene

When arrested, the suspect should also be treated as a crime scene and the opportunity taken to obtain all possible evidence, albeit at all times officers must seek to minimise the degree of intrusion.

Whilst in custody the police have the opportunity to obtain all possible evidence. In many cases this will be the only chance and as such this potential should maximised. The following is a list of what should be considered:

5.4.1 Fingerprints

Before charge a persons fingerprints may be taken with consent and this must be in writing. The person must be told of the reason why they are being taken and informed that they may be compared with other fingerprint records held (i.e. a speculative search) and will be retained.

Fingerprints may be taken without consent prior to charge if an officer of substantive or acting Superintendent rank has reasonable grounds for suspecting that the fingerprints will tend to confirm or disprove his involvement in a criminal offence and the officer so authorises. Reasonable force may be used to obtain a persons fingerprints.

5.4.2 DNA Evidence

The following 3 samples are those which officers will encounter when dealing with DNA evidence:

1) CRIMINAL JUSTICE SAMPLE
   This is a ‘non-intimate’ sample and means:
   ‘A mouth swab or plucked body hair (other than pubic hair) taken from a person who has been charged, reported or convicted of a recordable offence as defined by the Criminal Justice and Public Order Act 1994 and taken for the purpose of profiling for input onto the National DNA Database’.

   The FSS ‘DNA 1’ kit is used for the buccal sample.

2) CRIME STAIN
   Any physical evidence recovered from the scene of a crime or the victims of a crime which may be suitable for DNA profiling.

3) SUSPECT SAMPLE
   An ‘intimate’ or ‘non-intimate’ sample taken from a person during the course of an investigation into a recordable offence under the powers conferred by Sections 62 and 63 of Police and Criminal Evidence Act 1984. This sample will be required to compare with any crime stain that has been recovered. Where a person is identified by this method the prosecution can see the match is between the crime stain and the suspect sample. This prevents reference to any profile of the suspect held on the National Database which would indicate previous conviction. Also, if the suspect’s profile has not been previously obtained it will be the only comparison available.

   The FSS ‘DNA 2’ kit can be used to take a buccal swab for this purpose, thereby saving the police the time and cost of a police surgeon attending to take a blood sample from the suspect.
5. SUSPECT HANDLING

<table>
<thead>
<tr>
<th>Intimate Samples</th>
<th>Non-Intimate Samples</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dental impressions or a sample of blood, semen or any other tissue fluid, urine or pubic hair, or a swab taken from a persons body orifice other than the mouth.</td>
<td>i) A sample of hair (other than pubic hair) which includes hair plucked with the root.</td>
</tr>
<tr>
<td></td>
<td>ii) A sample taken from a nail or from under a nail.</td>
</tr>
<tr>
<td></td>
<td>iii) A swab taken from any part of a persons body including the mouth but not any other body orifice.</td>
</tr>
<tr>
<td></td>
<td>iv) Saliva.</td>
</tr>
<tr>
<td></td>
<td>v) A footprint or similar impression of any part of a persons body other than a part of the hand.</td>
</tr>
</tbody>
</table>

### 5.4.3 Retention/Destruction of Fingerprints and Samples

Section 64 of the Police and Criminal Evidence Act 1984 (as amended by Section 82 of the Criminal Justice and Police Act 2001) allows for the retention of fingerprints and samples of suspects arrested and subsequently cleared of an offence, or a decision is made not to prosecute.

Other regulations are in place in relation to non-suspect fingerprints and samples supplied. Officers are advised to consult the relevant sub-sections of the Police and Criminal Evidence Act 1984 (Section 64, sub-section 3 and 4).

### 5.4.4 When Samples Can be Taken

Whether an intimate or non-intimate sample, it may only be used as a suspect sample during the course of an investigation on the authority of at least a Superintendent who has reasonable ground for suspecting a sample will tend to confirm or disprove the persons involvement in a recordable offence.

The suspect must be informed before an intimate or non-intimate sample is taken that:

- The sample may be subject of a speculative search (i.e. records held by or on behalf of the police).
- The grounds for the authority to take the sample.
- The nature of the suspected offence.

When taking samples which necessitates the removal of clothing, no person of the opposite sex is to be present, unless a medical practitioner or nurse. An appropriate adult may be present if specifically requested by the suspect.

#### Taking of Intimate Samples

There must also be written consent from the suspect.

Intimate samples involving bodily fluids and dental impressions will, by their nature, have to be taken by a qualified person.

Where an intimate sample is to be taken the following warning should be given to the suspect:

“**You do not have to provide this sample/allow this swab or impression to be taken but I must warn you that if you refuse without good cause, your refusal may harm your case if it comes to trial.**”
5. SUSPECT HANDLING

Taking of Non-intimate Samples

- The suspect gives written consent.
- In respect of non-intimate samples where no consent is given and a Superintendent’s authority has been granted reasonable force may be used.

Non-intimate samples can be taken by police officers, advice can be obtained from SSO’s/Supervision if required.

NOTE: If two or more non-intimate samples have been taken during the course of an investigation and are not sufficient or deemed unsuitable for analysis and the suspect is not in police detention, further samples may only be taken if:
- An officer of at least Superintendent rank gives authority, and
- The person concerned gives written consent.

5.4.5 Clothing

The clothing a suspect wore at the time of the offence may result in evidence being available, whether the clothing is seized upon arrest or during a premises search. In either event clothing must be allowed to dry if damp or wet. It is recommended that police forces provide suitable secure drying facilities for this purpose. Dry clothing must be placed in paper bags to allow for ventilation. Plastic or other material which would retain moisture is not to be used.

Evidence that may be available from clothing is:
- Body fluids, e.g. blood, saliva, semen;
- Fibres transferred from other materials e.g. Car seats, seat belts or headrests;
- Glass samples;
- Other materials e.g. paint.

Any samples recovered can be used to connect the suspect with a victim or crime scene. Correct packaging and labelling of any clothing seized as an exhibit is essential. This is to prevent cross-contamination and prove continuity.

5.4.6 Footwear for Sole Impressions

Impressions of footwear recovered from crime scenes can be used to identify the type and make of a shoe. Also the way the tread wears may allow identification of a particular shoe.

Many custody suites now have the equipment to electronically take the impressions of footwear to compare with those recovered at scenes as exhibits if a match is found. This is because expert evidence will be required at court to prove the link.

Prior to the taking of impressions from the footwear of persons in custody, officers should check the guidelines within their own force policy on the subject.
5.5 The Interview

5.5.1 Preparation

In preparation the investigating officer should address the following points to achieve a professionally conducted interview that will achieve all its aims and be fully admissible in any court proceedings.

- How will the interview assist the investigation;
- What is known about the suspect;
- What offences are being investigated. Not only the one behind the reason of arrest, but other possible ones;
- What will be disclosed pre-interview. If any item was withheld, why?
- Fully prepare P.E.A.C.E. Model (Appendix G);
- Hand over package and full explanation if required. What information/detail would you require if receiving a package.

5.5.2 Conducting the Interview

- Explain offence, caution and legal rights. (Appendix H)
- If appropriate adult present ensure role is explained. (Appendix I)
- Is the special warning appropriate, if not used the opportunity is lost. If not introduced correctly whole or part of the interview could be rendered inadmissible.
- Follow P.E.A.C.E. Model during interview until closure.
- Evaluate. Did the interview achieve its purpose is there a need for a further interview.

5.5.3 Post Interview

Supervisors should be aware of how their officers conduct interviews to ensure acceptable standards are being maintained. Although it is not practicable to check every taped interview, regular dip sampling of all officers should be carried out. It is appreciated that in most cases this will be post-charge but should, when possible, be prior to any court appearance. This will allow the following:

- Feedback to the interviewing officers.
- Identify any training needs (utilise Divisional Trainers if appropriate).
- To demonstrate the police are monitoring professional and ethical standards in respect of interviewing.
5.6 Identification

Identification by fingerprints and forensic methods have already been discussed. However, on some enquiries evidence identification by witnesses will necessitate an identification parade. In these cases the issues raised in R v TURNBULL are to be considered.

Where the suspect was not previously known he may have been initially identified by one of the following methods:

- Photographic albums
- Computerised or artists composite likeness.

If a suspect disputes identification in any of the above an identification parade or group identification must be offered and this will now be expanded upon.

5.6.1 Identification Where a Suspect is Known

There are 4 methods available in a case of disputed identification and these are as follows:

1) A parade
2) A group identification
3) A video film
4) A confrontation.

The arrangement and conduct for these types of identification shall be the responsibility of a uniformed officer not below the rank of Inspector. No officer who is involved in the investigation may take part in any of these procedures.

1) Identification Parades

To facilitate identification parades, Forces should provide identification facilities which:

- Are situated to allow access by suspects and other participants of the parade separate to the witnesses. This is to prevent contamination prior to the parade being held.
- Provide witness care facilities, and ideally.
- Have dedicated identification staff.

Benefits:
- Improved identification procedures
- Higher level of professionalism
- Quicker turn around
- Less court challenge
- Long term financial saving
- Less chance of witness contamination
- Better witness/customer care.

If the identification officer decides if it is impracticable to hold a parade or the suspect refuses, or having agreed fails to attend, then the opportunity to allow the witness to view him will be offered using one of the other procedures.
5. SUSPECT HANDLING

2) GROUP IDENTIFICATION
This allows the opportunity for the suspect to be viewed amongst an informal group of people. This may be done with the consent and co-operation of the suspect or covertly where neither is forthcoming. A group identification may also be arranged if the officer in charge of the investigation considers for some reason it is more satisfactory than a parade e.g. fear on the part of the witness. Where consent from the suspect has been refused it is at the discretion of the identification officer to proceed with a group identification.

3) VIDEO FILM IDENTIFICATION
As with the group identification the suspect should be asked for his consent but again the identification officer can, at his discretion, proceed with a video identification without consent if practicable. The advantages of using a video film procedure are as follows:
• The witness can view as often as they like, pausing to look longer at one person if they wish.
• It can be shown to many witnesses (in different versions if required).
• They have no fear of being in the presence of the suspect.
• If the witness is incapacitated, e.g. in hospital, the video identity parade can be taken to them, so there is less chance of their memory fading.
• There is scope to reduce the delay in the time of the incident and holding the identification, ensuring that the identification is more accurate and reliable.
• The police save a great deal of time.
• There is a good chance of being able to perform the identification, even if the suspect is of unusual appearance.
• Volunteers are paid once, but used many times, saving appearance fees.
• It is significantly cheaper than an ID parade.
• In court, video identification is as acceptable as an ID parade.
• If the video ID is shown in court, the images will be exactly the same as those seen by the witness who identified the suspect.
• The suspect and defence solicitor choose the images, the sequence and the position the suspect will take in the parade, therefore they are unlikely to contest at the viewing stage.
• As many copies as required can be made with variations of the position of the suspect.
• The suspect’s privacy is maintained by not being shown to the parade volunteers.
• The procedure conforms to PACE.

4) CONFRONTATION
This does not require the suspect’s consent but may not take place unless none of the other procedures are practicable. The confrontation will normally take place in a police station and preferably in a room equipped with a one-way screen.

In all methods of identification the officer must adhere to the PACE Codes of Practice and will follow certain procedures that need not be expanded on in this manual.
5.  SUSPECT HANDLING

5.7  Pre-Charge

Having completed enquiries and any interviews the officer may require advice as to what the appropriate charge(s) should be for the particular individual, this advice can be obtained from the following:

- From immediate supervisors including CID.
- Databases such as PNLD.
- Direct from a CPS Solicitor including the ‘on-call’ Solicitor if such a scheme is available within the force area.

To comply with Fast Tracking procedures, it is important to get the correct charge in the first instance. Research of Fast Tracking indicates an increased liaison between the CPS and Police which proved to be of mutual benefit, although this was mainly post-charge. In some instances it may be necessary to bail the subject in order to suspect an advice file to CPS.
5.8  Post-Charge

Immediately after charge whether remanded or bailed, the police have the powers to take the following:

• Fingerprints
• Photographs
• DNA criminal justice samples – mouth swab or plucked hair.

All the above should be taken to a standard that will allow them to be utilised for identification of the suspect in any future crime.

Also required is the accurate completion of Phoenix documentation to allow this National system to be maintained.
5.9 Custody Staff

Custody staff are responsible for the welfare and treatment of suspects whilst in police custody. These responsibilities are found in the PACE Codes of Practice and have already been mentioned earlier in this chapter, primarily in relation to suspect’s property.

It is not intended that custody staff should in any way become involved in an investigation. However, they can supplement the police effort against volume crime without prejudice to their primary role as follows:

- Imposing bail conditions to prevent further offending by suspects.
- Refusing bail when appropriate in accordance with the relevant legislation and guidelines.
- Prevent unnecessary use of bail back to police stations, when no bail conditions can be imposed.
- To obtain and submit intelligence as part of their core function.
5. SUSPECT HANDLING
APPENDIX A: GUIDE TO TELEPHONE INVESTIGATORS

Call Handling and Initial Response (Chapter 1)

Scientific Support Unit

Scientific Support Unit attendance criteria

A Scientific Support Officer, (SSO), will attend the following crime scenes:

- **VOLUME CRIME (HIGHER ASPECT)**
  - Burglary dwelling
  - Burglary other, (shops, schools and offices etc)
  - TWOC
  - Theft, (when proof of physical contact with items left at the scene is established).

- **VOLUME CRIME (LOWER ASPECT)**
  - Scientific Support Officers should be tasked to a crime scene, (not within the Higher Aspect), when it is judged as potentially productive.
  - Although the scene may be wet or of low value, (in terms of property stolen), there still may be potential evidence at the scene.

HEALTH AND SAFETY OF CRIME VICTIMS

The advice given in this document is subject to the public liability of the Force.

Victims of crime should not be asked to remove or handle potentially dangerous items such as glass or property contaminated with body fluids.

The Health and Safety of the victim is paramount.

Always advise the victim of crime to stay well clear of any visible blood or body fluids.

The following is a selection of suggested questions that may be asked of the crime victim to ensure that potential evidence is identified and suitable advice given.

These questions are suggested as an aid to your investigation of the offence. Should further advice be required, it is strongly advised that that you speak with a divisional Scientific Support Officer, (SSO), and the SSO be allowed the opportunity to speak with the crime victim by telephone to assist in the prioritisation of each telephone investigation unit (T.I.U.) generated task.
Vehicle Crime

Theft from Motor Vehicle;
Attempted Theft of Motor Vehicle;
Vehicle interference;
Criminal Damage (to a motor vehicle).

QUESTIONS
A. Where is the vehicle? Parked external or undercover?
B. Is the vehicle cold, wet or dry at the moment?
C. How has the vehicle been damaged?
   1. Broken a window?
   2. Bent car doors back?
   3. Forced door locks?
   4. Damaged with an instrument?
   5. Damaged by kicking to doors or panels?
   6. Struck by a second vehicle?
D. What can the victim see at the scene?
   7. Broken glass fixed into window frames only?
   8. Damage to the steering, ignition, radio or security locks?
   9. Broken plastics from the dash board/steering cowling?
  10. Contents of glove box / side pouches searched through?
  11. Obvious blood around areas of broken glass or damaged surfaces?
  12. Property / cigarette butts in the vehicle that are not the owners?
  13. Has the vehicle been moved in any way?

CONCLUSIONS AND ACTIONS
An SSO should be called if the vehicle is under cover, dry and not too cold, and if one or more of the following points is also prevalent at the scene:
• The doors have been bent back.
• If the vehicle has been moved or lifted in anyway.
• If the vehicle contains property not belonging to the owner.
• If blood / saliva is visible, (the owner should stay away from the vehicle).
• Property / cigarette butts are left at the scene that are not the victims.
• Damage caused to the steering, ignition cowling, radio mounting where there is DNA recovery potential.

If the vehicle is open to the weather, the owner should carefully recover any plastics or vehicle contents, (handled by thief), to a warm, dry and secure location until SSO can attend.
**Theft**

Sheds;
Outhouses;
Allotments;
Freestanding Garages.

Covering crime types; Theft;
Burglary, (Other);
Criminal damage.

**QUESTIONS**

A. What type of building has been attacked?
   
   1. Small garden shed / allotment sheds.
   2. Freestanding garage.

B. Is the interior of the building dry and free from frost?

C. How has the building been damaged?
   
   4. Break glass, remove and climb-in?
   5. Force lock, (if so how?)
   6. Force side panels / walls of building?
   7. Force roof through into building?
   8. Other means?

D. What can the victim see at the scene?
   
   9. Broken glass or glass stacked-up close to the point of entry.
   10. Visible blood. Visible saliva or cigarette butts not belonging to the victim?
   11. Visible footprints with some form of detail, (blocks or squares), inside the scene?
   12. Have any clean and smooth items been moved?
   13. Has anything not belonging to the victim been left at the scene?

**CONCLUSIONS AND ACTIONS**

An SSO should be called to the scene if the building is dry and clean and not too cold and if one or more of the following points is also prevalent at the scene:

- Visible blood, saliva or cigarette butts are present.
- Property not belonging to the victim is present.
- The victim preserves blood, glass and footprints at the scene.
**Criminal Damage**

Shops;
Schools;
Private Dwellings / Property.

**QUESTIONS**

1. What is the nature of the damage?
2. Does the victim know what was used to cause the damage?
3. Is the scene dry? (What are the weather conditions at the scene?)
4. Is there visible blood / saliva at the scene?
5. Can the scene be preserved?
6. Is there property left at the scene that does not belong to the victim?
7. Is there visible footprints showing some detail?

**CONCLUSIONS AND ACTIONS**

An SSO should be called if the scene is dry and clean, (not discounting photographic evidence), and if one or more of the following points is also prevalent at the scene:

- There is visible blood / saliva at the scene.
- Property / cigarette butts are left at the scene that are not the victims.
- The offender had to make physical contact when causing the damage, (e.g. climbing onto or kicking actions etc).
- The scene can be preserved.
## Scene Preservation Advice

### GLASS

**HEALTH & SAFETY:** If glass has been broken, then advise the victim to keep a safe distance.

- If glass is still fixed into the window frame, advise victim of crime to stay well clear to avoid injury.
- If glass has been removed from the window frame or stacked-up outside the point of entry; ask victim to cover with a bin lid or similar protective instrument, *(Note: health and safety of victim).*
- If glass is blood stained – leave in situ and inform the duty SSO as soon as possible.

### BLOOD / BODY FLUIDS

**HEALTH & SAFETY:** The Health and Safety of the victim is paramount. Always advise the victim of crime to stay well clear of any visible blood or body fluids.

- If visible blood is present, advise to victim of crime to preserve the immediate area close to the blood, preventing people or pets from coming into direct contact with the blood body fluids.
- If visible blood is present external to the scene, *(e.g. on a windowsill etc),* and poor weather conditions prevail, inform SSU to allow them to prioritise this scene.

### PAPER / DOCUMENTS (handled by the offender)

- Keep the paper dry.
- Do not touch without gloves.
- If found external to the scene, remove to a clean dry place.
- If the floor of the scene is littered with paper, do not allow access, inform SSU, *(latent, dusty footprints may be present).*

### CIGARETTE ENDS (left in the scene not belonging to Crime Victim)

- Preserve for potential DNA. Advise crime victim not to touch or move these potential exhibits.
- If found externally, cover with a bin lid or similar instrument to provide protection from elements. If internal, prevent access and inform SSO.

### PLASTICS, COWLINGS, SMOOTH NON-POROUS ITEMS

- If easily portable, I.P. to recover to warm dry place and inform SSO.
- Caution: Broken cowlings can have sharp edges and may be contaminated with the offender’s blood. Such items should be left in situ and the SSO informed.

### ADHESIVE / INSULATION TAPE

- Leave in situ, inform SSO.

### VISIBLE FINGERPRINTS

- Protect the scene. Do not allow victim of crime to touch.
- Prevent ingress of rain / moisture. Inform SSO.

### VISIBLE FOOTPRINTS

- External: Cover with clean, dry container such as bowl, bucket or bin lid.
- A footprint must have some form of visible tread pattern within it. A depression in soft soil / grass without detail is of no evidential value.

### TOOLS AND PROPERTY LEFT AT THE SCENE

- Have victim of crime recover to a clean, dry and warm place.
- Prevent others from touching property.
- Inform SSO.
SCENE TEMPERATURE

- It should be noted that air temperature and moisture content will adversely affect the examination of the crime scene. As a rough rule of thumb, if the crime victim can see their own breath, (as they breath out) at the scene then it is too cold to make any real valuable scene examination.

However, if the crime victim can see visible blood / saliva at the scene or footprints with detail of the tread pattern visible, then an SSO should be informed and requested to attend.

- If the scene is damp, (e.g. a vehicle / allotment etc covered with dew or light rain), this is considered a "Wet scene", again there may be little that the SSO can do.

However, if the crime victim can identify property or blood / saliva within the scene not originating from the owner, then an SSO should be informed and asked to attend.
APPENDIX B: EVIDENCE FOUND AT CRIME SCENES

**Footwear**

Footwear has the potential for unique evidence i.e. the ability to link an item of footwear with an impression recovered from the scene of a crime. Good practice will enable many scene impressions to be recovered without loss of detail.

Criminals walk around a crime scene therefore it is important to search thoroughly for footwear impressions.

It is essential to protect the footwear impression by quickly establishing a safe corridor or access route to the marks. Covering the impressions will protect them from the elements or trampling by others.

Often the best footwear impressions are found at the point of entry, either a windowsill or a kitchen worktop.

If a window has been kicked or broken a footwear impression may be found on the glass at the scene.

Potentially the best evidence will be obtained from items containing marks, which are recovered from the scene e.g. paper or card that has been stood upon.

The Scientific Support Officer can recover impressions by:

- Recovering the actual item
- Photography
- Gel Lifter
- Powdered Adhesive Lift
- Electrostatic Lifting Apparatus
- Plaster Cast.

In many cases the footwear impression may not be visible to the naked eye. Tiled floors, vinyl and laminated floors may retain latent (barely visible) footwear impressions some distance from the point of entry. Treat all such floor coverings with care and use a path close to the walls to avoid trampling over footwear impressions.

**Fibres/Hair**

The comparison of fibres is not unique, the number, type and colour of strands under consideration however can provide a strong or extremely strong link between clothing and the scene.

Fibre evidence primarily relates to thefts of motor vehicles, linking individuals to a particular seat in the vehicle or the point of entry at a burglary. During crimes of robbery and assaults fibres may be transferred by contact between the victim and assailant.

In the case of the theft of a motor vehicle fibres may be found on the seat, seat back, headrest and seatbelt.
The Scientific Support Officer can recover fibres left by the suspect by taping points of entry and interiors of vehicles.

Contact between a police officer and sites for the possible recovery of fibre evidence should be kept to a minimum. Whenever possible personal protective clothing should be worn.

**Hair**

Pulled hair samples, e.g. those containing root material, provide a good source of DNA - results can sometimes be obtained from a single hair root. However, the roots of shed or fallen hairs are dead and whilst these are unsuitable for STR profiling, they may provide a rich source of mitochondrial DNA.

Pulled hair samples are less likely to be found at crime scenes than fallen hairs, but typically they may be encountered in the following circumstances:

- Trapped in the shoes of someone who had kicked a victim in the head;
- Caught between surfaces at a point of entry;
- Pulled out by a victim in a struggle;
- Caught in a weapon.

If possible submit the whole item e.g. balaclava, mask, shoe, hat and headband.

The Scientific Support Officer may tape any other areas containing hair.

**Glass**

Glass is not unique; the value of the evidence is dependent upon the case and the circumstances. The physical or chemical aspects of the actual glass are not as important as the location of the glass on the suspect and the circumstances of the case.

Glass may be seized as evidence from a wide range of offences including burglary, theft from, theft of a motor vehicle and damage.

Remember the possibility of the presence of footwear impressions, fibres, paint and/or bloodstains etc. on broken glass.

The Scientific Support Officer may recover broken glass from the scene of a crime, until then the glass should be safely preserved.

Extreme care must be taken in the packaging of glass samples.

Each broken pane of glass recovered must be packaged separately.

**DNA**

Whilst DNA evidence is not yet unique, it is highly discriminatory.

Recovery, packaging, storage and transportation of the items are vital and will be closely scrutinised by the courts.

The following list is a guide to the potential success of obtaining a DNA profile from saliva stained items, ranging from those most likely (at the top of the list) to those least likely (at

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the bottom) to be successful:

- Reference mouth swab (buccal swab)
- Cigarette butt
- Saliva stain on gags
- Envelope flaps/stamps
- Saliva stains on balaclavas etc.
- Drinking vessels (non-fizzy)
- Drinking vessels (fizzy)
- Food items.

DNA can also be obtained from:

- Blood
- Semen
- Hair roots
- Chewing gum
- Skin and tissue samples.

Where possible the item itself should be submitted, alternatively the Scientific Support Officer may swab the item.

Great care must be taken not to contaminate the item by coughing or sneezing over it.
APPENDIX C: CRITICAL SUCCESS FACTORS

To get the most from your submission there are some Critical Success Factors.

**Offences Involving Broken Glass**

Contamination Avoidance Procedures:
- Different suspects must be processed using different officers, vehicles and rooms.
- These officers must not visit the scene.

Time:
- Take clothing as soon as possible.
- The shorter the time between the incident and the seizure of samples, the greater the likelihood that glass fragments will remain on items of clothing.

Samples:
- Every broken glass object must be sampled.

Hair combings:
- Take them.
- Glass in hair is highly significant.

Other evidence:
- Have you looked for sources of DNA material, footwear impressions, fibres, tool marks, etc.

**Offences Involving Footwear Impressions**

Find best impressions:
- Recover all marks if possible.
- The heaviest marks are not always the best.
- Find locations that are definitely associated with the incident.
- Use appropriate lighting.

Check for different pattern types:
- Was more than one person involved?

Use best recovery technique:
- Submit the item itself whenever possible.
- Take a photograph.
- Use gel lift or electrostatic lift as appropriate.
- Make cast when appropriate.

Other evidence:
- Have you looked for sources of DNA material, footwear impressions, fibres, tool marks, etc.
Assault Cases (non-sexual) Involving Blood or Fibres

Contamination avoidance procedure:
- Suspects and complainants must be processed separately using different officers, vehicles and rooms.
- These officers must not visit the scene.

Time:
- Take clothing as soon as possible, the shorter the times between the incident and the seizure of samples, the greater the likelihood that fibres will remain on the surface.
- Record all times on submission form as requested.

Samples:
- Dry all blood-stained clothing before packaging.
- Most garments will shed fibres so please submit all clothing.

Nature of contact:
- Tell the FSS the amount of contact and the amount of force used.

Hair combings:
- Take them.
- If hats/masks have been worn, fibres can persist in hair for several days.

Other evidence:
- Have you looked for sources of DNA material, footwear impressions, fibres, tool marks, etc.

Auto Crime and Break-in Cases Involving Fibres

Contamination avoidance procedures:
- Different suspects must be processed using different officers, vehicles and rooms.
- These officers must not visit the scene.

Times:
- Take all samples as soon as possible.
- Record all times on submission form as requested.

Correct clothing:
- Submit outer clothing and any items worn under jackets which may have had a chance to come into contact with scene.

Other evidence:
- Have you looked for sources of DNA material, footwear impressions, fibres, tool marks, etc.
APPENDIX D: DISTRACTION BURGLARY

Quality of Initial Investigation

Distraction burglary (or burglary artifice as it is known in some areas) is a crime committed against some of our most vulnerable citizens, the elderly and infirm. The average age of victims is 81 years, three quarters are female and 90% live alone. This type of crime is massively under-reported due to embarrassment or ignorance of the victim and poor police methods.

Great care must be taken when dealing with victims to prevent them from becoming repeat victims and/or becoming ill and prisoners in their own home. Many simple and relatively cheap crime prevention measures are available to combat these offences, the simplest and most effective being a door chain and spy hole. However, all too often people forget to use the chain whilst some put them on at night, presenting a fire risk. A few moments of advice may prevent further offences and protect life.

Research by the Metropolitan Police has revealed that police officers tend to discount older people as witnesses when there are many examples that they can provide excellent information. What is needed is a cognitive approach, giving the victim time to recall the incident and time to describe the events.

Research by West Yorkshire Police with offenders, suggests that offenders sometimes gather considerable intelligence prior to committing an offence. Offenders work in teams, some posing as semi-legitimate door-to-door sales in order to identify the homes of vulnerable people. House-to-house enquiries should be as wide as possible and focus on possible precursors to the offence as well as details of the day in question.

The importance of forensic examination cannot be overstated. Vulnerable people often live isolated lives, in one room, with very few callers. As a result offenders may have visited rooms, that no one except the victim has been in for years, leaving behind vital clues. Scenes of Crime Officers should be called to every scene. Palm prints have sometimes been found on the tops of internal doors. This suggests that offenders, who cannot wear gloves, sometimes use the tops of doors to gain access to different parts of the property, presumably in the hope that the forensic examination will not extend there. Consideration should also be given to examination of the exterior of adjoining properties, which may have been visited by the offenders.

Detailed crime reports are essential if links between offences are to be made and great care should be given to completing the M.O. field. Provide a written record of actual words spoken by an offender whenever possible, as an offender often uses the same story lines over and over again.

When offenders are arrested, every effort should be made to confirm their identity and ensure that similar offences are put to them. Contrary to popular belief, some offenders do admit offences.
APPENDIX E: EXAMPLES OF CONTINUITY

Exhibit continuity can cause problems but in most cases it can be explained as follows.

After the offence or incident the first person coming into possession of the item is the producer and the item MUST be given their reference number.

Once an item has been given a number all witnesses who refer to the same item will use that number.

An example of the above is as follows:

1. John BROWN sees a man being chased by PC Chris BLACK. The man throws an earring into a hedge.
2. PC BLACK arrests the thief and finds an identical earring in his pocket. This becomes CB/1.
3. John BROWN recovers the ring from the hedge and gives it to PC BLACK. This earring will be JB/1 and signed John BROWN.
4. PC BLACK will take possession of the earring JB/1.
5. Both earrings will be taken back to the owner to have them identified. PC BLACK will make reference to both earrings in his statement and sign the reverse of the label JB/1.
6. The owner’s statement will include the identification of both earrings and he/she will sign both exhibit labels.

The witness should not make reference to producing the item but refer to it, i.e. ‘I found in the hedge a gold earring which I handed over to PC BROWN’.

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### APPENDIX F: COMPETENCY & COMPELLABILITY

**Competency**

Before a witness statement can be accepted in evidence the court must be satisfied that the witness is competent to give evidence. The general rule is that all witnesses are competent and can be compelled where necessary.

The exceptions to the general rule of competency are:

| **Mentally disordered witnesses** | This category includes all mental disorders whether resulting from drugs, drunkenness, arrested or incomplete development of the mind, psychopathic disorders or any other disability of the mind. |
| **Co-defendants** | Co-defendants who are jointly tried generally cannot give evidence against each other. However, one of them could give evidence if the prosecution has promised not to prosecute one of them, when no evidence is offered against one of them, an order is obtained for separate trials or a co-defendant has pleaded guilty. |
| **Accomplices** | An accomplice is a person who is called by the prosecution to give evidence and has been a participant in a particular crime. An example would be the handler of the stolen property who is giving evidence at the trial of the thief. Although the evidence of an accomplice is usually admissible and they are competent witnesses the courts in practice look for corroboration of their evidence. |
| **Young Children** | Young children may not be competent witnesses. It is up to the court to decide whether the child has the necessary intelligence and understanding. A child’s competency depends more on their understanding than their age. |
| **Spouse of accused** | Spouses of accused persons are not compellable witnesses for the prosecution except where:  
  - the spouse of the accused or a person under sixteen is assaulted, injured or threatened with injury; or  
  - the offence is a sexual one against a person under 16.  
Spouses are generally competent for both the prosecution and the defence. A spouse can be compelled to give evidence for the defence. An exception to this is where the husband and wife are jointly charged, when neither will be competent or compellable unless one is no longer liable to be convicted because they have pleaded guilty. In practice it is better to try to obtain statements from spouses, irrespective of whether the information contained in them is likely to be deemed admissible, because they help to provide the full picture. |
| **Privileged witnesses** | Privilege can be claimed by certain witnesses and will have a bearing on whether the statement will be acceptable in evidence. Privilege is where a witness can refuse to give evidence on the grounds that:  
  - the answer to a question or the production of a document would tend to incriminate the witness, or  
  - the witness is asked to disclose a communication between him and his legal advisor. |
### Opinion of witness

The opinion of a witness is generally inadmissible in court. There are some exceptions to the general rule, i.e. an expert's evidence on matters such as medicine, science, works of art and non expert such as whether a person was drunk or the speed of a motor vehicle.

### Unwilling witness

When a witness refuses to provide a statement or attend at court they can be dealt with under Section 97 Magistrates’ Court Act 1980. This states that a witness who refuses to attend court may be arrested on any warrant issued.

A witness who refuses to be sworn or answer questions may be committed into custody for a period not exceeding one month or until they sooner give evidence or produce any relevant document. It is likely that witnesses when aware of these provisions they will co-operate.
### APPENDIX G: P.E.A.C.E MODEL

| Planning and Preparation | • How will the interview assist the investigation?  
| | • What is known about the interviewee and what needs to be established?  
| | • What are the legal requirements for this interview?  
| | • What offences are being investigated and what are the points to prove. Not only the one behind the reason of arrest, but other possible ones.  
| | • What practical arrangements need to be made for this interview e.g.:  
| | i) Do you need to visit the scene?  
| | ii) Do you need to search any premises?  
| | iii) Where will the interview take place?  
| | iv) What role will each interviewer take?  
| | v) When will the interview take place?  
| | vi) What equipment do you need and does it work?  
| | vii) Do you need any exhibits/property?  
| | • What will be disclosed pre-interview?  
| Engage and Explain | • First impressions are important.  
| | • Form a proper relationship.  
| | • Inform of reason for interview and what is going to happen.  
| | • Give common courtesy.  
| | • Establish what interviewee would like to be called.  
| | • Reassure person that they are a witness not a suspect.  
| | • Consider welfare and refreshment..  
| Account, Clarification and Challenge | • Obtain and deal with interviewee’s recollection of events.  
| | • ‘Conversation Management’.  
| | • Cognitive -‘Free recall’ and at a least one other ‘Free Recall’.  
| Closure | • Be prepared for the closure.  
| | • Summarise.  
| | • Check Comprehension.  
| | • Invite questions or feedback.  
| | • Give appreciation of their hard work.  
| | • Indicate the value you place on their assistance.  
| | • Consider victim and witness care.  
| Evaluation | • Evaluate information obtained.  
| | • Evaluate whole investigation in light of information obtained.  
| | • Evaluate interviewers performance.  

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APPENDIX H: TAPED INTERVIEW

Introduction to Interview

"This interview is being tape recorded and it may be given in evidence if your case is brought to trial. At the conclusion of the interview I will give you a notice which explains what happens to the tapes and your rights of access to them. You or your solicitor will be provided with a copy of the tape if you are charged or informed that you will be prosecuted".

I am (Rank, No and Name) ……………….. investigating an offence of: …………………..

Also present is: ……………….. (other Police Officer to state Rank, No and Name)

I am interviewing: ……….. (ask suspect to state his/her name and date of birth)

Also present is - solicitor: ………. (ask solicitor to state his/her name. The solicitor may wish to make his/her opening statement at this stage. Allow them to do so.)

Also present is - appropriate adult: ………………………. (ask person to state his/her name. It is your duty as interviewing officer to explain this person’s role: that they are not to act simply as an observer, they can offer advice to the interviewee, help communication between you and the interviewee, and to ensure the interview is being conducted fairly.)

The date is .../.../...

The time is.............. and we are in an interview room at ......................... Police Station.

Before we start the interview, I must remind you of your rights.
1. You are entitled to free legal advice. Do you want free legal advice now?
2. You are entitled to have a solicitor present. Do you want a solicitor present now?
3. You are entitled to speak to a solicitor by phone. Do you want to speak to a solicitor by phone now?

If at any stage of the interview you want any of these 3 things, tell me, we will stop the interview and make arrangements for you.

I must caution you now. “YOU DO NOT HAVE TO SAY ANYTHING. BUT IT MAY HARM YOUR DEFENCE IF YOU DO NOT MENTION WHEN QUESTIONED SOMETHING WHICH YOU LATER RELY ON IN COURT. ANYTHING YOU DO SAY MAY BE GIVEN IN EVIDENCE”.

Do you understand the caution? (if the interviewee does not, it is your responsibility to explain it in everyday language).

Significant/Relevant statement - it is at this stage that you must include any significant statement or silence made by the interviewee before the start of the interview.
At the conclusion of the interview and in the presence of the suspect:
1. Do you wish to add anything further?
2. Here is the leaflet that explains what happens to the tapes (hand the leaflet to the suspect).
3. The time is now: ............. (make note on tape seals).

**Use of the Special Warning**

Section 36 of the Criminal Justice and Public Order Act 1994 puts an onus on a suspect to account for objects marks or substances found on them at the time of arrest.

A request by the constable for a suspect to account for a mark, substance or object WILL NOT BE VALID unless the suspect was told in ORDINARY LANGUAGE, by the constable, the effect of failing or refusing to comply with the request. Any such request would normally be tape recorded or contemporaneously written down as part of an interview. A suggested form of wording (note the use of : to bracket supplementary notes) is:

"AT THE TIME OF YOUR ARREST YOU HAD
(A) ON YOUR PERSON
(B) IN YOUR CLOTHING
(C) ON YOUR CLOTHING
(D) IN YOUR FOOTWEAR
(E) ON YOUR FOOTWEAR
(F) IN YOUR POSSESSION :specify the way in which it was in the suspects possession e.g. next to him on the passenger seat of a car:
(G) IN THE PLACE WHERE YOU WERE ARRESTED
(H) AN OBJECT :specify:
(I) A SUBSTANCE :specify:
(J) A MARK :specify:
(K) A MARK ON AN OBJECT :specify:

WHICH I :or specify another officer BELIEVE TO BE THE RESULT OF YOU :specify what the suspect had done and the offence he is suspected of committing:. I REQUIRE YOU TO EXPLAIN THE REASONS FOR THIS :specify object, substance, mark or mark on an object: TO ME. IF YOU DO NOT, AT ANY FUTURE TRIAL FOR THAT OFFENCE, A COURT OR JURY COULD BE MADE AWARE OF YOUR FAILURE OR REFUSAL TO ACCOUNT FOR THESE CIRCUMSTANCES AND MAY DRAW CONCLUSIONS WHICH WOULD NOT BE HELPFUL TO YOUR DEFENCE": :ask if the suspect understands and explain further if he/she does not.

This is a basic form of wording using simple terms and it should be varied according to circumstances. Options (I), (J) or (K) could also be amended to relate to the condition of clothing or footwear. (e.g. mud on shoes) where necessary.
APPENDIX I: GUIDE FOR APPROPRIATE ADULT

You have been invited to the Police Station to act as an ‘Appropriate Adult’. The role is defined by the Police and Criminal Evidence Act 1984 and the Codes of Practice. An appropriate adult should assist a juvenile, mentally vulnerable person, or person who appears to be suffering from a mental disorder.

An appropriate adult may be a parent, guardian, social worker or any responsible person (who is not a police officer, a person employed by the police or a legal representative) aged 18 years or over.

As an appropriate adult you should:
- Assist in communication;
- Ensure that the person is treated properly and fairly;
- Advise the person while they remain at the police station and safeguard their interests.

What do I have to do?
You are not expected to act simply as an observer, but should assist the person to understand and exercise their rights. You can:
- Consult with the person in private at any time.
- Request, on behalf of the person, that the police contact an independent solicitor (free of charge) to give legal advice. This includes the right to speak with a solicitor over the telephone.
- Help the person understand what is happening, and establish clear communication between the person and the Police Officers dealing with the investigation.
- Ask for a break in any interview, to seek advice and consult with the person (particularly if the interview is a lengthy one).
- You should help in checking any documentation where written consent or a signature is required, and you may be asked to sign instead, if the person so wishes.
- Consult with the Codes of Practice.

When should an Appropriate Adult be present?
- When a Custody Officer gives the reason the person is detained and hands over the required notices. This must be repeated if it has already happened.
- When the person consults with their legal advisor, unless the person says otherwise.
- When any interview takes place (except in very urgent cases that will only be authorised by a Superintendent). You must be given the chance to read and sign any document or statement.
- When a detained person is searched when more than outer clothing has to be removed. This is called a ‘strip search’, but not all clothing has to be removed at the same time. It will be conducted by an officer of the same sex and in private. However, if there is a need to prevent harm to the person or anyone else, this search can be done immediately. Some searches can be of an intimate nature and are carried out by a police surgeon. These searches must have the authorisation of a Superintendent. The detained person
and yourself will be made aware of the reasons for the search and the procedures.

- If the person is asked to consent to an identification procedure or to sign any document.
- When the person is cautioned or charged.
- When the person is fingerprinted and photographed.
- At each review of detention you may speak to the Reviewing Officer, who will be an Inspector.

**What if the person is under arrest?**

When a person is arrested by the police they are detained in the custody area. The Custody Officer (usually a Sergeant) is in charge to ensure that both the detained person and the appropriate adult receive fair treatment at all times, and that the rules of the Police and Criminal Evidence Act 1984 and Codes of Practice are complied with. The Custody Officer is totally independent of the investigation and will inform you about what is happening. Do not be afraid to ask if you need anything explained. You may inspect the detained person’s custody record and you are entitled to obtain a copy of the custody record.

**What rights does a detained person have?**

These rights are explained by a notice that the Custody Officer gives to the detained person. This includes a Notice to Detained Persons and Notice of Entitlements.

These rights include:

- The right to be told why they are detained.
- The right to have someone informed of their whereabouts and the right to FREE LEGAL ADVICE.
- The right to request a medical examination.
- The right to an interpreter.

**What happens next?**

The evidence will be considered by the Custody Officer who will decide what happens to the detained person. There are several options, as follows:

<table>
<thead>
<tr>
<th>1. No further action:</th>
<th>released and no further police action.</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Bail to return to the police station:</td>
<td>due to further enquiries needing to be made or the requirement for referral to others for decision.</td>
</tr>
<tr>
<td>3. Caution:</td>
<td>formally cautioned by a senior police officer for the offence, provided certain criteria are met.</td>
</tr>
<tr>
<td>4. Summons:</td>
<td>informed that the person will be summoned to appear at Court at a later date.</td>
</tr>
<tr>
<td>5. Charge:</td>
<td>charged with the offence and either released on bail to appear at Court at a later date, or kept in custody to appear at the next available Court.</td>
</tr>
</tbody>
</table>